



**REQUEST FOR PROPOSALS
for a
DESIGN PROFESSIONAL SERVICES
for The
CITY OF PHILADELPHIA**

Issued by:
DEPARTMENT OF PUBLIC PROPERTY
CAPITAL PROJECTS DIVISION
PROJECT NO. 16-13-4330-01
Building Addition and Site Improvements
Stenton Park

All proposals must be submitted electronically through the eContract Philly online application process at www.phila.gov/contracts, choose eContract Philly. Applicants who have failed to file complete applications through the eContract Philly online application process will not be considered for the contract.

Electronic proposals must be received no later than 5:00 p.m. Philadelphia, PA, local time, on April 25, 2013. In addition to the online submission, proposers MUST submit six (6) hard copies to the Department of Public Property Office, One Parkway Building, 1515 Arch Street, 11th Floor, Philadelphia, PA 19102 (Attention: Eric Iffrig).

Pre-Proposal Conference:

Date: April 5, 2013

Time: 1:00 p.m.

Location: City of Philadelphia, One Parkway Building, 1515 Arch Street,
18th floor, Room 18-029, , Philadelphia, PA 19102

Michael A. Nutter, Mayor
Bridget Collins-Greenwald, Commissioner, Department of Public Property

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I. Project Overview

A. Introduction; Statement of Purpose

This project includes site and building renovations at Stenton Park. Sitework includes paving, playground renovations, a new sprayground, tree work, and lighting. Building renovations are expected to include removing the low wing and replacing it with an addition of similar size to include ADA-accessible restrooms and space for the resident community football program.

B. Department Overview

The Department of Public Property (“DPP”) manages the physical infrastructure that supports City government operations. To this end, the Department is responsible for the acquisition, disposition, lease, design, construction, renovation, and maintenance of City properties.

The Capital Projects Division under DPP oversees the implementation plan for the construction and renovation of City-owned buildings, public facilities and infrastructure. Capital projects are financed by City general obligation bonds, self sustaining revenue bonds (in the case of the International and Northeast Airports and the Water Department), matched in some cases by state and federal grants as well as private funding.

The Recreation Team (RT) of DPP is charged with oversight of capital projects for the Philadelphia Parks and Recreation (PPR) throughout its 9,200 acres. RT works closely with the PPR assisting in the planning, budget, construction and commissioning of projects.

C. Request for Proposals

DPP invites qualified firms to apply for this opportunity. DPP is seeking an architecture firm that can provide all required services either directly or in collaboration with sub-consultants. DPP anticipates selecting one applicant with which to contract.

This Request for Proposal (“RFP”) provides information to enable applicants to electronically submit online through the City’s website, www.phila.gov/contracts, a proposal for architectural, engineering, and/or specialized consulting services for the Department of Public Property (“DPP”) for the City of Philadelphia (“City”).

The selected applicant will execute a Professional Design Services contract which will consist of the Provider Agreement (“PA”) and the General Provisions (“GP”) set forth in Appendix A and the requirements contained in Section II: Scope of Work. The Commissioner of the Department of Public Property or her designee shall have complete charge and management of the contract and shall be the source of authority, direction, and control of the project. Please review these items in detail as exceptions or waivers to these documents are discouraged and could affect the selection process.

Project Information

(1) Project Number:	16-13-4330-01
Sponsor Agency:	Philadelphia Parks and Recreation
Project Name:	Building Addition and Site Improvements
Facility Names and Addresses:	4600 N 16 th St, Philadelphia, PA 19140
Project Director:	Eric Iffrig, (215) 683-3655
Project Coordinator:	Michelle Shuman, (215) 683-4481

D. General Disclaimer of the City

This RFP does not commit the City of Philadelphia to award a contract. This RFP and the process it describes are proprietary to the City and are for the sole and exclusive benefit of the City. No other party, including any Applicant, is intended to be granted any rights hereunder. Any response, including written documents and verbal communication, by any Applicant to this RFP, shall become the property of the City and may be subject to public disclosure by the City, or any authorized agent of the City.

Revised: December 2012

II. Scope of Work

A. Project Details

(1) Project Objectives

This project is intended to:

- Increase safety and security for site users and staff.
- Demolish the low wing of the building and replace it with new construction with additional space.
- Renovate the building to current standards, including energy efficiency, accessibility, finishes, systems, and an improved entrance.
- Provide a new sprayground.
- Renovate the heavily used play area.
- Improve site lighting and paving surfaces, including ADA accessibility.

All Public Property capital projects must be designed and constructed to:

- Require minimal maintenance to resist vandalism and durably serve well into the future.
- Provide a safe and healthy environment that meets or exceeds code requirements.
- Attain a high standard of energy and resource efficiency through the life of the building

Additionally, this project should support the following goals of the Dept. of Parks & Recreation:

- Help keep children and youth safe, active, healthy and ready to learn; connect them to their communities and to parks, recreation and the natural world.
- Improve the quality of life for citizens of all ages, attract and engage residents and visitors, and support a positive business climate.
- Support the development of sustainable communities and help maintain stable neighborhoods

(2) General Description of Work Required

Stenton Park Playground is a large ten-acre park between 16th and 18th Streets and Courtland and Wyoming Ave. The site is the last remnant of James Logan's colonial estate, the house of which occupies the northwest portion. The house is operated separately by the Colonial Dames but the Logan family burial ground is located within the park portion of the site. The park includes tennis courts, basketball courts, a small baseball field and a larger field used primarily for football that also includes a baseball backstop, and a stage located to use a hill as a natural amphitheater.

Current site lighting is insufficient and a security concern, especially since the building is set back from the street. The paving throughout the site is in poor repair and needs replacement. The building is used as a polling place, and although the entrance from W Courtland Street has no stairs the slope is too steep for ADA access. Many of the trees need pruning or replacement.

The play area is very well used despite its poor condition. The site had a single spray freature that no longer functions correctly – this project calls for a new larger sprayground.

A 1,100sf concrete block recreation building was added to the park in 1955 and contains bathrooms, a locker room, a small activity room, office, and utility space. Most of this wing is used by the community football team. In 1982 a double height activity room with clerestory windows was added on the north side, bringing the building to 2,600sf. New bathrooms were also part of the addition, but they no longer meet current accessibility standards and are deteriorated. Both roofs and boiler were last replaced in the 1990s. The roof of the older section of the building is very low and has been severely damaged to the point that much of the soffits are missing and open to the roof structure.

The current building has two entrances, one facing the walkway from Courtland Street that was built as the main entrance, and a back doorway by the playground. The back entrance is currently used because the proximity to the playground makes it feel safer, but it requires walking around the building to find.

Inside there is evidence of water infiltration from the higher roof and clerestory windows. The electrical system is inadequate and out of date. The office through-wall air conditioner vents to the hallway. Plumbing has been an ongoing problem, as has the phone line. Finishes are in poor condition throughout.

This project will include the following:

Design and document all necessary modifications to correct the above building and site issues, including any modifications and improvements to the related mechanical, electrical and/or special systems that will be affected. Design and document an addition to replace the low section of the building. The addition is to contain accessible restrooms, additional activity space, and space with separate access and restrooms to be used by the club football team. Provide a new entry designed with security and visibility in mind. All construction shall be masonry, with graffiti resistant finishes, protected windows, heavy gauge doors, high quality floor finishes and high use fixtures. The addition and renovation to the existing structure should conserve energy and provide a healthy indoor environment.

Design and document a complete playground renovation including new equipment and safety surface. Design and document a new sprayground. Design and document exterior lighting, planting and paving improvements to increase safety and create an attractive and functional park.

Design and document a security camera system to cover entrances and exits to the building and site, activity rooms in the building, and heavily used areas of the site. The system will include a monitor in the office and on-site recording the capability to be linked to off-site recording and viewing in the future.

Provide construction administration services relating to the project. Provide add alternates to meet the budget.

The Design Professional shall provide all design and analysis services to comply with the Philadelphia Water Department's Storm Water Management regulations. PWD has asked to coordinate this project with stormwater infiltration improvements they are planning for the ballfields.

The Design Professional shall provide estimates for topographic surveys and soil borings and tests, separated from the proposed design and construction administration fee proposal.

The Design Professional will be responsible for all paperwork (including applications and application fees), necessary for municipal, state and/or federal approvals and/or permits having jurisdiction over project, including L&I.

A Percent for Art may be considered as a part of this project and must be coordinated with the Office of Public Art.

(3) Budget

Estimated Construction Cost/Budget: **\$1.7 million total** project budget, to include design fees and contingencies. The exact available budget should be confirmed with the DPP during schematic design.

B. Greenworks Philadelphia

Consistent with the vision and framework set forth in *Greenworks Philadelphia*, the City is prioritizing energy efficiency and environmental responsibility in its capital projects.

Projects shall integrate building materials and methods that promote environmental quality, economic vitality, and social benefit. Buildings over 10,000 square feet shall meet and register with the US Green Building Council for LEED™ Silver rating (Appendix E: The Philadelphia Code, Section 17-111)

Design professionals are encouraged to incorporate sustainable design and construction techniques and maximize energy efficiency in both new construction and renovation projects of all sizes. Sustainable elements of your proposal may include:

- Ecological site design and stormwater management as outlined by the Sustainable Sites Initiative
- Life cycle cost analysis and ROI
- Integrated design including a sustainable design charrette
- Daylight optimization
- Energy efficiency controls, audits , and reports
- PECO Smart Ideas & PGW EnergySense
- Sustainable materials and resources
- Indoor environmental quality
- Construction & demolition waste recycling
- Commissioning and enhanced commissioning for HVAC and lighting systems
- Follow or certify under LEED, EnergyStar, or other ratings system

C. Services and Tangible Work Products

This *Section II, Scope of Work* states requirements for the project, including the services and the tangible work products to be delivered, and the tasks the Department has identified as necessary to meet those requirements. The Department reserves the right, however, to modify specific requirements, based on changed circumstances (such as a change in business or technical environments), the proposal selection process, and contract negotiations with the Applicant(s) selected for negotiations, and to do so with or without issuing a revised RFP. The Applicant must provide in its proposal a detailed proposed scope of work showing how it will meet the project requirements stated in this Section II.

This section is intended only as an overview of specific services to be provided by the applicant for this project(s). It should not be considered an exhaustive list:

(1) Schematic Design Phase

This phase will translate the design concept into alternative spatial and material solutions. The design shall consist of appropriate plans depicting spaces, elevations and sections, as may be necessary, outline specifications, a general narrative description of basic systems and materials, and other documents that illustrate the scale and relationship of project components. Architectural, structural, mechanical and electrical concepts will be represented.

The Applicant shall orchestrate and participate in a Sustainability goal-setting charrette. With follow-up review, the result shall be utilized to develop a scheme describing the specific approach and method to accomplish obtaining the minimum requirement "Silver" LEED™ rating (with higher ratings sought if possible).

Upon consultation and review by the City, the initial submitted scheme shall be revised and perfected. Based upon comments from the City, the Applicant shall continue to refine the Design Scheme to achieve the Program requirements, to achieve the required LEED™ rating, and meet the probable construction

cost budget. This refinement shall continue until a formal Acceptance of a Final Schematic Design by the City. This Phase is complete upon that Acceptance.

Tasks may include:

- Review and Validation of Program
- Collection of Project Site Information
- Subsurface Investigations
- Environmental Investigation coordinated with DPP
- Schematic Design Alternatives
- A minimum of LEED Silver Certification for projects over 10,000 s.f.
- ACT 129 PECO Smart ideas pre application submission
- Building Materials and System Selection
- Alternative M/E/P and Specialty Systems
- Cost Estimates
- Preliminary Project Schedule (Construction Phasing)
- Schematic Design Report
- Interior Space Planning (including FFE)
- Alternative Finishes and Color Boards
- FFE Procurement Coordination
- Signage Scope/Concept Definition
- Renderings
- Models

(2) Design Development Phase

The Applicant shall prepare and submit to the City a Developed Design, indicating all building and site component details and their configurations. It shall portray specific fulfillment of Program requirements, LEED™ rating achievement, and Code and Regulatory requirements. The Applicant shall also submit a formal detailed construction cost estimate for the Developed Design, which shall not exceed the construction budget provided above.

Design development documents present the approved schematic design in greater detail. Design drawings are organized according to construction contract and include site plans, dimensioned floor plans, horizontal and vertical utility distribution and special systems. Architectural finish standards are established. Design development documents are submitted for regulatory review and approval.

Upon consultation and review by the City, the initial Developed Design shall be revised and perfected. Based upon comments from the City, the Applicant shall continue to refine the Developed Design to achieve the Program requirements, to achieve the required LEED™ rating, and meet the probable construction cost budget. During this period, the Applicant shall meet and coordinate extensively with representatives of the City to facilitate their decisions on project details and resolution of issues. The refinement of the Developed Design shall continue until a formal Acceptance by the City of a Final Developed Design. This Phase is complete upon that Acceptance.

Provide all services necessary for design review by the Licenses & Inspections Department and other agencies having jurisdiction over project. Provide a list of all permits and approvals required for the projects to the Project Coordinator in writing. As part of this contract, the Design Professional shall provide a minimum of four (4) sealed sets of plans (per site) for permitting purposes for the Licenses & Inspections Department.

The Applicant will be responsible for all paperwork (including applications) and fees, necessary for municipal, state and/or federal approvals and/or permits having jurisdiction over project, including L&I,

prior to bid opening. Any supplementary (optional) reviews requested by the Design Professional will be the Design Professional's responsibility.

Tasks may include:

- Design Development Documents
- A minimum of LEED Silver Certification for projects over 10,000 s.f.
- Specification Development
- Identification/specification of all owner furnished equipment
- Telephone/Data Coordination
- Preliminary Regulatory Review
- Special System Selection
- Updated Project Schedule
- Cost Estimate
- Value Engineering
- FFE Preliminary Selections & Specifications
- Interior Design Selections; material and color boards
- Renderings
- Models

(3) Final Design Phase

Construction documents describe in drawings, specifications, and other contract documents, the requirements for construction of the project. All schedules of equipment, materials and finishes are finalized. Technical and supplementary general specifications are completed. Receipt of all permits and regulatory approvals must occur before the completion of this phase.

Upon consultation and review by the City, the initial submitted Construction Documents shall be revised and perfected. Based upon comments from the City, the Applicant shall continue to refine the Construction Documents to achieve the Program requirements, to achieve the required LEED™ rating, and meet the probable construction cost budget. During this period, the Applicant shall meet and coordinate extensively with representatives of the City to facilitate their decisions on project details and resolution of issues. The refinement of the Construction Documents shall continue until a formal Acceptance by the City of those Documents. This Phase is complete upon that Acceptance.

Tasks may include:

- Detailed Construction Drawings including Special Systems, Furnishings, Telephone/Data Layout
- A minimum of LEED Silver Certification for projects over 10,000 s.f.
- Final Specifications (Divisions 0 and 1 to be edited/coordinated from/with DPP Master)
- Project Special Conditions to be coordinated with User Agency
- Regulatory Approvals
- Multiple Construction Contract Definition and Preparation (if required)
- Development of Bid Alternates
- Construction Phase Schedule
- Final Construction Cost Estimate
- Signage Details/Documentation
- Submit Final Documents on diskettes

(4) Construction Bid Phase

The applicant will assist the DPP in explaining the requirements of the project and evaluating the responsiveness of proposals for construction bids. Tasks may include:

- Preparation of bid documents
- Preparation of addenda
- Attendance at pre-bid conferences

- Evaluation of bid differential (required if not within 10% of estimate)

(5) Construction Phase

The applicant will assist the DPP in the administration and management of the construction contract(s).

Tasks may include:

- Construction Monitoring
- Project Meetings (minimum two per month)
- Project Site Visits as required
- Response to Contractor Questions and RFIs
- Review/Approval of all required Submittals and Shop Drawings
- Review of Requests for Substitutions/Approved Equals
- Review/Approval of Sample Fabrications and Installations
- Contract Document Interpretation
- Contractor Payment Approval
- Change Order Evaluation
- Construction Schedule/Coordination Review
- Attend Semi-final and Final Inspections and prepare Punch Lists
- OM&S Requirements (Collection of all manuals, development of spreadsheet listing manufacturers, model numbers, technical information, date accepted, warranty period, PM schedules, required inspections etc.)
- Commissioning as is generally required by current codes and to meet a minimum of LEED Silver certification. Submit separate allowance if appropriate.
- ACT 129 PECO smart Ideas final application submission with construction close out
- Systems Startup and Checkout, coordination only
- Equipment Training, coordination only
- Updated drawings and disks, reflecting all changes to plans and any significant systems
- Move Coordination

(6) General Project Requirements

The following requirements apply to all architectural, engineering and related professional service contracts: (Please note that if this RFP is for preliminary design services only, many of these items do not apply).

- (a) The Applicant shall perform all services in an expeditious manner consistent with the interests of the City and of the highest professional quality. All work shall be in conformance with all applicable City of Philadelphia standards and requirements, including The Philadelphia Code, Section 17-111 (see Appendix E).
- (b) The DPP Project Coordinator shall chair all design review meetings and construction progress meetings with administrative support by the applicant. Minutes shall be prepared by the Design Professional and distributed to all attendees. Design Professional shall provide and keep logs of all submittals, RFIs, and change orders and shall be cognizant of all schedule and budget updates.
- (c) Design Professional shall obtain sign-off of all utilities including PECO ACT 129 pre and final applications, government agencies having jurisdiction, using agencies, and coordinate with and/or present work to related or affected City agencies including the Office of Public Art (Art Commission), as required by the specific project(s).
- (d) Construction cost estimates shall be provided as described in the Scope of Services of this RFP. Estimates shall be organized in accordance with CSI format and incorporate contingencies and escalation appropriate to the project schedule. Estimates must be presented for each Prime contract and for each Alternate (if applicable).
- (e) The Design Professional shall accomplish the design services required under the contract so as to permit the award of a contract, pursuant to standard DPP practices, for the construction of the facilities designed at a price which does not exceed the estimate set forth in Section II.B (Budget)

or as otherwise determined during schematic design. If bids or proposals for the construction contract are received that exceed the estimated cost by more than 10%, the Design Professional may be required to perform such redesign and other services as are necessary to permit contract award within the estimated cost. These additional services shall be performed at no increase in the price of this contract. The Design Professional shall not be required to perform such services at no additional cost when the unfavorable proposals or bids are the result of conditions beyond the Design Professional's reasonable control. (Lack of knowledge regarding bid climate does NOT constitute beyond reasonable control.)

- (f) The DPP has a Division 0 and Division 1 master specification that is frequently revised and updated. The current version (available in Microsoft Word) will be provided by the DPP at the start of the Construction Documentation phase. The Master Specs must be fully coordinated and incorporated with the technical sections by the Design Professional as a complete Project Manual and resubmitted in Microsoft Word (without exception).
- (g) The City of Philadelphia is required to competitively bid all jobs under the Pennsylvania State Separations Act. Therefore, Design Professionals must completely and accurately define construction documents into clear scopes of work for each required discipline. **All work described in the specifications must be non-proprietary unless specific approval from the Procurement Department has been obtained.**
- (h) All work shall be reviewed and checked prior to submission to the DPP. Qualified design professionals not involved in the design work shall perform reviews. It shall be the responsibility of the Design Professional to thoroughly coordinate drawings representing the work of different disciplines (architectural, mechanical, electrical, plumbing, etc.). A quality control report shall be submitted by the design professional at the design development phase and at each stage of the construction documentation phase for assurances. The design professional shall provide a certification statement indicating he has performed a thorough review of the designs, plans, drawings, reports and specifications prepared by his design team.
- (i) All work shall be performed by or reviewed and approved by architects and engineers registered to practice the appropriate discipline in the State of Pennsylvania.
- (j) No asbestos abatement design is required on this project unless specifically noted in Section II. If required; environmental reviews must be coordinated through the DPP Project Coordinator with the DPP's Environmental Liaison. No asbestos containing materials of any kind may be specified or approved for any project.
- (k) It is the City's intention to incorporate the latest developments in energy conservation and resource efficiency, as well as improve indoor air quality and minimizes environmental impacts in its design program wherever appropriate. The overall goals for sustainable materials and systems may include minimizing unwanted building or atmospheric emissions and/or non-reusable or recyclable waste. The Philadelphia High-Performance Building Renovation Guidelines will be available for your reference upon contract award.
- (l) All designs produced under this program must be in accordance with the Americans with Disabilities Act, Title II.
- (m) If property line delineation or survey is required, these services shall be provided by the City through the Streets Department unless specified otherwise in this RFP.
- (n) Projects that are new construction greater than 10,000 s.f. or complete renovations affecting all systems of a building or site (mechanical, plumbing, and electrical systems) must be designed and constructed to meet a minimum of LEED Silver certification in accordance with The Philadelphia Code, Section 17-111 (see Appendix E).
- (o) All products specified for inclusion in the scope of work for construction shall be Energy Star qualified products for all U.S. EPA – listed product categories. All electric motors over one (1) horsepower shall be National Electrical Manufacturers Association (NEMA) Premium labeled motors (see Appendix E).

D. Timetable

The Department anticipates that the work required under this RFP will be completed according to the approximate schedule in the table below, based on the Department's identification of critical milestones and tasks. The scope of work proposed by Applicant should include a detailed project schedule that identifies all tasks, activities, deliverables, and milestones the Applicant proposes to carry out for the project and a time of completion (measured from project start date) for each. The Applicant should state the number of days following the Department's authorization to proceed under the City contract by which it will be ready to start the work, including any mobilization time. If the Applicant proposes a different overall time of performance, it should state its reasons.

Anticipated Start Date (Notice to Proceed)	8/1/2013
Design Phase	Six (6) Months
Bid Phase (from bid development to bid award)	Four (4) Months
Construction Phase	Twelve (12) Months

E. Monitoring; Security

By submission of a proposal in response to this RFP, the Applicant agrees that it will comply with all contract monitoring and evaluation activities undertaken by the City of Philadelphia, and with all security policies and requirements of the City.

F. Reporting Requirements

The successful Applicant shall report to the City of Philadelphia on a regular basis regarding the status of the project and its progress in providing the contracted services and/or products. At a minimum, the successful Applicant shall submit a monthly invoice detailing the services and/or products provided, the goals/tasks accomplished, and the associated costs. If hourly rates are charged, the invoice must also detail the number of hours, the hourly rate, and the individual who performed the service.

Periodic progress reports shall be prepared describing accomplishments, decisions and overall progress made during the period. It shall contain updated project schedule and budget information and shall specifically include information regarding RFIs, change orders, submittals as well as the Design Professional's invoice status. Progress reports will be submitted with each payment request, or monthly, whichever represents the shorter duration.

G. Technology Capabilities

All drawings for design submissions shall be prepared using AutoCAD Systems. All submissions to the DPP shall be compatible with AutoCAD LT Version 2000 and in accordance with the AIA "CAD Layer Guidelines" and CSI guidelines for page numbering format (only). Milestone submissions should be provided for City review (8 sets maximum). The City shall provide any further additional printing of bid packages. Final drawings shall be provided on mylar (not paper) as well as electronically (saved as both .pdf and .dwg on CD-ROM).

H. Available Information

A listing of programs and times from the community is attached as is a draft program schedule for the building. Paper copies of building drawings will be available to the successful applicant. No AutoCAD drawings of the buildings are available.

I. Percent for Art Program

Pursuant to the Vision Plan for Arts, Culture and the Creative Economy presented by the Mayor's Cultural Advisory Council, it is the intent of the City to maximize the effectiveness of the Percent for Art Program. Processes shall follow and projects shall be developed, in a manner that is reflective of Public Art industry best practices, as indicated by the Office of Arts, Culture and the Creative Economy.

J. Certification of Compliance with Equal Benefits Ordinance

If this RFP is a solicitation for a “Service Contract” as that term is defined in Philadelphia Code Section 17-1901(4) (“A contract for the furnishing of services to or for the City, except where services are incidental to the delivery of goods. The term does not include any contract with a governmental agency.”), and will result in a Service Contract in an amount in excess of \$250,000, pursuant to Chapter 17-1900 of The Philadelphia Code, the successful Applicant shall, for any of its employees who reside in the City, or any of its employees who are non-residents subject to City wage tax under Philadelphia Code Section 19-1502(1)(b), be required to extend the same employment benefits the successful Applicant extends to spouses of its employees to life partners of such employees, absent a waiver by the City under Section 17-1904. By submission of their Proposals in response to this RFP, all Applicants so acknowledge and certify that, if awarded a Service Contract pursuant to this RFP, they will comply with the provisions of Chapter 17-1900 of The Philadelphia Code and will notify their employees of the employment benefits available to life partners pursuant to Chapter 17-1900. Following the award of a Service Contract subject to Chapter 17-1400 and prior to execution of the Service Contract by the City, the successful Applicant shall certify that its employees have received the required notification of the employment benefits available to life partners and that such employment benefits will actually be available, or that the successful Applicant does not provide employment benefits to the spouses of married employees. The successful Applicant’s failure to comply with the provisions of Chapter 17-1900 or any discrimination or retaliation by the successful Applicant against any employee on account of having claimed a violation of Chapter 17-1900 shall be a material breach of the any Service Contract resulting from this RFP.

III. Selection Criteria

A. General

All proposals which meet the minimum respondent requirements, e.g. experience, financial capability, etc. and the minimum proposal submission requirements will be reviewed and evaluated for completeness and responsiveness according to standards and selection criteria determined by the DPP. Factors for consideration will be evaluated from information supplied in response to the RFP.

The contract resulting from this RFP will be awarded to the qualified proposer whose proposal the DPP believes will be the most advantageous to the City, not necessarily the proposer presenting the lowest price. The City may condition an award on all required approvals and terms and conditions of the City, including, but not limited to, the City's indemnification and insurance requirements.

The City of Philadelphia will base its selection on criteria that will include, but not be limited to:

B. City Criteria:

1. Superior ability or capacity to meet particular requirements of contract and needs of City Department and those it serves
2. Eligibility under Code provisions relating to campaign contributions
3. Superior prior experience of Applicant and staff
4. Superior quality, efficiency and fitness of proposed solution for City Department
5. Superior skill and reputation, including timeliness and demonstrable results
6. Special benefit to continuing services of incumbent, such as operational difficulties with transition or needs of population being served
7. Benefit of promoting long-term competitive development and allocation of experience to new or small businesses, including those owned by minority or disabled persons or by women
8. Lower cost
9. Administrative and operational efficiency, requiring less City oversight and administration
10. Anticipated long-term cost effectiveness
11. Meets prequalification requirements
12. Applicant's certification that it is a Local Business Entity under Section 17-109(3)(b) of the Philadelphia Code or, in the performance of the resulting contract, it will employ City residents, or perform the work in the City.
13. Understanding of and commitment to design excellence, expressed in dignified forms, urban spaces which enrich the city, and interior and exterior spaces that will inspire pride in city architecture.
14. A cost effective design approach that fully considers life cycle analysis in the selection of materials and systems.
15. Ability to balance innovative design and traditional operating practices, including tested, durable materials and ease of maintenance and operation.
16. Demonstrated capability to provide unique and innovative solutions to problems.
17. Commitment to safety and accessibility beyond code compliance.
18. Demonstrated experience and capability to complete all design work within established schedule and budget.
19. Experience on prior City of Philadelphia projects.
20. Leed Certification/experience and sustainable design experience, including tasks described in the Scope of Work and Greenworks sections of this RFP.
21. Details of fee proposal.

IV. Proposal Format and Content

A. General Instructions

Proposals submitted in response to this RFP must include a cover letter signed by the person authorized to issue the proposal on behalf of the Applicant. Proposals must be submitted both electronically via **on-line to our website, and through the delivery of six (6) hardcopies** in letter size, stapled, three-ring, or spiral-bound format. Conform the organization of your proposal to the following order and divisional sectioning, separated by index tabs for easy reference. Proposers are reminded to be clear and concise in their response. The proposal shall be of a quality appropriate to the level of the project for which you are proposing.

In addition to electronic and written proposals, prospective applicants and their prospective subcontractors consultants may be required to give verbal presentations and to meet with the selection committee for interviews and discussion.

B. Table of Contents

C. Introduction / Executive Summary

Provide an overview of the services being sought and proposed scope of services.

D. Applicant Profile

Provide a narrative description of the Applicant itself, including the following:

- a. Applicant's business identification information, including name, business address, telephone number, website address, and federal taxpayer identification number or federal employer identification number (FEIN);
- b. A primary contact for the Applicant, including name, job title, address, telephone and fax numbers, and email address;
- c. A description of Applicant's business background, including, if not an individual, Applicant's business organization (corporation, partnership, LLC, for profit or not for profit, etc.), whether registered to do business in Philadelphia and/or Pennsylvania, country and state of business formation, whether registered as a minority-, woman-, or disabled-owned business or as a disadvantaged business and with which certifying agency, and any other information about Applicant's business organization that Applicant deems pertinent to this RFP.
- d. Include a brief history of the firm, including number of years in business, primary mission of business, significant business experience, the overall firm organization and management structure, its goals and objectives, and a statement of its design philosophy.

E. Project Understanding/Proposed Scope of Services/Schedule

The Applicant shall provide a brief narrative that demonstrates understanding of the project, i.e. project's goals and objectives, issues and complexities, nature and scope of the work involved. Additionally, a brief description of the proposed design approach, techniques for problem solving, and work plan is required along with a description of computer hardware and software to be utilized. The City encourages plans that incorporate the use of resource and energy efficient design alternatives. Any expanded narrative addressing alternative approaches, adequacy of budget allocation and/or key design issues is encouraged and will be evaluated in its response to the stated project goals.

The Applicant shall provide a proposed sequence of activities and schedule, which demonstrates how the firm's approach will meet the stated objectives of the project within the time allotted for the design phase. The schedule may include ideas and concepts not included in the scope of services, but which may be beneficial to the City. The schedule should be in the form of a bar chart and include the entire design phase. Major deliverables, key milestones and decision dates should be included in the schedule. City review periods should also be noted.

F. Statement of Qualifications/ Relevant Experience/References

Provide a statement of qualifications and capability to perform the services sought by this RFP, including a description of relevant experience with projects that are similar in nature, size and scope to that which is the subject of this RFP. If any minimum qualifications for performance are stated in this RFP, Applicant must include a statement confirming that Applicant meets such minimum requirements.

Provide narrative and visual descriptions (photographs and/or renderings) of projects designed by the Applicant or other members of the project team, which are **related** to the project for which the Proposal is being submitted. **Projects specifically relevant to the proposed project are much more important than quantity of experience.**

The following information (as a minimum) should be included for each related project (though omission will not disqualify your proposal):

1. Project Name
2. Client (corporation, public agency, etc.)
3. General physical characteristics
4. Special features, accomplishments or problems (including LEED Certification, energy and resource efficient design experience)
5. Construction value
6. Specific services provided
7. Dates of service
8. Approximate contract value
9. Individual references. Include contact names, addresses and telephone numbers. A minimum of one reference shall be included for each project. If applicable, Applicant should provide references for projects with other municipalities that are similar in size to the City of Philadelphia.

G. Project Team Organization and Team Resumes

The Applicant shall identify any joint venture partners or their associates by listing the firm, address and telephone/fax numbers and contact person. If a joint venture or association between firms is proposed, describe the contractual relationship.

The proposal shall include a description of the proposed team in both narrative and chart form. The proposal should clearly indicate the relationship, roles and responsibilities of each organization and individual team member. **Key positions/individuals should be specifically identified by name and title, with narrative describing their respective areas of expertise, responsibility and reporting.**

For each key team member, describe prior experience as it relates to the technical requirements of this project and the individual's position on the project team. Describe all relevant professional experience, academic degrees earned, professional licenses and awards, any special skills and supplementary training relevant to the requirements of this project.

Any proposed project staff that are not full-time employees of one of the corporate team members shall be clearly identified. Briefly describe their employment arrangement and availability for this project.

H. Proposed Subcontractors

State the intention to use subcontractors to perform any portion of the work sought by this RFP. For each such subcontractor, provide the name and address of the subcontractor, a description of the work Applicant intends the named subcontractor to provide, and whether the subcontractor can assist with fulfilling goals for inclusion of minority, woman, or disabled-owned businesses or disadvantaged businesses as stated below:

1. Solicitation for Participation and Commitment Form
As a separate document, include a completed Solicitation for Participation and Commitment Form. The form is provided as an appendix to this RFP.

Office of Economic Opportunity – Participation Commitment

Each Applicant is subject to the provisions of Mayoral Executive Order 03-12, the City's Antidiscrimination Policy, and is required to exercise its "Best and Good Faith Efforts" in response to the ranges specified in Appendix B included with this RFP for participation by Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE") and Disabled Business Enterprises ("DSBE") (collectively, "M/W/DSBE") as those terms are defined in Executive Order 03-12. Forms, instructions and special contract provisions for the Antidiscrimination Policy explain these requirements in more detail and are included in Appendix B to this RFP. Applicants are required to complete and return with their proposals the "Solicitation for Participation and Commitment Form" which is included in Appendix B.

I. Statements and Disclosures

1. Certification of Site Visit
The Applicant shall certify that he has visited the site(s) of the proposed projects and understands the site-specific issues, which will impact both design and construction. Use the form attached as an appendix to this RFP.
2. Tax and Regulatory Status and Clearance Statement
Include a statement, in the form requested in Appendix C, attesting to Applicant's tax and regulatory compliance with the City.

It is the policy of the City of Philadelphia to ensure that each contractor and subcontractor has all required licenses and permits and is current with respect to the payment of City taxes or other indebtedness owed to the City (including, but not limited to, taxes collected by the City on behalf of the School District of Philadelphia), and is not in violation of other regulatory provisions contained in The Philadelphia Code. To assist the City, through its Department of Revenue and Department of Licenses and Inspections, in determining this status, each Applicant is required to submit with its proposal the certification statement entitled City of Philadelphia Tax and Regulatory Status and Clearance Statement which is attached to this RFP as Appendix C.

If the Applicant is not in compliance with the City's tax and regulatory codes, an opportunity will be provided to enter into satisfactory arrangements with the City. If satisfactory arrangements cannot be made, Applicants will not be eligible for award of the contract contemplated by this RFP.

The selected Applicant will also be required to assist the City in obtaining the above information from its proposed subcontractors (if any). If a proposed subcontractor is not in compliance with City Codes and fails to enter into satisfactory arrangements with the City, the non-compliant subcontractor will be ineligible to participate in the contract contemplated by this RFP and the selected applicant may find it necessary to replace the non-compliant subcontractor with a compliant subcontractor. Applicants are advised to take these City policies into consideration when entering into their contractual relationships with proposed subcontractors.

If an Applicant or a proposed subcontractor is not currently in compliance with the City's tax and regulatory codes, please contact the Revenue Department to make arrangements to come into compliance at 215-686-6600 or revenue@phila.gov.

Applicants need not have a City of Philadelphia Business Income and Receipts Tax Account Number (formerly Business Privilege Tax Account Number) and Commercial Activity License Number (formerly Business Privilege License Number) to respond to this RFP, but will, in most circumstances, be required to obtain one or both if selected for award of the contract

contemplated by the RFP.¹ Applications for a Business Income and Receipts Tax Account Number or a Commercial Activity License² may be made on line by visiting the City of Philadelphia Business Services Portal at <http://business.phila.gov/Pages/Home.aspx> and clicking on “Register Now.” If you have specific questions, call the Department of Revenue at 215-686-6600 for questions related to City of Philadelphia Business Income and Receipts Tax Account Number or the Department of Licenses and Inspections at 215-686-2490 for questions related to the Commercial Activity License.

3. Disclosure of Litigation; Disclosure of Administrative Proceedings
State, for the 5-year period preceding the date of this RFP, a description of any judicial or administrative proceeding that is material to Applicant’s business or financial capability or to the subject matter of this RFP, or that could interfere with Applicant’s performance of the work requested by this RFP, including, but not limited to, any civil, criminal or bankruptcy litigation; any debarment or suspension proceeding; any criminal conviction or indictment; and any order or agreement with or issued by a court or local, state or federal agency. For each such proceeding, state the name of the case or proceeding, the parties involved, the nature of the claims involved, its current status and the final disposition, if any. Provide the same information for any officer, director, principal, or partner of Applicant’s organization, and for any subcontractor Applicant plans to use to perform the services described in this RFP.
4. Statement of Financial Capacity
Provide documentation demonstrating fiscal solvency and financial capability to perform the work sought by this RFP. Consider providing one or more of the following:
 1. General statement of the Applicant’s financial condition;
 2. Applicant’s most recent audited or unaudited financial statements;
 3. Disclosure of any bankruptcy filings over the past five years;
 4. Most recent IRS Form 990 (for non-profit organizations only)
5. Local Business Entity or Local Impact Certification. (Optional if applicable to Applicant)
If applicable, Applicant may elect to provide the certification statement in the form of Appendix D as to Applicant’s status as a Local Business Entity or its local impact if awarded the contract.

Pursuant to Mayoral Executive Order No. 04 -12, the City Department will, in the selection of the successful Applicant, consider whether that Applicant has certified that either (1) Applicant meets the criteria stated in Section 17-109(3)(b) of the Philadelphia Code³ to qualify as a Local Business Entity or (2) in the performance of the resulting contract, Applicant will employ City residents, or perform the work in the City. Any Applicant who wishes to demonstrate its eligibility for this consideration shall do so by completing, executing and attaching to its application a completed Local Business Entity or Local Impact Certification, the form of which is attached to this RFP as Exhibit D. The Applicant shall then also include in a separate section of the application, labeled “Local Business Entity or Local Impact Certification,” a statement that the Applicant believes it has met the Local Business Entity or Local Impact criteria “as set forth in the attached Local Business Entity or Local Impact Certification.” The City Department shall deem it a positive factor where the Applicant has, in the City’s sole discretion, met the Local Business Entity or Local Impact criteria.

¹ Applicants that have a Business Privilege Tax Number should use that number, as it is automatically their Commercial Activity License Number, and need not apply for a new Commercial Activity License Number. Similarly, Applicants with a Business Privilege Tax Account Number should use that number as their Business Income and Receipts Tax Account Number.

² Commercial Activity Licenses are not typically required for non-profit organizations; however, Business Income and Receipts Tax Account Numbers typically are required.

³ A link to the Philadelphia Code is available on the City’s official web site, www.phila.gov. Click on “City Code and Charter,” located to the bottom right of the welcome page under the box, “Transparency.”

6. **Disclosure of Contributions Requirements**
Disclose all information required under Chapter 17-1400 of the Philadelphia Code, including any local and state political campaign contributions, on the forms provided through eContract Philly.
7. **Defaults**
Provide a description, in detail, of any situation occurring within the past five (5) years in which the Applicant, or a joint venture or partnership of which Applicant was a part, defaulted or was deemed to be in noncompliance of any contractual obligations, explaining the issues involved in the default, the outcome, the actions taken by Applicant to resolve the matter. Also provide the name, title and telephone number of the party to the contract who asserted the event of default or noncompliance or the individual who managed the contract for that party.
8. **Statement of Acceptance:** This section must include a statement verifying that the Applicant has read and accepts the Professional Services Contract, General Provisions and Provider Agreement and this Request For Proposal. Use the form attached as an appendix to this RFP.
9. **Requested Exceptions to Contract Terms**
State exceptions, if any, to City Contract Terms that Applicant requests, including the reasons for the request and any proposed alternative language.

Notice to Applicants to State Requested Exceptions to Contract Terms in Proposal

The City's standard contract terms and conditions for services of the type sought by this contracting opportunity (Contract Terms) are set forth in the General Provisions attached to this RFP as Appendix A. By submitting a proposal in response to this contract opportunity, the Applicant agrees that, except as provided herein, it will enter into a contract with the City containing substantially the Contract Terms.

Applicants must state clearly and conspicuously any modifications, waivers, objections or exceptions they seek ("Requested Exceptions") to the Contract Terms in a separate section of the proposal entitled "Requested Exceptions to Contract Terms." For each Requested Exception, the Applicant must identify the pertinent Contract Term by caption and section number, state the reasons for the request, and propose alternative language or terms. Requested Exceptions to the City's Contract Terms will be approved only when the City determines in its sole discretion that a Requested Exception makes business sense, does not pose unacceptable risk to the City, and is in the best interest of the City. By submitting its proposal, the Applicant agrees to accept all Contract Terms to which it does not expressly seek a Requested Exception in its proposal. The City reserves the right, in its sole discretion, to evaluate and reject proposals based in part on whether the Applicant's proposal contains Requested Exceptions to Contract Terms, and the number and type of such requests and alternative terms proposed.

If, after the City issues its Notice of Intent to Contract to an Applicant, the Applicant seeks Requested Exceptions to Contract Terms that were not stated in its proposal, the City may, in its sole discretion, deny the Requested Exceptions without consideration or reject the proposal.

The City reserves the right, in its sole discretion, (i) to waive any failure to comply with the terms of this Notice to Applicants if it determines it is in the best interest of the City to do so; and (ii) to require or negotiate terms and conditions different from and/or additional to the Contract Terms in any final contract resulting from this contract opportunity, without notice to other Applicants and without affording other Applicants any opportunity to revise their proposals based on such different or additional terms.

J. Fee Proposal – separate enclosure – one copy

In the electronic submission, the fee proposal should be a separate document labeled “Fee Proposal”. For the hard-copy submission, the fee proposal should be enclosed in a single, separate envelope, clearly marked as such, a lump sum fee for performing its scope of services for the project. Use the form attached as an appendix to this RFP.

This lump sum fee is to include all costs that will be charged to the City for the services and tangible work products the Applicant proposes to perform and deliver to complete the project and including, but not limited to, costs for the following, if the Department is to pay for them: employee compensation and fringe benefits; communication; printing; administrative expenses; bonding; acquisition of real estate; rent, utilities, maintenance and security related to real estate; travel (reimbursable only at rates approved by the Department and in accordance with current City policies, which can be obtained from the Department); project management; development; testing; implementation; maintenance; training; all incidental costs relating to the project i.e. telephone, copies, faxes, mailing, courier service, technology (computer) related overhead, photographs and transportation, as well as printing and duplication of drawings and specs as is generally required by the project as deliverables; and all other work proposed. Any contract resulting from this RFP will provide for a not-to-exceed amount in the compensation section of the contract.

An allowance can be made for any specialized direct costs, which must be authorized by the DPP and will be reimbursed on the basis of actual expenses incurred. These extra expenses may include specially requested multiple printings of drawings sized 24"X 36" or above, binding and copying of multiple specifications, specialized testing and/or specialized subcontractors. Copies of receipts must be submitted for reimbursement. No extra allowance will be permitted for travel or any type of travel or transportation expenses, within the City or from the Applicant's office to City offices or the job site.

Lump sum fee must cover all phases of the project as described in Section II, unless noted otherwise by the City of Philadelphia. The Applicant shall identify all major tasks to be provided under each phase. To support and justify the lump sum quotations and for information purposes, include a breakdown by phase and task of hours and hourly rates for all personnel, including subcontractors, proposed for the project. The City reserves the right to utilize this information for the purpose of (i) developing a payment schedule that fairly allocates the applicable lump sum fee of the Applicant selected for contract award and (ii) setting fees for any additional services (i.e., beyond the scope of the executed contract) that may be requested by the City. An adjustment in rates will not be considered unless the project runs past the contract limit.

V. Proposal Administration

A. Procurement Schedule

RFP Posted	<i>March 19, 2013</i>
Mandatory Pre-Proposal Meeting	<i>4/5/13, 1:00 p.m., 1515 Arch Street, 18th Floor, Philadelphia, PA 19102, Room 18-029</i>
Mandatory Site Visit	<i>Date and time to be determined at pre-proposal meeting.</i>
Applicant Questions Due	<i>4/11/13, 5:00 p.m.</i>
Answers Posted on eContract Philly Website	<i>4/18/13</i>
Proposals Due	<i>4/25/13</i>
Applicant Selection	<i>5/23/13</i>
Contract Execution	<i>8/1/13</i>
Commencement of Work	<i>8/1/13</i>

The above dates are estimates only and the City reserves the right, in its sole discretion, to change this schedule. Notice of changes in the pre-proposal meeting date/time or location, the due date for Applicant questions, and the date for proposal submission will be posted on the City's website at www.phila.gov/contracts (click on *eContract Philly*). The other dates/times listed may be changed without notice to prospective Applicants.

B. Questions Relating to the RFP

All questions concerning this RFP must be submitted in writing via email to Eric Iffrig, eric.iffrig@phila.gov, and Michelle Shuman, michelle.shuman@phila.gov no later than the date and time above, and may not be considered if not received by then. The City will respond to questions it considers appropriate to the RFP and of interest to all Applicants, but reserves the right, in its discretion, not to respond to any question. Responses will be posted on the City's website at www.phila.gov/contracts (click on *eContract Philly* and go to the Opportunity Details page for this notice of contracting opportunity). Responses posted on the City's website become part of the RFP upon posting. The City reserves the right, in its discretion, to revise responses to questions after posting, by posting the modified response. No oral response to any Applicant question by any City employee or agent shall be binding on the City or in any way considered to be a commitment by the City.

C. Pre-Proposal Conference, Site Visits, Inspection of Materials

A **mandatory** pre-proposal meeting will be held on the date listed in the Procurement Schedule above at the Capital Projects office, 1515 Arch Street, to clarify the intent and approach to the work and answer respondent's questions. A site visit will be held on a date chosen at the pre-proposal meeting. Any questions regarding the scope of work should be addressed to the Project Director, Eric Iffrig, 215-683-3655.

D. Mandatory Online Application Requirements

You must apply online in order to be eligible for award of the non-competitively bid contract opportunity described in this RFP; proposals and any other related documents prepared in response to this RFP will not be considered unless they are filed, within the prescribed time period, through eContract Philly, which can be accessed on the City's website at www.phila.gov/contracts by clicking on eContract Philly.⁴ The posting of this RFP on eContract Philly is also referred to as a Notice of Contracting Opportunity.

⁴ The eContract Philly website requires Internet Explorer 5.0 or greater running on Microsoft Windows to ensure full functionality.

The City requires that any Applicant who establishes an account on eContract Philly and utilizes that account for the purpose of responding to a particular contract opportunity is the same individual or business entity that, if awarded the contract, will enter into and perform the resulting contract with the City. Except in the case of joint ventures, applications posted on eContract Philly from Applicants that purport to be filing an application on behalf of another individual or business entity will not be considered, even if the other business entity is an affiliate of the Applicant.

In the case of multiple business entities that if awarded a contract have formed, or intend to form a joint venture to perform the contract, a single business entity may file an application on behalf of all such business entities so long as (i) the filing business entity is or will be a member of the joint venture, (ii) the application is made in the name of the existing or proposed joint venture, (iii) documentation is submitted with the application identifying all business entities that comprise, or will comprise, the joint venture, and demonstrating a binding agreement among those business entities to perform the contract as the joint venture identified in the application (for a joint venture that has not yet been formed, documentation signed by each identified business entity evidencing a commitment to form the joint venture if awarded the contract is sufficient), and (iv) the non-filing business entities are eligible for award of a City contract and make the disclosures required by Chapter 17-1400 of The Philadelphia Code (described in greater detail below) within fourteen (14) days after the joint venture receives notice that it has been awarded the contract.

Pursuant to Chapter 17-1400 of The Philadelphia Code, Applicants and their subcontractors are required to disclose their campaign contributions to political candidates and incumbents who are running for, or currently serving in, a local (Philadelphia) or state-wide elected office anywhere within the Commonwealth of Pennsylvania (federal campaign contributions are not included); any consultants used in responding to the RFP and contributions those consultants have made; prospective subcontractors; and whether Applicant or any representative of Applicant has received any requests for money or other items of value or advice on particular firms to satisfy minority-, woman- or disabled-owned business participation goals from City employees. This information, as well as a proposal or any other response document required, is part of the online application. For more information, please consult the reference materials found on the website, e-mail econtractphilly@phila.gov or call 215-686-4914.

Applicants who have failed to file complete applications – including the online disclosure forms – through the eContract Philly online application process prior to the closing date and time will not be considered for the contract.

You are encouraged to start and complete your online application on eContract Philly as early as possible. Please be aware that internet connection speed depends on a variety of factors including: configuration of your computer, configuration of your business or home network, the condition of the wiring at your location, network or internet congestion (available bandwidth). Please prepare and plan accordingly to ensure a timely submission. Your proposal and other application documents will not be considered submitted until you sign the application and click on the “submit” button at the conclusion of the eContract Philly process.

You can begin uploading (or attaching) your proposal and other application materials at any time. It is especially prudent for you to start uploading your attachments earlier if you have a large number of attachments (e.g. over five documents) or larger-sized attachments (e.g. above 5 MB). Please be advised that the eContract Philly website will not accept documents larger than 8 MB. If you have documents larger than 8 MB, you must separate them into smaller documents in order to successfully upload them to the system. Until you sign and submit your application, your materials are not accessible to any staff with the City of Philadelphia. Once you have signed and submitted your application, your application is accessible only to appropriate contract staff within the City of Philadelphia.

You are advised that any individual who signs and submits an application on eContract Philly must be an authorized signatory of the Applicant, authorized to both bind the Applicant to its proposal and to make the disclosures required to complete the eContract Philly process. Therefore, in conjunction with their

electronic signatures provided at the conclusion of the submission of their applications online, signatories will be required to certify that they are the Applicant or are employees or officers of the Applicant duly authorized to execute the application and make disclosures on the Applicant's behalf; and they represent and covenant that, to the best of their knowledge after appropriate inquiry, all of the information and disclosures provided are true and contain no material misstatement or omissions.

E. Interviews; Presentations

Interviews and/or presentations may be requested of some applicants. Applicants may decline interviews/presentations. The costs of interviews and presentations (including travel) are the responsibility of the applicant.

F. Selection Process

If a contract is awarded pursuant to this RFP, in compliance with Section 17-1402 (c) of The Philadelphia Code, a notice will be published on the City's eContract Philly website (go to <http://www.phila.gov/contracts> and click on eContract Philly) listing the names of all Applicants and identifying the successful Applicant and the basis for the award to that Applicant. This notice will appear on the City's website for at least one week before the contract is executed. In no event, however, shall the City Department or City Agency issuing this RFP be obligated to debrief unsuccessful Applicants as to the basis for its decision not to award a contract to them.

G. Term of Contract

It is anticipated that the initial term of the Contract shall commence on August 1, 2013 (the "Initial Term") and, unless sooner terminated by the City pursuant to the terms of the Contract, shall expire up to thirty months thereafter, on January 31, 2016. The City may, at its sole option, amend the Contract to add up to three (3) additional successive one-year terms ("Additional Terms"). Except as may be stated otherwise in such amendment, the terms and conditions of this Contract shall apply throughout each Additional Term.

VI. General Rules Governing RFPs/Proposals; Reservation of Rights and Confidentiality

A. Revisions to RFP

The City reserves the right to change, modify or revise the RFP at any time. Any revision to this RFP will be posted on eContract Philly with the original Opportunity Details. It is the Applicant's responsibility to check the eContract Philly website frequently to determine whether additional information has been released or requested.

B. City Employee Conflict Provision

City of Philadelphia employees and officials are prohibited from submitting a proposal in response to this RFP. No proposal will be considered in which a City employee or official has a direct or indirect interest.

C. Proposal Binding

By submitting its proposal, each Applicant agrees that it will be bound by the terms of its proposal for a minimum of 180 calendar days from the application deadline for this RFP. An Applicant's refusal to enter into a contract which reflects the terms and conditions of this RFP or the Applicant's proposal may, in the City's sole discretion, result in rejection of Applicant's proposal.

D. Contract Preparation Fee

Pursuant to Chapter 17-700 of The Philadelphia Code, the successful Applicant must generally pay a contract preparation fee. Regulations promulgated by the City Solicitor currently establish the following schedule of fees for preparation of the initial contract and subsequent amendments, based upon the amounts involved and whether the successful Applicant is a for-profit or nonprofit entity:

<u>Amount of Contract or Amendment</u>	<u>For-Profit Fees</u>		<u>Non-Profit Fees</u>	
	<u>Contract</u>	<u>Amendment</u>	<u>Contract</u>	<u>Amendment</u>
\$0-\$30,000	\$50	\$50	\$50	\$50
\$30,001-\$100,000	\$200	\$170	\$100	\$85
\$100,001-\$500,000	\$500	\$340	\$200	\$170
\$500,001-\$1,000,000	\$900	\$520	\$300	\$260
Over \$1,000,000	\$1,500	\$1,000	\$500	\$500

In its discretion, the Law Department may grant a full or partial waiver of any of the above fees in exceptional cases for good cause shown, such as violation of a grant covenant. Governmental entities are exempt from the fees. The Law Department reserves the right to collect up to twice the stated fee if extensive negotiation is required to reach a final contract with the successful Applicant.

E. Reservation of Rights

By submitting its response to this notice of contract opportunity as posted on the eContract Philly web site ("eContractPhilly"), the Applicant accepts and agrees to this Reservation of Rights. The term "notice of contract opportunity," as used herein, means this RFP and includes all information posted on eContract Philly in relation to this "New Contract Opportunity" as published on eContract Philly, including, without limitation, the information posted for this opportunity on the "Detailed Information for Opportunity" page, in the eContractPhilly "Opportunity List," and including in addition to this RFP, any other document linked to the Detailed Information for Opportunity Page or otherwise displayed on or linked to this notice of contract opportunity.

1. This Notice of Contract Opportunity

The City reserves and may, in its sole discretion, exercise any one or more of the following rights and options with respect to this notice of contract opportunity:

- (a) to reject any and all proposals and to reissue this notice of contract opportunity at any time prior to execution of a final contract;
- (b) to issue a new notice of contract opportunity with terms and conditions substantially different from those set forth in this or a previous notice of contract opportunity;
- (c) to issue a new notice of contract opportunity with terms and conditions that are the same or similar as those set forth in this or a previous notice of contract opportunity in order to obtain additional proposals or for any other reason the City determines to be in the City's best interest;
- (d) to extend this notice of contract opportunity in order to allow for time to obtain additional proposals prior to the notice of contract opportunity application deadline or for any other reason the City determines to be in the City's best interest;
- (e) to supplement, amend, substitute or otherwise modify this notice of contract opportunity at any time prior to issuing a notice of intent to contract to one or more Applicants;
- (f) to cancel this notice of contract opportunity at any time prior to the execution of a final contract, whether or not a notice of intent to contract has been issued, with or without issuing, in the City's sole discretion, a new notice of contract opportunity for the same or similar services;
- (g) to do any of the foregoing without notice to Applicants or others, except such notice as the City, in its sole discretion, elects to post on eContractPhilly.

2. Proposal Selection and Contract Negotiation

The City reserves and may, in its sole discretion, exercise any one or more of the following rights and options with respect to proposal selection:

- (a) to reject any proposal if the City, in its sole discretion, determines the proposal is incomplete, deviates from or is not responsive to the requirements of this notice of contract opportunity, does not comply with applicable law (including, without limitation, Chapter 17-1400 of The Philadelphia Code), is conditioned in any way, or contains ambiguities, alterations or items of work not called for by this notice of contract opportunity, or if the City determines it is otherwise in the best interest of the City to reject the proposal;
- (b) to reject any proposal if, in the City's sole judgment, the Applicant has been delinquent or unfaithful in the performance of any contract with the City or with others; is delinquent, and has not made arrangements satisfactory to the City, with respect to the payment of City taxes or taxes collected by the City on behalf of the School District of Philadelphia, or other indebtedness owed to the City; is not in compliance with City regulatory codes applicable to Applicant; is financially or technically incapable; or is otherwise not a responsible Applicant;
- (c) to waive any defect or deficiency in any proposal, including, without limitation, those identified in subsections 1) and 2) preceding, if, in the City's sole judgment, the defect or deficiency is not material to the proposal;
- (d) to require, permit or reject, in the City's sole discretion, amendments (including, without limitation, information omitted), modifications, clarifying information, and/or corrections to their proposals by some or all of the Applicants at any time following proposal submission and before the execution of a final contract;
- (e) to issue a notice of intent to contract and/or execute a contract for any or all of the items in any proposal, in whole or in part, as the City, in its sole discretion, determines to be in the City's best interest;
- (f) to enter into negotiations with any one or more Applicants regarding price, scope of services, or any other term of their proposals, and such other contractual terms as the City may require, at any time prior to execution of a final contract, whether or not a notice of intent to contract has been issued to any Applicant and without reissuing this notice of contract opportunity;
- (g) to enter into simultaneous, competitive negotiations with multiple Applicants or to negotiate with individual Applicants, either together or in sequence, and to permit or require, as a result of negotiations, the expansion or reduction of the scope of services or changes in any other terms of the submitted proposals, without informing other Applicants of the changes or affording them the

opportunity to revise their proposals in light thereof, unless the City, in its sole discretion, determines that doing so is in the City's best interest;

- (h) to discontinue negotiations with any Applicant at any time prior to the execution of a final contract, whether or not a notice of intent to contract has been issued to the Applicant, and to enter into negotiations with any other Applicant, if the City, in its sole discretion, determines it is in the best interest of the City to do so;
- (i) to rescind, at any time prior to the execution of a final contract, any notice of intent to contract issued to an Applicant, and to issue or not issue a notice of intent to contract to the same or a different Applicant and enter into negotiations with that Applicant, if the City, in its sole discretion, determines it is in the best interest of the City to do so;
- (j) to elect not to enter into any contract with any Applicant, whether or not a notice of Intent to Contract has been issued and with or without the reissuing this notice of contract opportunity, if the City determines that it is in the City's best interest to do so;
- (k) to require any one or more Applicants to make one or more presentations to the City at the City's offices or other location as determined by the City, at the Applicant's sole cost and expense, addressing the Applicant's proposal and its ability to achieve the objectives of this notice of contract opportunity;
- (l) to conduct on-site investigations of the facilities of any one or more Applicants (or the facilities where the Applicant performs its services);
- (m) to inspect and otherwise investigate projects performed by the Applicant, whether or not referenced in the proposal, with or without consent of or notice to the Applicant;
- (n) to conduct such investigations with respect to the financial, technical, and other qualifications of each Applicant as the City, in its sole discretion, deems necessary or appropriate; and,
- (o) to do any of the foregoing without notice to Applicants or others, except such notice as the City, in its sole discretion, elects to post on eContractPhilly.

3. Miscellaneous

- (a) Interpretation; Order of Precedence. In the event of conflict, inconsistency or variance between the terms of this Reservation of Rights and any term, condition or provision contained in any notice of contract opportunity, the terms of this Reservation of Rights shall govern.
- (b) Headings. The headings used in this Reservation of Rights do not in any way define, limit, describe or amplify the provisions of this Reservation of Rights or the scope or intent of the provisions, and are not part of this Reservation of Rights.

F. Confidentiality and Public Disclosure

The successful Applicant shall treat all information obtained from the City which is not generally available to the public as confidential and/or proprietary to the City. The successful Applicant shall exercise all reasonable precautions to prevent any information derived from such sources from being disclosed to any other person. The successful Applicant agrees to indemnify and hold harmless the City, its officials and employees, from and against all liability, demands, claims, suits, losses, damages, causes of action, fines and judgments (including attorney's fees) resulting from any use or disclosure of such confidential and/or proprietary information by the successful Applicant or any person acquiring such information, directly or indirectly, from the successful Applicant.

By submission of a proposal, Applicants acknowledge and agree that the City, as a municipal corporation, is subject to state and local public disclosure laws and, as such, is legally obligated to disclose to the public documents, including proposals, to the extent required thereunder. Without limiting the foregoing sentence, the City's legal obligations shall not be limited or expanded in any way by an Applicant's assertion of confidentiality and/or proprietary data.