

## **Cover Letter**

2/26/2011

Dear Prospective Bidder:

The City of Cleveland (“City”), through its Director of the Mayor’s Office of Capital Projects (“Director”), is soliciting proposals from qualified firms interested in providing professional services necessary to assist the City with the assessment, ongoing management, and operation of the centralized Capital Project Office.

A pre-proposal conference will be held at April 29, 2011 at 2pm, Eastern Time. At or before the conference, interested parties may submit or ask questions pertaining to the enclosed Request for Proposals (“RFP”) and the services desired. Proposers are encouraged to attend the conference although attendance is not mandatory.

If your firm is interested, please submit to the City no later than 4pm Eastern Time, on May 27, 2011 an original and (#4) complete duplicates of your technical proposal and your fee proposal, in hard copy and an electronic copy on CD-ROM. Submit the technical proposal and the fee proposal in separate sealed envelopes, marked appropriately on the outside and, if possible, enclosed in one package.

No proposals will be accepted after that date and time unless the City extends the deadline by a written addendum.

Sealed proposals may be mailed or delivered to the address below and must be identified on the outside of the envelope(s) as: Proposal for a Capital Project Planning Office.

Submit Proposals to: Attention: Terrell Cole  
601 Lakeside, Room 227  
Cleveland, Ohio 44114  
Tcole@city.cleveland.oh.us

If proposals are hand-delivered, proposals should be addressed as above and taken to:

Terrell Cole  
601 Lakeside, Room 227  
Cleveland, Ohio 44114  
tcole@city.cleveland.oh.us

The City reserves the right to reject any or all proposals or portions of them, to waive irregularities, informalities, and technicalities, to re-issue or to proceed to obtain the service(s) desired otherwise, at any time or in any manner considered in the City's best interests. The Director may, at his/her sole discretion, modify or amend any provision of this notice or the RFP.

Should you have any questions regarding this solicitation please contact:

Terrell Cole  
601 Lakeside, Room 227  
Cleveland, Ohio 44114  
tcole@city.cleveland.oh.us

Sincerely,

Terrell Cole  
Project Manager IT and Operations  
Office of the Mayor  
City of Cleveland

# **Capital Project Planning and Project Management Office**

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## **Introduction and Background**

### **Introduction**

The City of Cleveland (“City”), through its Director of the Mayors Office of Capital Projects ,is soliciting proposals from qualified firms interested in providing professional services to assist the city with the establishment, ongoing management, and operation of a centralized Capital Project Office. We ask that you strictly adhere to the guidelines outlined in this document.

Background. The City of Cleveland is a municipal corporation and political subdivision of the State of Ohio. It is located on the southern shore of Lake Erie and is the county seat of Cuyahoga County. Cleveland was incorporated as a city in 1836.

The City has a population of approximately 438,000. Cleveland covers 77.9 square miles and is located in the northeast part of the state, approximately 150 miles north-east of Columbus.

The City's Infrastructure includes the following:

1300+ Miles of Roads

2600+ Miles of Sidewalks

200+ Buildings

500+ Bridges

2 Airports, and,

3 Public Utilities: electricity, water and water pollution control.

The City has an operating budget of \$1.1 billion dollars and employs approximately 8,070 full-time employees. Its 2010 General Fund expenditures are estimated at \$ 510,441,991. The General Fund is tax supported and consists of 12 departments comprising 80 divisions that deliver municipal services including, but not limited to, waste collection, snow removal, police, fire and EMS services, etc. ( For more information, go to <http://www.city.cleveland.oh.us>)

Additionally, the City operates the nation’s eighth largest water system (see <http://www.clevelandwater.com/>) as well as Cleveland Hopkins International Airport and Cleveland Burke Lakefront Airport (see <http://www.clevelandairport.com/>).

The City operates under and is governed by its Charter, which was first adopted by the voters in 1913. The Charter establishes certain administrative departments. Cleveland’s City Council may establish divisions within departments or additional departments. The Mayor appoints all of the directors of the City’s departments.

### **Background:**

**Authorizing Legislation:** Codified Ordinance Section 123.04 authorizes the City to enter into a professional services contract for capital project services. A copy of this ordinance is attached to this request for proposal and labeled Appendix “C”.

**City of Cleveland Charter and Codified Ordinances:** The Charter of the City of Cleveland and Codified Ordinances are available for review on the Cleveland City Council website. Please visit: <http://www.clevelandcitycouncil.org> and click on “Charter” and Codified Ordinances”. Prospective proposers are encouraged to familiarize themselves with all relevant Charter and Ordinance Sections, such as Ordinance Sections 131, 181, 185, 187, 188 and 189, for examples, as the Charter and Ordinances will bear directly on the work proposed. To review the Divisions related to the scope of this project, please refer to the city of Cleveland’s website.

**City of Cleveland Five Year Capital Improvement Plan:** In December of 2006, the City of Cleveland finalized and released the first five year capital improvement plan in over 15 years. The latest (2008) plan is available for review on the City’s website. Please visit <http://www.city.cleveland.oh.us> and click on “5 year capital improvements program”. Consultants are encouraged to review the five year capital improvement plan.

**Department of Public Works and Mayor’s Office of Capital Projects:** January 1, 2011, the City of Cleveland reorganized the Department of Public Service and the Department of Parks, Recreation and Properties to maximize efficiency and leverage resources more directly. The result was the creation of the Mayors Office of Capital Projects and the Department of Public Works. The MOCAP is dedicated to the delivery of high quality projects, within budget and on time. The Department of Public Works, delivers core citizen services like street repair, waste collection and recreation programs. Find more information on the City of Cleveland website. [www.cleveland.oh.us](http://www.cleveland.oh.us).

**Facilities Assessment Study and Pavement Management Study:** The City of Cleveland, in conjunction with professional consultants, completed a facilities conditions assessment study of City-owned facilities and a pavement management study. The facilities conditions assessment study is a comprehensive process identifying and quantifying current conditions at City facilities. The purpose of the pavement management study is to provide pavement management data collection and data conversion services for inclusion in the Northeast Ohio Areawide Coordinating Agency (NOACA) Regional Pavement Management Program in a manner that provides a fully operable pavement/asset management system for all City of Cleveland streets. The Consultant shall utilize the results of these studies in providing the services requested by this request for proposal.

**Right of Way Ordinance:** On October 8, 2007, Cleveland City Council passed Ordinance No. 1242-A-07, relating to the use of the public right-of-way by service providers and to public street pavement preservation. A copy of this ordinance is available for review on Cleveland City Council's website. Please visit <http://www.clevelandcitycouncil.org>, click on The City Record, click on October 17, 2007, and view pages 19-26. Since the merger, right of way management is the prevue of the Director of the Mayors Office of Capital Projects.

**Citywide Plan:** The Connecting Cleveland 2020 Citywide Plan is the comprehensive plan for the future of Cleveland and its neighborhoods. It seeks to create great neighborhoods by creating "connections" between people and places and opportunities. For more information please visit <http://planning.city.cleveland.oh.us/cwp/cpc.html>

**Sustainability Program:** The City of Cleveland's Sustainability Program is designed to guide the City on projects related to energy, purchasing and facility management. The sustainability program is available for review on the City's website. Please visit <http://www.city.cleveland.oh.us> and click on "City of Cleveland's Sustainability Program".

**Geographic Information System (GIS):** The City has completed implementation of a city-wide Geographic Information System ("GIS"). The GIS System is fully operational and available to all City Departments.

**Cleveland Area Business Code:** On February 4, 2008, Cleveland City Council passed Ordinance No. 77-08 enacting the Cleveland Area Business Code. The Cleveland Area Business Code was effective June 4, 2008 and mandates that the City of Cleveland use its purchasing processes to provide and enhance competitive opportunities for small businesses located within the City of Cleveland and Cuyahoga County, Ohio. In instances where the City has developed or obtained, by disparity study or otherwise, a legally sufficient basis in evidence to demonstrate past or present discrimination as to the participation of MBEs or FBEs, the Cleveland Area Business Code mandates that the City use its purchasing processes to provide and enhance opportunities for MBEs and FBEs. To review the Cleveland Area Business Code, please visit <http://www.clevelandcitycouncil.org>, click on The City Record, click on February 13, 2008, and view pages 25-35.

If proposals are hand-delivered, proposals should be addressed as above and taken to the City of Cleveland, Office of the Mayor. A pre-proposal conference will be held at the City of Cleveland, Office of the Mayor, 2<sup>nd</sup> Floor City Hall, 601 Lakeside Avenue, Cleveland, Ohio 44114 on –Friday, April 29, 2011 at 2PM. EDT. At that time interested parties may ask questions pertaining to this Request for Proposal. For reasons of security, those planning to attend the pre-bid conference must register by 4:00 p.m. EDT on Friday, April 22, 2011 by calling (216) 664-6225 or by e-mail to [tcole@city.cleveland.oh.us](mailto:tcole@city.cleveland.oh.us). When registering it will be necessary to provide the names of all attendees.

Proposers are encouraged to attend the conference although attendance is not mandatory. The proposer should carefully read all instructions and requirements and furnish all information requested. If a Proposal does not comply with all terms, conditions, and requirements for submittal, the City may consider it unacceptable and may reject it without further consideration.

In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all bids submitted should comply with the following guidelines: Unless absolutely necessary, copies should minimize or eliminate use of non-recyclable or non re-usable materials. Materials should be in a format which allows for easy removal and recycling of paper materials. Proposers are encouraged to use other products which contain recycled content in their bid documents. Such products may include, but are not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Unnecessary samples, attachments or documents not specifically asked for should not be submitted.

If any prospective Proposer finds discrepancies or omissions in this Request for Proposal or if there is doubt as to the intended meaning of any part of this Request for Proposal, a written request for clarification or interpretation must be received by Terrell Cole, City of Cleveland, 601 Lakeside Avenue, Cleveland, Ohio 44114 no later than Friday, May 06, 2011. Requests for clarification or interpretation may be submitted via e-mail to [tcole@city.cleveland.oh.us](mailto:tcole@city.cleveland.oh.us).

The City reserves the right to reject any or all proposals or portions of them, to waive irregularities, informalities, and technicalities, to re-issue or to proceed to obtain the service(s) desired otherwise, at any time or in any manner considered in the City's best interests. The Director may, at his/her sole discretion, modify or amend any provision of this notice or the RFP.

## **Scope of Services**

### **General.**

The City of Cleveland ("City") is soliciting proposals from professional consulting firms ("Consultants") familiar with capital planning and construction in the public sector to provide professional services necessary to assist the City with the establishment, on-going management and operation of the new centralized Capital Project Office (MOCAP) within the Office of the Mayor.

The goal of this project is to significantly increase the capital project delivery capacity of the City of Cleveland on a going forward basis resulting in national recognition that Cleveland is the leader in planning, designing and constructing capital infrastructure in the public sector.

The City seeks to maximize the value of construction dollars expended on capital projects while assuring work is performed in a quality manner and in a timely



manner consistent with specifications and the needs of City Departments. The City will enter into an agreement with the successful proposer (“Consultant”). It is anticipated that consulting services will be needed for a period of approximately 12-18 months.

## 2.1. MAJOR COMPONENTS:

The major components to the consulting services requested by this request for proposal are:

Assistance with the process to develop the yearly Five Year Capital Improvement Plan, including the prioritization and evaluation of projects;  
Assessment of the City’s current capital project delivery system;  
Management of all aspects of the Capital Improvement Project including, but not limited to,

Develop organizational decision-making on procurement strategies for competitive bidding and request for proposals including but not limited to design-bid-build, design-build and construction manager at risk,

Coordinating support documents for the bidding process as required by the Commissioner of Purchases and Supplies, inclusive of property acquisition

Coordinating RFP processes with the individual Departmental Directors and staff,

Assisting in the coordination of pre-bid and pre-proposal conferences,

Project budget management,

Construction administration,

Coordinating CSB/MBE/FBE (as defined in Section 8.C below) compliance monitoring on projects.

Project schedule management, and,

Project scope management;

Management of all aspects of each project from prioritizing, design, administrative assistance in the bid or RFP process as appropriate, contract award, construction, turnover, and project closeout;

Development and implementation of a MOCAP , including a plan for effective and efficient interface with the various City departments as responsible under the Ordinances and Charter for various parts of the current process, as well as

development of a plan for any Charter and Ordinance changes, if any, necessary to implement an optimum design.; and,

Training of current City staff on all aspects of the Capital Improvement process, plus an ongoing training plan for new staff, in order that City staff may carry out the services provided by Consultant.

## 2.2. SERVICES TO BE PERFORMED:

In performing the major components listed above, Consultant shall:

1. Develop and implement a MOCAP, including the associated tools and performance measures for the City which will include all departments responsible for the planning, financing, designing, managing, and constructing of capital infrastructure projects. The MOCAP must interface with any new financial management or accounting financial software/system tool, Geographic Information System tool or other legacy systems as appropriate. The MOCAP must appropriately interface with the individual departments and staff, as well as statutory and decision-making bodies such as City Council Committees, The Mayor's Office's Consultant Review Committee, Board of Control, etc.; and,
2. Perform an assessment of the current capital project delivery system(s) at the City and recommend specific interim changes that will enhance the delivery of the current capital projects during the interim period in which the MOCAP is being developed and implemented; and,
3. Develop and implement a professional development program that will assess, train and enable project managers, engineers, support staff and construction inspectors to deliver a minimum of \$150 million in durable capital infrastructure projects on an annual basis; the program must anticipate turn-over and training of new personnel on an ongoing basis; and,
4. Simultaneously deliver the City's current capital projects on time and on or under budget while developing and implementing the MOCAP for expedited capital project delivery; and (
5. Develop and assist the City in implementing a comprehensive plan to attract and retain an available bidders' pool of qualified contractors to compete for the City's capital infrastructure projects. The plan should not only focus on increasing the capacity significantly, but shall also consider the City's commitment to City of Cleveland Small Businesses and Regional Cleveland Area Small Businesses, and where appropriate MBEs and FBEs, as mandated in the City's new Cleveland Area Business Code effective June 4, 2008, and address the specific needs of small certified firms, with a focus on the needs of certified CSB/MBE/FBE's to become competitive in the marketplace.

All work shall be coordinated by the Consultant in conjunction with the Mayor's Office through:

Darnell Brown  
Chief Operating Officer  
Office of the Mayor  
City of Cleveland  
City Hall, 601 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 664-4273

## 2.3. PROFESSIONAL RESPONSIBILITY DURING THE CONTRACT

### 2.3.1 - INTRODUCTION

Consultant shall provide and maintain adequate staff to perform the requirements of the contract. Personnel with demonstrated knowledge and experience in the scope of services requested by the request for proposal should be assigned to the project throughout the duration of the contract. The Consultant's Contract Manager shall make himself/herself familiar with the operations of the City, shall seek to work in harmony with all City requirements, and shall be knowledgeable and responsible for all services.

### 2.3.2 – MEETINGS

Consultant's Contract Manager shall meet periodically with the Chief Operating Officer to review progress and issues related to this contract. The meeting agenda shall be developed and issued by Consultant at least three (3) working days in advance of the progress meetings. Meetings will be facilitated and called by the Mayor's Office.

### 2.3.3 – PROJECT SCHEDULE

Consultant shall develop a 12-18 month master schedule for the establishment of a centralized Capital Improvement Project office within the Office of the Mayor inclusive of a schedule for the training of City staff on the operation and maintenance of the Mayor's Office of Capital Projects.

### 2.3.4 – INVOICES

Consultant shall be required to submit an invoice monthly. Invoices must be submitted within thirty (30) days after the close of the month included in the invoice. If the 30th calendar day falls on a Saturday or Sunday, the submittal day shall be the previous Friday. Two (2) copies of the invoice shall be submitted to the Chief Operating Officer. Invoices must be detailed and clearly illustrate the work performed.

The City of Cleveland reserves the right to reject any invoices that are incomplete and not in accordance with these instructions. This includes, but is not limited, incomplete information, incorrect information, missing documentation/receipts.

### 2.3.5 – PROJECT STAFF

The Consultant is required to maintain continuity with regard to the management and technical staff assigned to the project. The City reserves the right to disallow any changes in the Consultant’s Contract Manager position, which is defined as the Consultant’s principal contact with the City and who will be responsible to the City for managing the contract.

### 2.3.6 – LOCAL OFFICE

The Consultant is encouraged to maintain a local office. A local presence of the Consultant in the Greater Cleveland area will be considered in proposal evaluations. However, the City of Cleveland will not be responsible for costs associated with maintaining a local office.

2.3.7 The City reserves the right to modify the scope of services at any time before execution of a contract to add, delete, or otherwise amend any item(s), as it deems necessary, in its sole judgment, and in the best interest of the City.

## **Project Schedule and Deliverables**

The consultant shall provide a project schedule designed to reflect the completion of the complete project in 12 to 18 months. The schedule must reflect at least three phases: Assessment, Recommendation, and implementation phases.

## **Proposal Requirements**

### A. Submission of Proposal

Each proposer shall submit its proposal(s) in the number, form, and manner, and by the date and time and at the location required in the section, **Introduction and Background** above.

- i. Each Proposer shall provide all information requested in this Request for Proposal. The proposer must organize its proposal package to address each of the elements in this RFP in the order listed. The proposer should carefully read all instructions and requirements and furnish all information requested. If a Proposal does not comply with all terms, conditions, and requirements for submittal, the

City may consider it unacceptable and may reject it without further consideration.

- ii. The City wishes to promote the greatest feasible use of recycled and environmentally sustainable products and to minimize waste in its operations. To that end, all proposals should comply with the following guidelines: Unless absolutely necessary, copies should minimize or eliminate use of non-recyclable or non re-usable materials. Materials should be in a format permitting easy removal and recycling of paper. A proposer should, to the extent possible, use products consisting of or containing recycled content in its proposal including, but not limited to, folders, binders, paper clips, diskettes, envelopes, boxes, etc. Do not submit any or a greater number of samples, attachments or documents not specifically requested.
- iii. If you find discrepancies or omissions in this RFP or if the intended meaning of any part of this RFP is unclear or in doubt, send a written request for clarification or interpretation to:

Terrell Cole  
601 Lakeside, Room 227  
Cleveland, Ohio 44114  
tcole@city.cleveland.oh.us

## B. The City's Rights and Requirements

- i. The Director, at his/her sole discretion, may require any Proposer to augment or supplement its proposal or to meet with the City's designated representatives for interview or presentation to further describe the Proposer's qualifications and capabilities. The requested information, interview, meeting, or presentation shall be submitted or conducted, as appropriate, at a time and place the Director specifies.
- ii. The City reserves the right, at its sole discretion, to reject any proposal that is incomplete or unresponsive to the requests or requirements of this RFP. The City reserves the right to reject any or all proposals and to waive and accept any informality or discrepancy in the proposal or the process as may be in the City's best interest.

iii. **Proposal as a Public Record.**

Under the laws of the State of Ohio, all parts of a proposal, other than trade secret or proprietary information and the fee proposal, may be considered a public record which, if properly requested, the City must make available to the requester for inspection and copying. Therefore, to protect trade secret or proprietary information, the Proposer should clearly mark each page - but only that page - of its proposal that contains that information. The City will notify the proposer if such information in its proposal is requested, but cannot, however, guarantee the confidentiality of any proprietary or otherwise sensitive information in or with the proposal. Blanket marking of the entire proposal as “proprietary” or “trade secret” will not protect an entire proposal and is not acceptable.

iv. **CLEVELAND AREA BUSINESS CODE**

Requirements. During performance of this Agreement, Contractor shall comply with all applicable requirements of the *Cleveland Area Business Code*, Chapter 187 of the Codified Ordinances of Cleveland, Ohio, 1976 (“C.O.”), and any *Regulations* promulgated under the *Code*, which *Code* and *Regulations* are incorporated into and made part of this RFP by this reference as fully as if rewritten in it or attached. Specifically, compliance under any resulting agreement shall include, but not be limited to, the Contractor’s:

- Compliance with its proposal representations regarding CSB, MBE, and/or FBE participation in performance of the Agreement;
- Compliance and cooperation with Project Monitors, whether from the Mayor’s Office of Equal Opportunity (the “OEO”) or the contracting department;
- Accurate, complete, and on-time submission of all reports, forms, and documents including, but not limited to, employment reports, certified payrolls, monitoring forms, and other information the Director of the OEO may require, whether in printed or electronic form, to ascertain and verify Contractor’s compliance; and
- Attendance at and participation in all required project meetings, including OEO compliance meetings, and progress meetings called by the contracting department director(s) at key intervals during performance of the contract services (e.g. 25% completion, 50% completion, 75% completion).

Failure to Comply. When determining the contractor's future eligibility for a City contract, the City shall consider a contractor's failure to comply with the representations of its proposal and the requirements under the *Code* as a failure to faithfully perform a contract.

- a. Under the *Cleveland Area Business Code*, the City of Cleveland is firmly committed to assisting Minority Business Enterprises (MBEs), Female Business Enterprises (FBEs), and Cleveland- area small businesses (CSBs) by providing and enhancing economic opportunities to participate in City contracts. The successful proposer for a contract will be a firm that shares that commitment. Accordingly, a proposer is strongly encouraged to utilize the services of qualified MBE/FBE/CSB sub-consultants that are certified by the Mayor's Office of Equal Opportunity (the "OEO") in its proposal.
- b. The standard subcontracting goal for professional services contracts is 10% Cleveland Area Small Business ("CSB") subcontractor participation. Please review the attached Office of Equal Opportunity documents to ascertain the goal for the proposed contract. Proposers are required to make a good-faith effort to subcontract portions of the work to certified Minority Business Enterprise ("MBE"), Female Business Enterprise ("FBE"), and CSB firms, consistent with the subcontracting goal(s) applicable to this RFP.
- c. To document its good-faith effort to utilize certified MBE, FBE and CSB sub-consultants, each proposer must complete Schedules 1 through 4 found in the *Cleveland Area Business Code - Notice to Bidders and Schedules*. These schedules identify the Proposer's proposed use of MBE, FBE and CSB sub-consultants on the project, which evidences the proposer's good-faith effort to obtain the participation of certified sub-consultants. The Proposer shall submit the completed forms with its proposal and they will be forwarded to the City's Office of Equal Opportunity for evaluation. Failure to submit complete schedules may result in the rejection of a proposal

Proposers may obtain a listing of firms certified by the OEO as CSBs, MBEs and FBEs by checking the City's website at <http://www.city.cleveland.oh.us>. On the home page, select "Office of Equal Opportunity" from the drop-down menu of City departments. On the Office of Equal Opportunity page,

you will find a selection in the left-hand column for “CSB/MBE/FBE Registry”.

Proposers are responsible for obtaining the most current list and for contacting potential CSB/MBE/FBE sub-consultants. The City assumes no responsibility for matching prime consultants with qualified, certified MBE, FBE, and/or CSB sub-consultants.

The City Office of Equal Opportunity will monitor participation of MBE, FBE, and/or CSB sub-consultants throughout the duration of the engagement or project. The successful proposer, as contractor, will be responsible for providing the OEO with all information necessary to facilitate this monitoring.

The *Cleveland Area Business Code*, any *Regulations* promulgated under the *Code*, and the *OEO Notice to Bidders & Schedules* are, by this reference, incorporated in and made part of this solicitation and any resulting contract as fully as if written in it or attached.

- d. The successful proposer, as contractor, will be required to comply with all terms, conditions, and requirements imposed on a “contractor” in the following *Equal Opportunity Clause*, Section 187.22(b) of the Cleveland Codified Ordinances, and shall make the Clause part of every subcontract or agreement entered into for services or goods and binding on all persons and firms with which the proposer may deal, as follows: No Contractor shall discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. Contractors shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status. As used in this chapter, “treated” means and includes without limitation the following: recruited whether by advertising or other means; compensated, whether in the form of rates of pay or other forms of compensation; selected for training, including apprenticeship, promoted, upgraded, demoted, transferred, laid off and terminated. Contractors shall post in conspicuous places available to employees and applicants for employment, notices to be provided by the hiring



representative of contractors setting forth the provisions of this nondiscrimination clause.

- e. Within 60 calendar days after entering into a contract, the successful Proposer, as Contractor, shall file a written affirmative action program with the OEO containing standards and procedures and representations assuring that the Contractor affords all qualified employees and applicants for employment equal opportunities in the Contractor's recruitment, selection, and advancement processes.

v. **Term of Proposal's Effectiveness.**

By submission of a proposal, the Proposer agrees that its proposal will remain effective and eligible for acceptance by the City until the earlier of the execution of a final contract or 180 calendar days after the proposal submission deadline (the "Proposal Expiration Date").

vi. **Execution of a Contract.**

The Successful Proposer shall, within ten (10) business days after receipt of a contract prepared by the City Director of Law, exclusive of Saturdays, Sundays and holidays, execute and return the contract to the City together with evidence of proper insurance and intent to conform to all requirements of the contract. attached hereto or which are a part hereof and all applicable federal, state and local laws and ordinances prior to or at the time of execution of the contract.

vii. **"Short-listing".**

The City reserves the right to select a limited number (a "short list") of Proposers to make an oral presentation of their qualifications, proposed services, and capabilities. The City will notify the Proposers selected for oral presentations in writing.

viii. **Proposer's Familiarity with RFP; Responsibility for Proposal**

By submission of a proposal, the Proposer acknowledges that it is aware of and understands all requirements, provisions, and conditions in and of this RFP and that its failure to become familiar with all the requirements,

provisions, conditions, and information either in this RFP or disseminated either at a pre-proposal conference or by addendum issued prior to the proposal submission deadline, and all circumstances and conditions affecting performance of the services to be rendered by the successful proposer will not relieve it from responsibility for all parts of its Proposal and, if selected for contract, its complete performance of the contract in compliance with its terms. Proposer acknowledges that the City has no responsibility for any conclusions or interpretations made by Proposer on the basis of information made available by the City. The City does not guarantee the accuracy of any information provided and Proposer expressly waives any right to a claim against the City arising from or based upon any incorrect, inaccurate, or incomplete information or information not otherwise conforming to represented or actual conditions.

C. Anticipated Proposal Processing

Issue Request for Proposals	March 22, 2011
Pre-Proposal Conference	April 29, 2011
Deadline for Submitting Questions	May 6, 2011
Deadline for Submitting Proposal	May 27, 2011

D. Interpretation

The City is not responsible for any explanation, clarification, interpretation, representation or approval made concerning this RFP or a Proposal or given in any manner, except by written addendum. The City will mail, e-mail, or otherwise deliver one copy of each addendum issued, if any, to each individual or firm that requested and received a RFP. Any addendum is a part of and incorporated in this RFP as fully as if originally written herein.

**Qualification for Proposal**

A. Each Proposer, regardless of the form of its business entity, must meet the following requirements. Failure to meet all requirements may be cause for rejection of a proposal. If Proposer is a partnership or a joint venture, at least one general partner or constituent member must meet the requirements. Each Proposer must:

- i. Provide evidence that it has a minimum of 7 continuous years of experience within the last 10 years of providing and

implementing capital program management and portfolio management services relating to the required services and deliverables described in this RFP.

- ii. Be authorized to conduct business in the State of Ohio, County of Cuyahoga and the City of Cleveland.
- iii. Possess or demonstrate it qualifies for all applicable licenses, certificates, permits, or other authorizations required by any governmental authority, including the City, having jurisdiction over the operations of the Successful Proposer and the proposed services.
- iv. Submit with its proposal at least three (3) written, verifiable, references dated within the last three months from clients for which the Proposer has rendered services substantially similar to those sought by this RFP, and recommending Proposer for selection for such services.

**B. Insurance:** The Successful Proposer, at its expense, shall at all times during the term of the contract resulting from this RFP, maintain the following insurance coverage. The insurance company(ies) providing the required insurance shall be authorized by the Ohio Department of Insurance to do business in Ohio and rated “A” or above by A. M. Best Company or equivalent. The Successful Proposer, as contractor, shall provide a copy of the policy or policies and any necessary endorsements, or a substitute for them satisfactory to and approved by the Director of Law, evidencing the required insurances upon execution of the contract.

- i. Professional liability insurance with limits of not less than \$500,000.00 for each occurrence and subject to a deductible for each occurrence of not more than \$25,000.00 per occurrence and in the aggregate, and if not written on an occurrence basis, shall be maintained for not less than two (2) years after satisfactory completion and written acceptance of the services under the contract.
- ii. Workers’ compensation and employer’s liability insurance as provided under the laws of the State of Ohio.
- iii. Statutory unemployment insurance protection for all of its employees.
- iv. Such other insurance coverage(s) as the City may reasonably require.

## **Proposal Contents**

Each proposal shall include the following parts in the below order. Please separate and identify each part by tabs for quick reference. Each proposal should be organized so as to facilitate its evaluation.

**A. Cover Letter:** Submit a cover letter to identify Proposer and to state other general information that the Proposer wants to include regarding the Proposers business organization. At a minimum the cover letter must include the name, principal address, federal ID number, telephone number and facsimile number of the Proposer.

If a corporation, state the full name and title of each of the corporate officers and their experience. The state of incorporation is to be included. If the Proposer is not an Ohio corporation, a statement advising whether or not the Proposer is qualified to do business in the State of Ohio as a foreign corporation. A foreign corporation will be required to qualify to do business in the State of Ohio prior to the execution of a contract.

If the Proposer is a sole proprietorship state the name of the individual doing business.

If a partnership, state the full name, address and other occupation, if any, of each partner; whether the partner is active or dormant; whether each partner is a general or limited partner; each partner's experience and the proportionate share of the business owned by each partner.

If a joint venture, state the names of the firms participating in the joint venture and the principal officers of each firm; each officer's experience and the proportionate share of the joint venture owned by each joint venture partner.

**B. Executive Summary:** The executive summary should provide a clear and concise summary of Proposer's background, level of expertise, direct relevant experience and ability to provide and implement a Capital Planning Office. The executive summary should make the Proposer's case as the best candidate for the contract. Proposer should structure this section in a manner that allows it to serve as a stand-alone summary when separated from the other sections of the proposal.

**C: Proposal Contents:** A detailed proposal of how Consultant plans to accomplish the work required by the Scope of Services;

Consultant's staffing plan, including complete resumes of all individuals proposed by Consultant to work on this project;

The composition of the centralized office, description of management services provided by Consultant, and an explanation as to how the proposed centralized office will move projects forward more efficiently;

A plan for implementation reflecting services, a proposed “schedule to begin” date, in the city’s general fund departments, including the Department of Public Works. It is the city’s expectation that a plan for process improvement for enterprise fund departments will be developed also. The Consultant should make the business case for and effective model for enterprise funds, including a proposed implementation timeline;

A plan for implementation and graduated stages that addresses current space limitations in the Mayor’s Office in the early stages and an idealized office layout of the MOCAP in the later stages;

Information clearly identifying any prime and sub-consultant firm’s qualifications for providing the requested services and experience establishing, managing, and operating municipal capital offices;

An organizational chart of the proposed team, including subcontractors (please describe each team member, firm, office location, and the specific roles and responsibilities for each and explain how the team will function when asked to perform a task);

A statement as to why Consultant’s team and proposal is the best choice for the City;

Complete information regarding Consultant’s team experience, qualifications, and past performance on similar projects (team experience should demonstrate specific experience in capital planning and construction in the public sector as well as the establishment, management, and operation of centralized Capital Improvement Project offices within local governments);

A list of similar capital planning and construction consulting services provided to public sector clients, including a detailed description of the project, responsibilities, services, dollar value for each project, and at least one client contact for each project;

A draft plan for attracting qualified City of Cleveland Small Businesses and Regional Cleveland Area Small Businesses, and where appropriate MBEs and FBES, to participate in the City’s procurement processes as mandated by the Cleveland Area Business Code;

A complete list of past projects and work performed for the City of Cleveland, if any;

A statement detailing your firm's degree of familiarity with the City of Cleveland and its processes; and

Any other information relevant to the selection criteria listed in this request for proposals that may assist the City in making a final selection.

Complete information clearly identifying any prime and sub-consultant's firm qualifications for providing the requested services and experience in performing management and efficiency studies. Describe all sub-consultants who would work with the City on the engagement. Attach their resumes. Include their professional experience and their respective responsibilities in the project. List all previous engagements where you worked with each sub-consultant.

State the name of the person who will be responsible for the day-to-day management of your firm's relationship with the City of Cleveland on this engagement. Enclose a complete professional resume. [Note: This person will work directly with and be directly accountable to the Chief Operating Officer.] Detailed statement as to why Consultant's team and proposal is the best proposal for the City;

**C. Exceptions:** Proposer shall include a list of exceptions to the Request for Proposal, if any. If there are no deviations or exceptions to any portion of this Request for Proposal, Proposer shall state that on the "Exceptions" page. If no deviations or exceptions are identified and the City accepts the Proposer's proposal, Proposer shall conform to all of the requirements contained in the Request for Proposal.

**D. Professional Qualifications:** The qualifications statement is an opportunity for each Proposer to detail its qualifications, experience and what defines it as an industry leader. Proposer may include as much information in this section as is needed to differentiate its company and proposal from the other Proposers. Please include, as a minimum, the following information:

*Describe your company in detail (its composition, history, and range of services). List all current major projects.*

*Describe the company's future direction and plans, and provide a current customer list.*

*What are your company's unique qualifications for this project? What sets you apart from competing firms?*

*Provide a detailed profile of your company's financial position and your most recent audited financial statements. Describe any events that may have had a material adverse effect on your firm's financial position since that date.*

*Identify any client relationship your company has with any public or private entity that could be viewed as a definite or potential conflict of interest if your firm were selected to work on this project.*

*Describe any other relationship that could appear to be a conflict of interest if your firm were selected.*

*Is your company or anyone at your company under investigation, or has anyone been notified of any investigation by any federal or state regulatory agency? **If the answer is yes, please explain.***

F. **Environmental Sustainability:** Describe how the proposed services/project/solution incorporate environmental sustainability

G. **Fee Proposal:** Proposer should submit its fee proposal for all its services in a separately sealed envelope clearly marked on the outside. Itemize the fee by project phase or other divisible unit completed, in dollars and percentage, or by deliverable. Proposer shall provide its best estimate of expenses including, but not limited to, travel and associated expenses. No qualification of the financial offer will be accepted. The fee proposal shall be a firm and final amount including the costs and expenses for all anticipated services.

H. **Financial Information:** The Proposer shall include the following financial information:

The Proposer shall include the following financial information: Balance sheet and income statement for the last two (2) fiscal years, prepared in accordance with generally accepted accounting principals, reflecting the current financial condition of the Proposer. If a publicly held corporation, the Proposer should provide in lieu of the foregoing: consolidated financial statements as submitted to the Securities and Exchange Commission (“SEC”) on Form 10K, the most recent Form 10Q, and any Forms 8K filed with the SEC in the last twelve (12) months. Owners of closely held corporations must submit a personal financial statement, current within three (3) months from date of submittal; ownership structure of the Proposer (If the Proposer is a corporation and the outstanding stock of said corporation is held by fewer than ten (10) individuals, the name and residence address of each stockholder and his/her shares of outstanding stock must be listed.); and provide three (3) bank and trade references.

H. **Proposers Affidavit:** Proposer shall submit with its proposal an affidavit stating that neither it nor its agents, nor any other party acting for it has paid or agreed to pay, directly or indirectly, any person, firm or corporation any money or valuable consideration for assistance in

procuring or attempting to procure the contract proposed to result from its proposal, and further agreeing that no such money or reward will be paid.

- I. **Additional Required Documents:** Proposer shall complete, execute, and return with its proposal the following documents, blank copies of which are attached to this RFP:
  - i. The Office of Equal Opportunity *Notice to Bidders and Schedules*;
  - ii. Federal *Form W-9* including Taxpayer Identification Number;
  - iii. *Non-Competitive Bid Contract Statement for Calendar Year 2011*

## **Proposal Evaluation; Selection Criteria**

- A. **Evaluation Methodology.** The City department/division issuing this RFP will evaluate each proposal submitted. The department will present its recommendations to the City Board of Control (“Board”). The Board may, but shall not be obligated to, entertain formal presentations. The Board may approve one or more contracts to one or more firms. The City will only consider proposals that are received on or before the proposal submission deadline, and which meet all the requirements of this RFP. The City reserves the right to request a “best and final offer” from Proposers meeting the minimum requirements.
- B. **Scoring of Proposals.** The City will score each Proposal in each of the following categories:
  - i. Experience and Staff
  - ii. Program Management Plan
  - iii. Proposed Services
  - iv. Sustainability
  - v. Schedule/Timeline
  - vi. /CSB/MBE/FBE/ACDBE/DBE

The ratings are not intended or to be interpreted as a reflection of a Proposer’s professional abilities. Instead, they reflect the City’s best attempt to quantify each Proposer’s ability to provide the services



sought by the City and to meet the specific requirements of this RFP, for comparison purposes.

- C. **Disqualification of a Proposer/Proposal:** The City does not intend by this RFP to prohibit or discourage submission of a proposal that is based upon a Proposer's trade experience in relation to the nature or scope of work, services, or product(s) described in this RFP or to prescribe the manner in which its services are to be performed or rendered.

The City will not be obligated to accept, however, significant deviations from the work or services sought by this RFP, including terms inconsistent with or substantially varying from the services or the financial and operational requirements of the RFP, as determined solely by the City. The City reserves the right to reject any proposal that does not furnish or is unresponsive to the information required or requested herein. The City reserves the right to reject any proposal or to waive or to accept any deviation from this RFP or in any step of the proposal submission or evaluation process so as to approve the award of the contract considered in the City's best interest, as determined in the City's sole discretion.

Although the City prefers that each Proposer submit only one proposal including all alternatives to the proposal that the Proposer desires the City to consider, it will accept proposals from different business entities or combinations having one or more members in interest in common with another Proposer. The City may reject one or more proposals if it has reason to believe that proposers have colluded to conceal the interest of one or more parties in a proposal, and will not consider a future proposal from a participant in the collusion. In addition, the City will not accept a proposal from or approve a contract to any Proposer that is in default as surety or otherwise upon an obligation to the City or has failed to perform faithfully any previous agreement with the City, or is currently in default under any agreement with the City.

The City reserves the right to reject any or all proposals. Failure by a Proposer to respond thoroughly and completely to all information and document requests in this RFP may result in rejection of its proposal. Further, the City reserves the right to independently investigate the financial status, qualifications, experience, and performance history of a Proposer.

The City reserves the right to cancel the approval or authorization of a contract award, with or without cause, at any time before its execution of a contract and to later enter into a contract that varies from the provisions of this RFP, if agreed to by another Proposer.

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**123.04 Employment of Professional Service for Capital Improvement Program**

The Mayor is hereby authorized to employ by written contract such professional or expert services as the Board of Control shall deem necessary to supplement the regularly employed staff of the City in order to facilitate the preparation of plans, drawings, detailed specifications and estimates of costs, and the supervision of construction of projects included in the capital improvement program as the same may from time to time be adopted. The selection of the persons or firms to furnish such expert services shall be made upon the nomination of the director of the department concerned from a list of qualified persons available for such employment as may be determined after a full and complete canvass by the official designated by the Mayor for the purpose of compiling such list. Each such contract shall be prepared by the Director of Law, certified by the Director of Finance and a written report of the execution of every such contract with an abstract of its terms shall be filed with Council forthwith.

(Ord. No. 49-53. Passed 1-19-53, eff. 1-21-53)