



**REQUEST FOR PROPOSALS
for
Guerin Recreation Center
for the
CITY OF PHILADELPHIA**

Issued by:
CITY OF PHILADELPHIA ("City")
DEPARTMENT OF PUBLIC PROPERTY
CAPITAL PROJECTS DIVISION
PROJECT NO. 16-11-4387-01
Guerin Building Improvements
2201 S. 16th Street
June 27, 2011

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.

Proposals must be received no later than 4:30 p.m. Philadelphia, PA, local time, on July 29, 2011. 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, Project Director).

**A mandatory Pre-Proposal Conference will be held on
July 19, 2011 at 10:00am
at
2201 S. 16th Street
Philadelphia, PA 19145**

Michael J. Nutter, Mayor
Joan Schlotterbeck, Commissioner

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I. Project Overview

A. Introduction/Statement of Purpose

The intent of this project is to implement the design, documentation and construction administration for the renovations to the existing Guerin Recreation Center for the Department of Recreation to improve the facilities ability to respond and accommodate the current recreation program need.

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 and the management of the City's municipal radio and switchboard system.

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. The emphasis in recreation facility construction is to provide an energy efficient building, ease of maintenance and operation, accessibility, and minimized opportunities for vandalism, and to provide a safe environment that meets or exceeds code requirements. The continued safe operation of these facilities depends on continuous maintenance and capital funded upgrades to keep them in compliance with codes.

C. Project Background

The PPR would like a comprehensive design with complete construction documents and engineering evaluation of the buildings, code requirements, ADA compliance, building systems upgrade, building repairs including, but not limited to, roof, window, and HVAC replacement to obtain an effective safe occupancy of the buildings.

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.

(1) Project Information

Project Number:	16-11-4387-01
Sponsor Agency:	Philadelphia Parks and Recreation
Project Name:	Guerin Building Improvements
Facility Names and Addresses:	Guerin Recreation Center 2201 S. 16 th Street Philadelphia, PA 19145
Project Director:	Eric Iffrig (215) 683-3655
Project Coordinator:	Erin Pryor (215) 683-4476

(2) General Description of Work Required

Design and document all necessary modifications to provide for an efficient layout and energy efficient sustainable improvements throughout. Provide for two new toilet rooms and one ADA accessible toilet room which may include wall removal or room expansion, new HVAC, lighting, windows, flooring where needed, and upgraded kitchen.

Determine what interior layout modifications may be advisable and include an estimated cost for proposed modifications to the current layout, HVAC, lighting, roof, and interior finishes. Provide add alternates to meet the budget.

Design and document all necessary modifications to provide for upgrades to the boiler and related HVAC system components including pumps, piping and controls. Provide construction administration services relating to the project.

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

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.

(3) Existing Physical Conditions

The site is comprised of three buildings: the Clubhouse, the Gymnasium, and the Bocce Courts. Originally the facility only included the Clubhouse and Gymnasium and was constructed in 1958. The addition of the Bocce Courts was completed in 1967. Since its construction, the site has had many renovations to both its buildings as well as the site. General improvements were done in 1977, 1980 and 1986. The basement in the Clubhouse was renovated in 1960 and the Bocce Courts received a new roof in 2002. Site improvements were completed in 1995 and 2005.

The existing Clubhouse consists of a one-story masonry building with brick masonry exterior walls along the north and south façades and single glazed aluminum framed operable window curtain wall system along the east and west façades. The ground floor is approximately 5,425 SF and includes two offices, two multi-purpose classrooms, club room with a kitchen, storage areas, and boys' and girls' bathrooms. The basement is

approximately 4,750 SF and houses the ceramics room, another classroom, and mechanical equipment. The boys and girls bathrooms are in a deteriorated condition and in need of renovations. There is no handicap accessibility and ventilation is inadequate. The windows are well past their expected lifespan, they are drafty and only a few are still operable. The Clubhouse and Gymnasium currently run on the same antiquated heating system which is actually three different units. The current system has no temperature control and is inefficient, uncomfortable, and requires continual maintenance. The Clubhouse and Bocce Court roofs are both old and have active leaks, which have caused water damage to interior finishes.

The approximate 9,690 SF existing one-story masonry Gymnasium consists of an interior basketball court, weight room, boys' and girls' locker rooms, and several storage areas. The absence of natural light is noticeable, while lighting system is inadequate. The locker rooms and plumbing fixtures are deteriorated and in need of renovations. Several fixtures do not work and the floor is uneven and cracked in several locations. Currently the space is not used the way in which it was designed.

The approximate 5,750 SF existing one-story masonry Bocce Court primarily houses an interior bocce court, men's restrooms, a concession area, and two small storage rooms. The restrooms lack handicap accessibility and ventilation while the plumbing fixtures are either missing or not working.

The remainder of the site includes play equipment, a spray ground area, a sitting area, and several exterior courts used for various sporting functions.

D. Request for Proposals

PPR in collaboration with the Capital Projects Division (CPD) invites qualified firms to apply for this opportunity. CPD is seeking the services of a Registered Architectural Firm specialized in energy efficient design with five (5) to ten (10) years experience having worked on at least five (5) high performance and/or sustainable buildings and capable of producing a comprehensive design and engineering evaluation of the building. CPD anticipates selecting one applicant with which to contract.

E. General Disclaimer of 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.

II. Scope of Work

A. Project Details

(1) Objective/purpose:

The PPR is seeking an Architectural Firm capable of producing a comprehensive design with complete construction documents and engineering services for the building including code requirements, ADA compliance, building systems upgrades, building repairs including, but not limited to, roof, interior finish and window replacement to obtain an effective safe occupancy of the building. Furthermore, the Architect should be able to integrate these selected systems into the existing structure with as little change or demolition as possible.

(2) Timetable:

The anticipated project schedule is as follows (the City reserves the right to modify the dates as it deems necessary):

The anticipated project schedule is as follows (the City reserves the right to modify the dates as it deems necessary):

Anticipated Start Date (Notice to Proceed)	November 7, 2011
Design Phase	Six to Eight (6-8) Months
Bid Phase (from bid development to bid award)	Three (3) Months
Construction Phase	Twelve (12) Months, approximately unless otherwise determined

The schedule requirements for design and construction phases are included in this section under D. Required Tasks. The proposers shall thoroughly familiarize themselves with these requirements. Regardless of the actual project schedule, it is expected that the term defined by the contract shall be for the period of 24 months or until completion of the work.

(3) Reporting requirements:

Reports of progress or meeting will be held every month during the design process. The design fee should be distributed over the six to eight month design period in six equal payments of six, to equal the total design amount bid excluding the Construction Phase Monitoring portion.

(4) Estimated Construction Cost/Budget:

This will be determined during the design process, an estimate will be required at the end of each of the four month design period with the final estimate being submitted at the conclusion of the design documents.

(5) Limitations/Conditions of Contract:

The building will remain unoccupied during the construction process for this project.

B. Organizational and Personnel Requirements

- Organizational structure: the management, administrative, or technical project staff

structure; whether non-profit or for-profit.

- Organizational history/experience: years of experience, experience with project of a similar size/scope.
- Organizational references: provide a minimum of three (3).
- Technical expertise of personnel: licenses, certifications, and years of experience.

C. Required Tasks

The designer will submit a comprehensive design and engineering evaluation addressing life-safety systems, structural and major building repairs, code and ADA compliance, mechanical, electrical and plumbing systems.

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) Conceptual/Programming Phase

During this phase, the applicant shall work with the DPP and the User Agency to define overall goals, parameters and guidelines for the design and construction of the project. This effort shall generally include the definition of functional criteria, architectural standards and alternate building systems. The ultimate goal of this phase is to develop a design concept that will satisfy the functional requirements of the User Agency within the limits of the funds available. Projects with area over 10,000 SF of either renovation or new construction must meet a minimum of LEED Silver certification. See Attachment "E" for additional details. Tasks may include:

- Feasibility Study/Needs Assessment
- Evaluation of Existing Conditions
- Minimum LEED Silver Certification for projects over 10,000 SF
- Architectural/Functional Programming
- Scope Prioritization
- Environmental Review w/DPP
- Conceptual Phasing Plan for Construction
- Cost Estimates

(2) Schematic Design Phase

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.

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. Projects with area over 10,000 SF of either renovation or new construction must meet a minimum of LEED Silver certification. See Appendix "E" for additional details. Tasks may include:

- Review and Validation of Program

- Collection of Project Site Information
- Environmental Investigation coordinated with DPP
- Schematic Design Alternatives
- A minimum of LEED Silver Certification for projects over 10,000 SF
- ACT 129 PECO Smart ideas pre-application submission
(<http://peco.icfi.com/sites/default/files/2010%20PECO%20App.pdf>)
- 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
- Renderings

(3) Design Development Phase

The Applicant shall prepare and submit to the City a Developed Design, indicating all life-safety systems, structural and major building repairs, code and ADA compliance, mechanical, electrical and plumbing systems, site component details and their configurations including all Code and Regulatory requirements. 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 for use in developing a Construction Budget and consequent phasing plan. 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.

Design development documents present the approved schematic design in greater detail. Design development documents are submitted for regulatory review and approval. Projects with area over 10,000 SF of either renovation or new construction must meet a minimum of LEED Silver certification. See Attachment “E” for additional details. Tasks may include:

- Design Development Documents
- A minimum of LEED Silver Certification for projects over 10,000 SF
- Specification Development
- Preliminary Regulatory Review
- Special System Selection
- Updated Project Schedule
- Cost Estimate

(4) Final Design 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.

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. Projects with area over 10,000 SF of either renovation or new construction must meet a minimum of LEED Silver certification. See Attachment “E” for additional details. Tasks may include:

- Detailed Construction Drawings
- A minimum of LEED Silver Certification for projects over 10,000 SF
- 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
- Submit Final Documents on diskettes
- Submit one (1) paper copy of specifications and drawings

(5) 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)

(6) 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 (<http://peco.icfi.com/sites/default/files/2010%20PECO%20App.pdf>)
- Systems Startup and Checkout, coordination only
- Equipment Training, coordination only
- Updated drawings and disks, reflecting all changes to plans and any significant systems and submit one set of Mylar as-builts with final construction invoice.
- Move Coordination

The Applicant shall coordinate with and assist the City's Commissioning Consultant in its implementation of the Building Commissioning Plan. That plan shall result in full compliance with the LEED™ standard for full documentation of building commissioning. In particular it will structure and document the full initiation, testing, operational instruction, and record documentation of all building systems.

(7) General Project Requirements

The following requirements apply to all architectural, engineering and related professional service contracts:

- (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) 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).
- (c) 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.

- (d) 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.
- (e) Provide all services necessary for design review by the Licenses & Inspections Department and other agencies having jurisdiction over project. The Design Professional will be required to complete all paperwork (including applications) necessary for municipal, state and/or federal approvals and/or permits, prior to bid opening. Provide a list of all permits and approvals required for the projects to the Project Coordinator in writing.
- (f) 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 and will be required to complete all paperwork (including applications) necessary for City of Philadelphia approvals and/or permits. Unless noted otherwise in Section II of this RFP, the DPP agrees to serve as the applicant for the L&I process, and any application or expediting fees relating to the approvals will be the responsibility of the DPP. Any supplementary (optional) reviews requested by the Design Professional will be the Design Professional's responsibility.
- (g) 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).
- (h) 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).
- (i) 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.A 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.)
- (j) 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).

- (k) 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.**
- (l) 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.
- (m) 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.
- (n) No asbestos abatement design is required on this project unless specifically noted in Section II.D. 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.
- (o) 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.
- (p) All designs produced under this program must be in accordance with the Americans with Disabilities Act, Title II.
- (q) 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.
- (r) 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).
- (s) 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. Greenworks Philadelphia

Consistent with the vision and framework set forth in *Greenworks Philadelphia*, it is the intent of the City to develop the project in a manner that is both energy efficient and environmentally responsible.

Sustainable Design, Construction and Operation Goals

The work shall integrate building materials and methods that promote environmental quality, economic vitality, and social benefit through the construction and operation of the built environment. The resulting project shall meet at a minimum the LEED™ Silver rating for buildings over 10,000 SF (Appendix E: The Philadelphia Code, Section 17-111), with higher rating levels encouraged. The intent of the project is to optimize the quality and performance of the built environment, providing the highest level possible of operational efficiency, as well as comfort and support for building tenants and visitors.

Approach to Sustainable Design, Construction and Operations

Sustainable building design integrates building materials and methods that promote environmental quality, economic vitality, and social benefit through the design, construction and operation of the built environment. Sustainable design, construction and operations merges sound, environmentally responsible practices into one discipline that considers the environmental, economic and social effects of a building or built project together through the integrated design process. These sustainable aspects of the development process encompass the following broad topics: efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of health and indoor environmental quality, reinforcement of natural systems, and integrating the design approach.

For best results, sustainability should be clearly articulated as a guiding principle for project development, and incorporated into the project from the earliest stages. Sustainable design principles affect all phases of project development, from design, construction, operations and maintenance, to demolition and disposal. The Proposal shall describe the proposed approach to Sustainable Design and Construction. At a minimum, the proposal shall describe:

- (1) **The approach to design integration for meeting objectives outlined in the project approach to Sustainable Design, Construction and Operations.** Sustainability should be integrated into all phases of the design process, using an approach which balances social, economic, and environmental factors. Sustainability should be incorporated into the earliest design discussions with a sustainable design charrette to kick-off the project to ensure that all design and construction team members are familiar with sustainability concepts and basic sustainable building practice. The charrette acts as a group process to define and refine sustainable goals and priorities to aid in the design optimization process. Throughout the sustainable design process, collaborative, multi-disciplinary teams should explore opportunities to design integratively and serve multiple functions with individual design elements.
- (2) **The approach to Life Cycle Cost Analysis for optimization of design features.** This portion of design analysis should entail an inclusive approach to costing that encompasses planning, design, construction, operation and maintenance costs and finally any decommissioning or disassembly costs. Life Cycle Cost Analysis assesses issues, options, and tradeoffs related over the projected useful life of a project and looks at the net present value of design options as investments. The goal is to achieve the highest environmental performance possible at the lowest cost. In addition, the design team should conduct facility performance modeling in order to investigate the interrelationships of economic and environmental performance of various facility

systems. Performance modeling should define the boundaries of differing design scenarios to investigate trade-offs and optimize performance.

- (3) **The rating which the facility will obtain utilizing the LEED (Leadership in Energy and Environmental Design) Rating System™.** LEED™ stands for Leadership in Energy and Environmental Design, and is a voluntary, consensus-based, market-driven green building rating system. It is based on existing, proven technology and evaluates environmental performance from a "whole building" perspective. LEED™ is a self-certifying system designed for rating new and existing commercial, institutional, and multi-family residential buildings. It contains prerequisites and credits in five categories: Sustainable Site Planning, Improving Energy Efficiency, Conserving Materials and Resources, Embracing Indoor Environmental Quality, and Safeguarding Water. There are four rating levels: Certified, Silver, Gold, and Platinum.
- (4) **The approach to protection of water resources.** Water conserving methods should be considered in all aspects of the facility design, including indoor and outdoor water use. Potable water use should be minimized within the facility by appropriately sizing systems and using water efficient technologies and cascading water use systems. Alternative systems which harvest on-site flows should be considered. Site water flows should be maintained by minimizing erosion, encouraging infiltration, and utilizing innovative stormwater management techniques. Water quality should be protected by avoiding the use of toxic materials on the site during development and for future maintenance. Low impact landscaping and future Integrated Pest Management strategies should be implemented in order to protect water quality.
- (5) **The approach to minimization of power usage during all project phases.** Energy efficiency methods should be considered in all aspects of the facility design, including HVAC/Lighting needs. Energy efficiency strategies should maximize solar access and aim to harvest natural on-site energy resources. Building energy usage should reduce electricity consumption, eliminate unnecessary demand, and emphasize equipment efficiency and energy efficient control strategies.
- (6) **The approach to management of material resources, including minimization of construction waste.** The facility should be designed for adaptability and minimize material use with efficient planning and design detailing. Design should be low maintenance and specify durable materials. Crime and graffiti prevention should be considered. Sustainable materials that minimize environmental impact as well as re-used, salvaged materials and recycled content materials should be used. In addition, use materials with minimal packaging waste that is recyclable, and materials that are easily recycled once their useful life has ended. Waste reduction and recycling should be encouraged by recycling construction demolition and waste with a jobsite management plan, and with provision of easy access recycling stations and pick-up areas.
- (7) **The approach to protection of indoor and outdoor environmental quality, and minimization of chemical usage during all project phases.** The design of the facility should aim to reduce pollutant sources in both interior and exterior environments. For interior spaces, this affects the design of mechanical systems and the choice of interior materials, finishes, and adhesives. Ozone depleting chemicals in mechanical equipment and insulation should be avoided. The health of building occupants and construction workers/installers/maintenance staff should be protected. In addition, environmental protection of the site should be considered, including habitat protection and

environmental restoration. Environmental disturbance should be minimized during the construction process.

- (8) **The approach to regional design suitability.** The facility design should respond to local climatic and ecological context by incorporating solar patterns, wind patterns, hydrology and geology into design features. A regional design palette should be used for both plants and other materials. The site should be developed using ecological design principles to mimic natural systems functions. Benefits of vegetation should be maximized.
- (9) **The approach to other project specific sustainability issues.** The design should respond to other unique project specific sustainability issues, which may range from historic and cultural context and resource issues to facility adaptability (“loose fit – long life”) and sustainable community issues.

E. Available Information

Paper copies of Guerin Recreation Center drawings are available to the successful designer. No AutoCAD drawing files are available.

III. Proposal Format, Content, and Submission Requirements; Selection Process

A. Required Proposal Format

1. Proposal Content

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.

<u>Section</u>	<u>Description</u>
Letter of Transmittal	
Section 1	Understanding of the Project Requirements/Scope of Services/Schedule
Section 2	Project Team Organization and Team Resumes
Section 3	Related Project Experience
Section 4	Additional Required Statements
Separate Enclosure (one copy only)	Fee Proposal

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.

Understanding of the Project/Scope of Services/ Schedule

In the preparation of their proposal, the Applicant is encouraged to expand or elaborate in a manner that reflects his understanding of the project and demonstrates his expertise and ability to perform all elements of the proposed scope of services.

The Applicant shall provide a brief narrative that demonstrates his understanding of the project, i.e. project's goals and objectives, nature and scope of the work involved. Additionally, a brief description of the proposed project approach including work plan and strategy 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.

Project Team Organization and Team Resumes

The Applicant shall identify himself (including 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.

Related Project Experience

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):

- (a) Project Name
- (b) Client (corporation, public agency, etc.)
- (c) General physical characteristics
- (d) Special features, accomplishments or problems (including LEED Certification, energy and resource efficient design experience)
- (e) Construction value
- (f) Specific services provided
- (g) Dates of service
- (h) Approximate contract value
- (i) Individual references. Include contact addresses and telephone numbers. A minimum of one reference shall be included for each project.

Additional Required Statements

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. Any exceptions to these documents must be noted at this time. (see Section 2 below, Notice to Applicants to State Requested Exceptions to Contract Terms in Proposal for more information).

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.

Separate Enclosure – Fee Proposal

The Applicant shall submit its fee proposal as a separate section with his proposals. 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. This lump sum fee is to include 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. 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.

2. 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 contract opportunity (Contract Terms) are set forth in the General Provisions appearing on eContract Philly with this RFP. By submitting a proposal in response to this contract opportunity, the Applicant agrees that 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. Failure to enter into a contract on the basis of such new Requested Exceptions shall be grounds for the City to call on any proposal security furnished by the Applicant.

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.

3. Office of Economic Opportunity Participation

Each Applicant is subject to the provisions of Mayoral Executive Orders 02-05 and 14-08 and is required to respond to the ranges specified in an appendix 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 Orders 02-05 and 14-08. The City's Antidiscrimination Policy for City contracts is explained in more detail in an appendix to this RFP. Applicants are required to complete and include in their proposals the "Solicitation for Participation and Commitment Form" which, together with instructions for completion of the form, is also included in the appendix.

4. The Philadelphia Tax Status and Clearance Statement

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 complete and return with its proposal, a City of Philadelphia Tax Status and Clearance Statement Form (included with this RFP as an appendix).

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 within a week of being notified of their non-compliance, Applicants will not be eligible for award of the contract contemplated by this RFP.

The 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 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 arrangement to come into compliance at 215-686-6600 or revenue@phila.gov.

Applicants need not have a City of Philadelphia Business Privilege Tax Account Number and 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. Applications for a Business Privilege Tax Account Number or a Business Privilege License¹ 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 Your Business." If you have specific questions, call the Department of Revenue at 215-686-6600 for questions related to City of Philadelphia Business Privilege Tax Account Number or the Department of Licenses and Inspections at 215-686-2490 for questions related to the Business Privilege License.

5. Disclosure of Litigation

The Applicant shall describe any pending, threatened, or contemplated administrative or judicial proceedings that are material to the Applicant's business or finances including, but not limited to, any litigation, consent orders or agreements between any local, state, or federal regulatory agency and the Applicant or any subcontractor the Applicant intends to use to perform any of the services described in this RFP.

B. 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. The posting of this RFP on eContract Philly is also referred to as a Notice of Contracting Opportunity.

Applicants and contractors are required to disclose their campaign contributions to local and state political candidates and incumbents; 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

¹ Business Privilege Licenses are not required for non-profit organizations, however, Business Privilege Tax Account Numbers typically are required.

document required, are 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 using the online disclosure forms provided – through the eContract Philly online application process prior to the closing date and time will not be considered for the contract.

Applicants are encouraged to start and complete their online applications on eContract Philly as early as possible. Please be informed that the eContract Philly website is most compatible with Internet Explorer 5.0 running on Microsoft Windows. Be mindful 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). 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.

C. Selection Process

Selection Criteria:

- Cost
 - Cost-effectiveness, cost-efficiency, proposed savings, expense reduction
 - Price, fee caps and other cost control measures
- Experience
 - Specialized experience
 - Documented prior experience in handling project(s) of similar size and scope
 - Demonstrated ability to meet deadlines
- Proposed plan of action/strategy/solution for Department project(s)
 - Utilization of most efficient methodology
 - Innovativeness of solution
 - Utilization of best practices
 - Ability to meet project deadlines under proposed solution/project plan
 - Staffing model
- Vendor capacity
 - Staffing qualifications (e.g., staff prior experience, education, licenses, professional achievements)
 - Technical, administrative, financial capacity
 - Specific licensure requirements for organizations/businesses

- Expressed willingness to comply with City and/or department standards for contracting (e.g., indemnification, nondiscrimination) (**No changes to Contract Language will be entertained**)
- Vendor profile
 - For-profit versus non-profit status if relevant
 - Business integrity and reputation in the industry
 - Shared commitment to achieving the objectives of Executive Orders 02-05 and 14-08 which strives for the inclusion of Minority, Woman and Disabled Owned Businesses in all phases of City contracting

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

- Superior ability or capacity to meet particular requirements of contract and needs of City Department and those it serves
- Eligibility under Code provisions relating to campaign contributions
- Superior prior experience of Applicant and staff
- Superior quality, efficiency and fitness of proposed solution for City Department
- Superior skill and reputation, including timeliness and demonstrable results
- Special benefit to continuing services of incumbent, such as operational difficulties with transition or needs of population being served
- 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
- Lower cost
- Administrative and operational efficiency, requiring less City oversight and administration
- Anticipated long-term effectiveness
- Meets prequalification requirements
- The project team's history and capability to provide unique and innovative solutions to problems will be considered.
- The project team's demonstrated experience and capability to complete all design work within established schedule and budget.
- The project team's history of producing projects, which can be built within the prescribed time and budget requirements, may also be evaluated.
- The reputation of the applicant, as determined by inquiries with previous and current clients and other references.
- Experience on prior City of Philadelphia projects.
- Local presence in the City of Philadelphia.
- Leed Certification/experience.
- Demonstrated ability to provide green building consulting and design services for public and commercial buildings.
- Demonstrated energy reduction strategies.
- Recycled-content and sustainable building product selection, specification, and procurement

- Waste reduction strategies, such as construction and demolition waste management plans and specifications, deconstruction plans and specifications, storage and collection of recyclables, and other reuse opportunities
- Use of the U.S. Green Building Council's LEED Green Building Rating System to guide project design
- Facilitation of or participation in design charrettes for projects using the U.S. Green Building Council's LEED Green Building Rating System
- Development of design guidelines and master specifications for public agencies
- Green operating and maintenance plans
- Experience with commissioning a green building
- Energy modeling and analysis
- Compensation/Fee Proposal

For a firm's proposal to receive consideration, the interested firm must register on-line and receive a secured identification number, file a completed disclosure form, attend a mandatory pre-bid meeting, file their proposal on-line and deliver six (6) hardcopies of the proposal by 4:30 P.M. local time, July 29, 2011 to the DPP located on the 11th Floor, 1515 Arch Street, One Parkway Building, Philadelphia, PA 19102. Attention: Eric Iffrig. These hardcopy submissions will not be returned. The City is not liable for any cost related to the development, preparation, transmittal or presentation of any proposal submitted in response to this RFP.

This RFP information packet contains instructions governing the proposals to be submitted and the material to be included therein; a description of the project and specific services to be provided; requirements which must be met by a proposer to receive consideration; general evaluation criteria; and other pertinent requirements. The submission of a proposal shall be considered evidence that the proposer has read and is in acceptance with this RFP.

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.

IV. Proposal Administration

A. Procurement Schedule

(1) RFP release	June 27, 2011
(2) Pre-Proposal Meeting, Site Visit	July 19, 2011 at 10:00am at Guerin Recreation 2201 S. 16 th Street Philadelphia, PA 19145 Mandatory Attendance Required
(3) Questions regarding the RFP due	July 21, 2011
(4) Answers provided on eContract Philly website	July 22, 2011
(5) Proposal submission	July 29, 2011
(6) Applicant Interviews, Presentations	N/A
(7) Applicant selection	September 5, 2011
(8) Contract award and execution	October 3, 2011
(9) Commencement of work	November 7, 2011

B. Questions Relating to the RFP

This RFP is being issued by DPP, which is to be the sole contact for the proposal request. The DPP's Project Directors and Project Coordinators will manage and coordinate all aspects of the projects, on behalf of the City.

All questions, inquiries, and requests for information concerning this RFP must be submitted in writing via email, mail or fax no later than 4:30pm on July 21, 2011 to:

Name of Contact – Erin Pryor
City of Philadelphia
Department of Public Property, 11th Floor
1515 Arch Street, One Parkway Building
Philadelphia, PA 19102
Phone: (215) 683-4476
Fax: (215) 683-4499
Email address: erin.pryor@phila.gov

The City will provide written responses to the submitted questions no later than 5:00pm on July 22, 2011. These responses will be posted on the eContract Philly website with the original RFP details notice. Oral responses by any City employee or agent of the City are not binding and shall not in any way be considered as a commitment by the City.

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

A mandatory pre-proposal meeting will be held on July 19, 2011 at 10:00am at the site located at 2201 S. 16th Street, Philadelphia, PA 19145 to clarify the intent and approach to the work and answer respondent's questions.

Tours of the project sites may be scheduled by contacting Frank Fabey of the Parks and Recreation Department (215) 683-3622. Any questions regarding the scope of work should be addressed to the Project Director, Eric Effrig (215) 683-3655.

Sign-in sheets will be collected at the pre-proposal meeting and the site tour. For a firm to be considered responsive to this RFP, a representative must attend the pre-proposal meeting. **Proposals received from any firm not fully attending this meeting will not be considered.**

D. Term of Contract

The initial term of the Contract shall commence on November 7, 2011 (the "Initial Term") and, unless sooner terminated by the City pursuant to the terms of the Contract, shall expire up to twenty-four months thereafter, on November 6, 2013. 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.

V. General Rules Governing RFPs/Proposal; Reservation of Rights; Confidentiality and Public Disclosure

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 signing and submitting its proposal, each Applicant agrees that the contents of its proposal are available for establishment of final contractual obligations 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 and shall be grounds for the City to call on any proposal security furnished by the Applicant.

D. Contract Preparation Fee

Pursuant to §17-701 of The Philadelphia Code, the successful Applicant will be required to pay a contract preparation fee; pursuant to Subsection 17-701 (2), application may be made to the City Solicitor to determine whether circumstances justify a waiver of the fee. Subsection 17-702 (1) establishes a fee schedule for contract preparation which is based upon the amount of the contract.

<u>Amount of Contract</u>	<u>Contract Preparation Fee</u>
\$0-\$20,000	\$0
\$20,001-\$50,000	\$120
\$50,001-\$100,000	\$170
\$100,001-\$250,000	\$260
\$250,001-\$500,000	\$340
\$500,001-\$1,000,000	\$520
Over \$1,000,000	\$1,000

E. Reservation of Rights²

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, shall mean this RFP and include all

² The City's reservation of rights stated in the main text above also appears on the eContract Philly web site where a City solicitation document such as this RFP is referred to as a "notice of contract opportunity." Therefore the phrase "this notice of contract opportunity" refers to this RFP and any other related documents posted on eContract Philly.

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,” 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:

- 1) to reject any and all proposals and to reissue this notice of contract opportunity at any time prior to execution of a final contract;
- 2) 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;
- 3) 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;
- 4) 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;
- 5) 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;
- 6) 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;
- 7) 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:

- 1) 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;
- 2) 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 City 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;
- 3) 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;
 - 4) 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;
 - 5) 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;
 - 6) 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;
 - 7) 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;
 - 8) 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;
 - 9) 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;
 - 10) 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;
 - 11) 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;
 - 12) to conduct on-site investigations of the facilities of any one or more Applicants (or the facilities where the Applicant performs its services);
 - 13) 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;

- 14) 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,
- 15) 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

- 1) 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.
- 2) 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.