

CITY OF CHARLOTTE

REQUEST FOR PROPOSALS

to

Design, Install and Operate a

NEUTRAL HOST

DISTRIBUTED ANTENNA SYSTEM

in the

PASSENGER TERMINAL BUILDING

at

CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT

December 17, 2009

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I. INTRODUCTION

Pursuant to this Request for Proposals (“RFP”), the City of Charlotte (“City”), operating through its Aviation department (“Department”) and Aviation Director (“Director”) is seeking proposals from qualified firms (“Proposer” or “Proposers”) interested in designing, installing, operating and maintaining a neutral host state of the art distributed antenna system (“System”) for the Department within the Passenger Terminal Building (“Terminal”) at Charlotte Douglas International Airport (“Airport”). The Department hopes to enter into an agreement (“Neutral Host Agreement”) with the successful Proposer pursuant to this RFP (“Operator”).

The purpose of the Department in contracting with an Operator through the Neutral Host Agreement is to upgrade to, and maintain at a state of the art level, wireless connectivity available to all passengers, visitors and employees in the Terminal. The Department also has the intention of charging users of the System an appropriate fee for their use of the System for the purpose of defraying the capital and operating costs of the System and to enhance surplus Airport revenues.

The Department contemplates compensating the Operator for the value of its services in designing, installing and operating the System for the Department. Such compensation may include an annual fixed fee plus a percentage of profits (if any) to the Department from the charges collected from users of the System.

The Department is willing to consider proposals which require the City to make all of the capital outlay required for the System and proposals whereby the Operator makes all of the required capital investment. The Department contemplates that the eventual contract with the Operator will have provisions that allow the Department or the Operator to recover an amortization of their capital investment in the System (if any) from System Revenues in calculating System profits.

By operating the System through the Operator as a “neutral host” the Department intends access to the System be open to all users who subscribe to the services provided by the System and that

no commercial or other user of the System has a proprietary interest in, or a commercial or financial advantage over any other user with respect to the benefits of and the costs for use of, the System.

Proposals will be accepted from 8:00 a.m. until 5:00 p.m. on February 10, 2010 (hereinafter referred to as the "Proposal Due Date") in the office of the Aviation Director.

This RFP and its attachments must be read carefully and the instructions and requirements hereof taken into account by Proposers in preparing and submitting their proposals. Proposals must be submitted pursuant to all of the instructions and requirements of this RFP.

The Director will conduct a **mandatory pre-proposal conference** in the offices of the Aviation Director at the Airport at **2:00 p.m. on January 13, 2010**. The pre-proposal conference will be held in the CLT Center located at 5601 Wilkinson Boulevard, Charlotte, NC 28208. Parties interested in attending should follow the signs into the Business Valet parking deck at the corner of Harlee Avenue and Wilkinson Boulevard. Once attendees have turned off of Harlee Avenue, proceeding toward the deck, follow the roadway to the right and the deck will be on your left. At this point take the first left which enters the deck on the first level. Proceed straight ahead toward the building for available parking. Elevators will be in front of you. Take the elevator to Level 2, which is the ground level or office level. Proceed out the front of the deck to the Aviation Department offices directly across from the deck. Signage will be posted directing attendees to the appropriate conference room. Parties wishing to have their proposals considered must attend this pre-proposal conference. Proposals from firms or parties not represented at the pre-proposal conference will not be considered.

Proposers may be invited to make presentation of their proposals and to be interviewed by a committee appointed by the Director regarding their experience, qualifications and the details and substance of their proposal. If a proposer declines an invitation to appear for an interview, its proposal will not be given further consideration.

The City is an equal opportunity employer and will affirmatively ensure that disadvantaged business enterprises will be afforded full opportunity to submit a proposal in response to this RFP, and no person shall be discriminated against on the grounds of race, religion, color, creed, age, sex, disability, or national origin.

II. SYSTEM DESCRIPTION

The Department has not obtained the services of a technical consultant with respect to the specifications of the System but is depending upon the Proposers to describe what they consider the best, most useful, reliable, flexible and cost effective combination of hardware, software and procedures to be procured and employed by the Department to enable the Department to achieve its goals with respect to the System and this RFP.

A. Existing Airport Infrastructure

The airport contains an existing communications backbone comprising a combination of Multi Mode and Single Mode Fiber Optic cabling and 5e copper wiring that interconnect 180 access points in the Terminal.

B. System Project Objectives

As a minimum the System should:

1. Provide excellent phone service and coverage to more than 17 million passengers and 25 thousand Airport employees annually;
2. Be a vendor neutral distributed antenna system that fully supports multiple carriers and their customers;
3. Have the capacity to serve all carriers and end-users in the Terminal without using capacity from remote cell-towers;
4. Employ only direct fiber or copper connections to the System;
5. Allow adequate access to System hardware for maintenance;
6. Include procedures, hardware and software to enable the Department to charge and collect user fees from all subscribers to the System;
7. Be up and running within the minimum time feasible after award of the Neutral Host Agreement.

III. SCOPE OF SERVICES REQUIRED OF THE SUCCESSFUL PROPOSER

A. General Requirements

The Operator shall provide all the services and work necessary to design, install and operate the System, including but not limited to design services, permits, materials, labor, equipment, utility interconnection, testing and startup, commissioning, and operations and maintenance.

The Operator shall coordinate with the Director or his designated representative with respect to the design and procurement of System components and their installation testing and eventual operation.

The Operator shall be responsible for obtaining all permits, developing and providing all submittals, arranging for all inspections, and for all expenses and fees associated with these activities that are required by any applicable regulatory or other agency, including the local municipal construction and code officials, the FCC and others.

The Operator shall provide any and all additional services necessary to achieve the Department's stated goals necessary to carry out the scope of work presented above, whether or not such services are specifically listed above.

B. Financial Requirements

The Proposer must include in its proposal a comprehensive description of the physical components necessary to construct and operate the System and the detailed cost thereof.

C. Design Requirements

The System shall be designed in accordance with all applicable regulations, codes and standards. The Operator will be expected to be an experienced expert in designing, installing and operating distributed antenna systems in airport terminals and to have familiarized itself with all applicable regulations, codes and standards, and the FCC requirements for such a system.

D. Construction Schedule Requirements

Time is of the essence to the Department with respect to this RFP and the System. The Proposer shall submit a proposed construction schedule for completion of the System, beginning on the day that formal authorization to proceed is provided by the Department, and ending on the day that the System is deemed by the FCC and the Department to be completed and operational. The schedule shall include milestones for ordering of materials, delivery of materials, beginning of installation, completion of installation, beginning of start-up and testing, and completion of start-up and testing.

E. Post Construction Requirements

The Operator shall be responsible for the operation and maintenance of the System. The Department will provide Operator with access to the buildings and roofs comprising the Terminal upon reasonable notice by the Operator in accordance with the terms of the Neutral Host Agreement.

Notwithstanding the fact that the Operator is responsible for the operation and maintenance of the System, the Operator shall furnish to the Department in hard cover binders three copies of an Operations and Maintenance Manual for the System (O&M Manual) prior to System start-up. The O&M Manual shall include at a minimum:

- (i) A complete set of all approved submittals including shop drawings and product literature;
- (ii) As-built plans showing the final placement of all System components, connections and conduit placement;
- (iii) As-built electrical plans, including three line diagrams, and elevation drawings showing the final placement of all electrical equipment;
- (iv) Cleaning instructions for the equipment;
- (v) Copies of all start-up procedure measurements;
- (vi) Copies of all testing data and reports;
- (vii) Troubleshooting guidelines;
- (viii) System maintenance schedule and procedures; and,

- (ix) Contact information for technical assistance and parts ordering.

In addition to the hard copies, the Operator shall provide one electronic version of the O&M Manual to the Department.

F. Warranties

Warranties shall be executed by the Operator or the applicable manufacturer and shall provide for the repair or replacement of System equipment and System components that fail in materials or workmanship within the specified warranty period.

IV. GENERAL CONDITIONS

Subject to the Director's right to reject all proposals, and upon approval by City Council, a Neutral Host Agreement will be awarded to the Proposer who presents, to the satisfaction of the Director, the best plans and the best qualifications to develop, construct, operate and maintain a the System and who makes the best proposal to the Director as determined by the Director in his sole discretion. The proposal and qualifications will be submitted in the form of the Proposal Form and the Qualifications Form set forth in Attachments I and II to this RFP.

A. Acknowledgment of Proposer

Proposers shall thoroughly examine and become familiar with this RFP, Attachment I – Proposal Form, Attachment II – Qualifications Form, and all related documents. Submission of a proposal shall constitute an acknowledgment that the Proposer has thoroughly examined and is familiar with all RFP documents. The failure or neglect of Proposer to receive or examine any RFP document shall in no way relieve it from any obligation with respect to its proposal or the obligations that flow from making a successful proposal. No claim based upon a lack of knowledge or understanding of any document or its contents shall be allowed.

Every request for interpretation as to the meaning of any provision of any contract document shall be made in writing and delivered to the Aviation Director, P.O. Box 19066, Charlotte, North Carolina 28219 and must be received nine or more days before the time announced for the receipt of proposals or they will not be considered. Every interpretation made to Proposers will be made in the form of a written Addendum, which, if issued, will be sent by facsimile transmission or certified mail to all parties to whom the RFP has been issued. In case any Proposer fails to acknowledge opening of any such Addendum in the space provided in the Proposal Form, its proposal will nevertheless be construed as though the Addendum had been received and acknowledged, and submission of a proposal shall constitute acknowledgment of the opening of same. **Proposers may not rely upon and the Director will not make any oral representations.** Differences between language in the RFP and the Neutral Host Agreement will be controlled by language in the Neutral Host Agreement.

B. Disqualification of Proposal

Without in any way limiting the Director's right, in its discretion, to reject any or all proposals, Proposers are advised that any of the following may be considered as sufficient cause for the disqualification of a Proposer and the rejection of a proposal: (i) submission of more than one proposal by an individual, firm, partnership or corporation under the same or different names; (ii) evidence of collusion among proposers; (iii) the Proposer being in arrears on any existing contract with the Department; (iv) the Proposer being in litigation with the City over an existing or previous contract with City regarding the Airport; or (v) the Proposer having defaulted on a previous contract with the City.

Proposals will be considered irregular and may be rejected for omission, alterations of form, additions not called for, conditions, limitation, unauthorized alternate proposals or other irregularities of any kind. All of the foregoing notwithstanding, however, the Director reserves the right to waive any such irregularities.

C. Selection Criteria

The Department will evaluate all proposals received based on the following criteria, and will select the Proposer whose overall proposal is deemed by the Department to represent the best opportunity for Department to achieve its goals, in the sole and absolute discretion of the Department:

- (i) History and financial strength of the Proposer;
- (ii) Experience of the Proposer in completing and operating similar projects;
- (iii) Specifications and cost of the proposed System; and,
- (iv) Clarity and conciseness of the submittal.

The Department reserves the right to reject any and all proposals.

D. Proposal Submission Instructions

Proposals must be received by the Director no later than 5:00 p.m. on February 10, 2010 ("Proposal Due Date"). Proposals may be mailed to the Director at the Charlotte Douglas International Airport, P. O. Box 19066, Charlotte, NC 28219. Alternatively, proposals may be hand delivered or delivered by courier to the Airport Operations Center located adjacent to Zone E in the baggage claim area on the ground level of the main passenger Terminal building. The passenger Terminal is located at 5501 Josh Birmingham Parkway, Charlotte, NC 28208.

Proposals must be submitted in the format and with the information contained in Attachment I – Proposal Form and must include all the information required in this RFP including that specified in Attachment I – Proposal Form, Attachment II – Qualifications Form, Attachment III – City of Charlotte Drug-Free Workplace Policy and Attachment IV – Nondiscrimination Certification. Additional pages as necessary, including acknowledgment of any addenda which may be issued, may also be included. Two (2) identical copies of the proposal must be submitted. Proposals may be included in a single or in separate envelopes. All envelopes must be firmly sealed and clearly marked with the following words prominently appearing on the face of each envelope: "PROPOSAL FOR DISTRIBUTED ANTENNA SYSTEM DEVELOPMENT AND

OPERATION, CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT” together with the Proposer’s name and return address. Proposals received later than the Proposal Due Date will be unopened and will be returned to the Proposer or alternatively discarded. Each qualifying proposal shall be deemed to be a firm offer to contract for a period of 180 days from the Proposal Due Date.

In submitting the Proposal Form, the Proposer should note that distinctions are made in the form of execution and supporting information required depending upon whether the proposer is an individual, a partnership, corporation or a limited liability company. The Proposer must supply all information required of the type of entity that it is.

E. Award of Contract

Upon review and evaluation of all qualifying proposals, including any interviews that the Director chooses to conduct with any of the Proposers, the Director will select the Proposer and proposal that, based upon all the circumstances and information available to Director and in the exercise of his absolute and sole discretion, the Director determines represent the best interest of the Department and the Airport. It will inform the selected Proposer that it has been selected subject to agreement on any modification of terms that the Director wishes to make to the substance of the selected Proposer’s proposal and the execution of a Neutral Host Agreement incorporating such proposal terms as so modified. Thereafter, the Director and the successful Proposer will diligently pursue discussions intended to culminate in successful Proposer executing a Neutral Host Agreement acceptable to the Director. Upon Proposer’s execution of such Neutral Host Agreement and tender thereof to the Director, the Director shall submit the same to City Council for approval. Until the Neutral Host Agreement and all supporting ancillary documents have been approved by the City Council and executed by the Director, City shall have no obligations hereunder and shall be entitled to amend or abandon any relationships contemplated by any of the proposal documents.

If the Director and selected Proposer are unable to agree on the final terms for the Neutral Host Agreement, the selected Proposer will be excused from further consideration and the Director may, at its option, select another proposer with which, based upon the combination of qualifications, experience and proposal terms of such proposer, and other considerations, the Director is willing to attempt to reach agreement on the final terms of a Neutral Host Agreement. In such case the Director and the alternative selected proposer will diligently pursue discussions intended to culminate in proposer executing a Neutral Host Agreement acceptable to the Director. In the alternative the Director may, in his absolute and sole discretion, elect to abandon this RFP process and make other arrangements. Notwithstanding all of the foregoing, however, the Director reserves the right to cancel the award of any proposal without liability at any time before approval by the City Council and execution by the Director of a Neutral Host Agreement.

Failure upon the part of any selected Proposer to diligently and cooperatively pursue an agreement with the Director regarding the final terms of the Neutral Host Agreement shall, in the sole and absolute discretion of the Director, be just cause for the annulment of any such selection of that Proposer. Such annulment shall be without prejudice to any other remedies to which the City may be legally entitled to on account of such failure. In such event the Director may elect

either to accept another proposal or to reject all other pending proposals with respect to which a contract has not been then awarded.

F. Performance Bond

The selected Proposer shall deliver to Director along with the executed Neutral Host Agreement, a performance bond in an amount to be negotiated from a surety company licensed in North Carolina and satisfactory to Director. Said performance bond shall remain in force and effect throughout the duration of the Neutral Host Agreement.

Any party signing any bond herein required as attorney-in-fact must file a certified copy of its power of attorney with the bond. All bonds must be countersigned by a resident North Carolina agent of the surety with proof of agency attached.

**ATTACHMENT I
PROPOSAL FORM**

**Proposal to Design, (Finance*) Install and Operate
State of the Art
Distributed Antenna System
Charlotte Douglas International Airport**

Mr. T. J. Orr
Aviation Director
Charlotte Douglas International Airport
P. O. Box 19066
Charlotte, NC 28219

Dear Mr. Orr:

The undersigned ("Proposer") hereby submits its proposal ("Proposal") to design, (finance*), install and operate and maintain a state of the art Distributed Antenna system ("System") at the Charlotte Douglas International Airport ("Airport").

I. TERMS AND CONDITIONS OF PROPOSAL

The undersigned proposes to design, (finance) install and operate the System in the Passenger Terminal Building at the Airport in the manner and for the fees described below to be incorporated into the terms and conditions of a Neutral Host Agreement to be agreed upon and executed by Proposer and the Aviation Director and approved by the Charlotte City Council.

* *Optional*

A. Manner and Method of Operation

(Here describe the System you propose and the manner and method proposed to operate the System as a Neutral Host. Be detailed and specific. Identify the physical components you recommend be installed, their manufacture, estimated cost to procure and install and other relevant information. Describe how the Airport might impose and collect user charges for the use of the System, estimate the amount of and how you would collect, account for and remit such charges to the Department. You may submit this on separate pages including color renderings of proposed development to illustrate matters referred to or described herein. Also include any other information or material relevant to the proposed operation.)

B. Proposed Compensation

(Here describe the basis of and the amount of compensation you will require for the services provided. If you propose to finance the cost of the system describe the proposed financial terms. Include a five year pro forma of Systems and Revenues, by line item, the amount of surplus

revenues resulting therefrom and the percentage⁹if any) of surplus revenues you require to provide the services.

B. Proposed Staffing

(Here describe the number and types of employees you propose to employ at the Airport, if any, including the compensation levels and benefits applicable to each.)

II. NO COLLUSION AFFIDAVIT

In submitting this Proposal, Proposer hereby declares that the only person or persons interested in this Proposal as principal or principals is or are named herein and that no person other than herein mentioned has any interest in this Proposal or in the contract to be entered into; that this Proposal is made without connection with any other person, company or parties making a proposal; and that it is in all respects fair and in good faith without collusion or fraud. Proposer represents to the City of Charlotte ("City") that, except as may be disclosed in an Addendum hereto, no officer, employee or agent of City presently has any interest, either directly or indirectly, in the business of Proposer, and that any such officer, employee or agent of the City having a present interest in the business of Proposer shall not have any such interest at any time during the term of the Neutral Host Agreement should it be awarded to the Proposer.

III. ACKNOWLEDGMENT OF RFP TERMS AS AMENDED BY ADDENDA

Proposer further declares that it has examined the Request for Proposals dated December 17, 2009 relative to the RFP, including the Qualifications Form, and has read all the Addenda furnished prior to the opening of proposals, as acknowledged below, and that he/she has satisfied himself/herself relative to the requirements of, procedures regarding and rights to be potentially awarded pursuant to this RFP.

Acknowledgment is hereby made of receipt of the following Addenda (identified by number) since issuance of the RFP.

<u>Addendum No.</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____

IV. VERIFICATION AND CERTIFICATION OF AUTHENTICITY OF PROPOSAL

Submission of this Proposal is the duly authorized official act of the Proposer and the person(s) executing this Proposal on behalf of Proposer is duly authorized and designated to execute this

Proposal on behalf of and as of the official act of Proposer, this _____ day of _____, 2010.

(If Proposer is individual, sign on this line)

(Address)

(If Proposer is a partnership or joint venture,
fill in name of partnership or joint venture,
followed by the signature of the partner or
venture signing)

A Partnership

By: _____

Names and addresses of All Partners/Joint Ventures:

(If Proposer is a corporation,
fill in the name of corporation, followed by
the signature of the official signing, followed
by title)

By: _____
(Official Title)

(Address)

Attest: _____
(Secretary)

(Corporate Seal)

Organized under the laws of the State of _____, and authorized by law to make
this Proposal and perform all work and furnish materials and equipment required under the
Concession Agreement.

The full names and address of persons or firms interested in the foregoing Proposal as principals
or officers are as follows:

(If Proposer is a limited liability company, fill in the name of the limited liability company, followed by the signature of the manager or other person signing on behalf of the limited liability company, followed by title)

Name of Limited Liability Company

By: _____
(Signature)

(Official Title)

(Address)

Organized under the laws of the State of _____, and authorized by law to make this Proposal and perform all work and furnish materials and equipment required under the Concession Agreement.

The full names and address of persons or firms interested in the foregoing Proposal as principals or officers are as follows:

**ATTACHMENT II
QUALIFICATIONS FORM**

**Proposal for Neutral Host Distributed Antenna System
Charlotte Douglas International Airport**

All statements contained herein must be true and correct. Any omissions or inaccuracies may result in the rejection of this Proposal by the Aviation Director. Proposers should note that some responses require separate sheet(s) for response. Those responses should be appropriately marked corresponding to the question. Proposers should use as many additional sheets of paper as necessary to completely answer the question.

I. PROPOSER IDENTIFICATION

This information should appear exactly as it would on the Neutral Host Agreement.

Name:

Address:

Contact Person:

Telephone:

Facsimile:

II. CORPORATION STATEMENT

If a corporation, please answer the following:

- A. When incorporated:
- B. Where incorporated:
- C. Is the corporation authorized to do business in the State of North Carolina:
Yes () No (),
If yes, as of what date:
- D. Is the corporation held: Publicly () Privately ()
- E. Please provide the name, title and address of each officer, director and principal shareholder of the company who owns company issued stock:

	<u>DIRECTORS' NAMES</u>	<u>AFFILIATION</u>
1.	_____	_____

2.	_____	_____

3.	_____	_____

4.	_____	_____

5.	_____	_____

6.	_____	_____

	<u>OFFICERS' = NAMES</u>	<u>POSITION</u>
1.	_____	_____

2.	_____	_____

3.	_____	_____

4.	_____	_____

5.	_____	_____

6.	_____	_____

	<u>PRINCIPAL SHAREHOLDERS</u>	<u>AFFILIATION</u>
1.	_____	_____

2.	_____	_____

3.	_____	_____

4.	_____	_____

5.	_____	_____

6.	_____	_____

III. RELEVANT EXPERIENCE AND INFORMATION

- A. Please describe Proposer's experience on a separate page or pages inserted at this place in your Proposal.
- B. List all airports or other locations where Proposer has developed and operated or is operating a solar power station. Include the names, location, dates of operation and a contact person.

1.	_____

2.	_____

3.	_____

4.	_____

5.	_____

6.	_____

7.	_____

8. _____
9. _____
10. _____

C. If Proposer has experience that it believes is relevant to the selection that it wishes the Aviation Director to consider in evaluating its Proposal, please include that experience on a separate page or pages inserted at this place in the Proposal.

D. Has Proposer ever entered into litigation with any airport operator or others over non-payment of rent or fees and/or non-performance? Yes () No ()
If you answered yes to the above, please explain in detail (add additional sheets as necessary).

E. Has Proposer ever declared bankruptcy? Yes () No ()
If you answered yes, please describe the date, the state, the court jurisdiction, the amount of liability, the amount of assets and the current status of that action.

F. During the past five years, have any of Proposer's agreements been canceled by an airport or others? Yes () No ()
If you answered yes, please describe the date, the state and the circumstances surrounding this incident.

G. Describe how Proposer's experience is suited for the Charlotte Douglas International Airport. Include your overall plan of operation and implementation at the Airport. Explain how your experience at other airports has influenced what you intend for this

Airport. Please include on a separate page or pages and mark this section Attachment II, Number 3, Letter G.

- H. Please include Proposer's management structure and also the management structure you plan to implement at this Airport. Please include the specific job titles, the general qualifications and the specific functions of those individuals who will be involved at the Airport. Also, include a resume for the person who will be the on-site management representative for your company. Please include on a separate page or pages and mark this section Attachment II, Number 3, Letter I.
- J. Submit a preliminary schedule of estimated start-up costs.

IV. FINANCIAL INFORMATION

Please include Proposer's latest financial statements prepared by an independent certified public accountant for the most recent two fiscal years. This information may be submitted in a separate envelope labeled separately from the Proposal and marked "CONFIDENTIAL" if desired.

**ATTACHMENT III
CITY OF CHARLOTTE
DRUG-FREE WORKPLACE POLICY**

**Proposal for Neutral Host Distributed Antenna System
Charlotte Douglas International Airport**

The City of Charlotte (“City”) is a drug-free workplace employer. The Charlotte City Council has also adopted a policy requiring City construction and service contractors to provide a drug-free workplace in the performance of any City contract.

In order to be eligible to submit a proposal for a City construction or service contract, a prospective contractor must certify that it will, if awarded the contract, provide a drug-free workplace during the performance of the contract. This obligation is met by:

- A. Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of controlled substance is prohibited in the contractor’s workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- B. Establishing a drug-free awareness program to inform employees about (i) the dangers of drug abuse in the workplace, (ii) the contractor’s policy of maintaining a drug-free workplace, (iii) any available drug counseling, rehabilitation, and employee assistance programs, and (iv) the penalties that may be imposed upon employees for drug abuse violations;
- C. Notifying each employee that as a condition of employment, the employee will (i) abide by the terms of the prohibition outlined in (a) above, and (ii) notify the contractor of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction;
- D. Notifying the City of Charlotte within ten (10) days after receiving from an employee a notice of criminal drug statute conviction or after otherwise receiving actual notice of such conviction;
- E. Imposing a sanction on, or requiring the satisfactory participation in a drug counseling, rehabilitation or abuse program by an employee convicted of drug crime;
- F. Making a good faith effort to continue to maintain a drug-free workplace for employees; and
- G. Requiring any party to which it subcontracts any portion of the work under the contract to comply with the provisions of (a) - (f).

If the proposed contractor is an individual, the drug-free workplace requirement is met by not engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the performance of the contract.

A false certification or the failure to comply with the above drug-free workplace requirement during the performance of the contract shall be grounds for suspension, termination or debarment.

**ATTACHMENT IV
CITY OF CHARLOTTE
NONDISCRIMINATION CERTIFICATION**

**Proposal for Neutral Host Distributed Antenna System
Charlotte Douglas International Airport**

Project: Airport Neutral Host Agreement

Proposer: _____

All requests for bids or proposals issued for City contracts shall include a certification to be completed by the Proposer in substantially the following form:

The undersigned Proposer hereby certifies and agrees that the following information is correct:

- A. In preparing the enclosed bid or proposal, the Proposer has considered all proposals submitted from qualified, potential subcontractors and suppliers, and has not engaged in discrimination as defined in Section B below.
- B. For purposes of this section, discrimination means discrimination in the solicitation, selection, or treatment of any subcontractor, vendor, supplier or commercial customer on the basis of race, ethnicity, gender, age, religion, national origin, disability or any otherwise unlawful form of discrimination. Without limiting the foregoing, discrimination also includes retaliating against any person or other entity for reporting any incident of discrimination.
- C. Without limiting any other remedies that the City may have for a false certification, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the City to reject the bid or proposal submitted with this certification, and terminate any contract awarded based on such bid or proposal. It shall also constitute a violation of the City's Commercial Non-Discrimination Ordinance and shall subject Proposer to any remedies allowed thereunder, including possible disqualification from participating in City contracts or bid processes for up to two (2) years.
- D. As a condition of contracting with the City, the Proposer agrees to promptly provide to the City all information and documentation that may be requested by the City from time to time regarding the solicitation and selection of suppliers and subcontractors in connection with this solicitation process. Failure to maintain or failure to provide such information shall constitute grounds for the City to reject the bid or proposal and to any contract awarded on such bid or proposal. It shall also constitute a violation of the City's Commercial Non-Discrimination Ordinance, and shall subject Proposer to any remedies that are allowed thereunder.

- E. As part of its proposal, the Proposer shall provide to the City a list of all instances within the past ten (10) years where a complaint was filed or pending against Proposer in a legal or administrative proceeding alleging that Proposer discriminated against its subcontractors, vendors, suppliers or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken.
- F. As a condition of submitting a bid or proposal to the City, Proposer agrees to comply with the City's Commercial Non-Discrimination Policy as described in Section 2, Article V of the Charlotte City Code, and consents to be bound by the award of any arbitration conducted thereunder.

Name of Company

By: _____

Printed Name: _____

Title: _____

Date: _____