



**REQUEST FOR PROPOSALS
for a
Literacy Service Provider
for the
CITY OF PHILADELPHIA**

Issued by:
CITY OF PHILADELPHIA ("City")
MAYOR'S OFFICE OF COMMUNITY SERVICES ("MOCS")

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 5:00 p.m. Philadelphia, PA, local time, on August 13, 2010.

***Questions regarding this RFP due no later than August 10, 2010
in writing via email to
Megan Foley at
Megan.Foley@phila.gov***

Answers provided on eContract Philly website on August 11, 2010

Michael Nutter, Mayor
Mary Mariner, Executive Director, Mayor's Office of Community Services

Table of Contents

- I. Project Overview
 - A. Introduction / Statement of Purpose
 - B. Department Overview
 - C. Project Background
 - D. Request for Proposals
 - E. General Disclaimer of the City of Philadelphia
- II. Scope of Work
 - A. Project Details
 - B. Organizational and Personnel Requirements
 - C. Technology Capabilities
 - D. Required Tasks
 - E. Alternative Solutions
- III. Proposal Format, Content, and Submission Requirements; Selection Process
 - A. Required Proposal Format
 - B. Mandatory Online Application Requirements
 - C. Selection Process
- IV. Proposal Administration
 - A. Procurement Schedule
 - B. Questions Relating to the RFP
 - C. Interviews / Presentations
 - D. Term of Contract
- V. General Rules Governing RFPs/Proposals; Reservation of Rights and Confidentiality
 - A. Revisions to RFP
 - B. City Employee Conflict Provision
 - C. Proposal Binding
 - D. Contract Preparation Fee
 - E. Reservation of Rights
 - F. Confidentiality and Public Disclosure

Appendices

Appendix A – Office of Economic Opportunity, Antidiscrimination Policy – Minority, Woman and Disabled Owned Business Enterprises

Appendix B – City of Philadelphia Tax Status and Clearance Statement Form

Appendix C – Provider Agreement and General Provisions

Appendix D – OEO, Solicitation and Commitment Form

I. Project Overview

A. Introduction / Statement of Purpose

The Mayor's Office of Community Services (MOCS, hereafter) is requesting proposals from qualified professional literacy service providers that can address the specific barriers and educational needs of the low-income population, with the ultimate goal of closing the achievement gap among families and individuals in Philadelphia with limited literacy or English language proficiency.

The purpose of this RFP is to identify eligible subcontractor(s) to provide instructional programming in adult literacy and supportive services, such as educational counseling and specialized tutoring, and prepare clients with the basic literacy skills to enter the workforce and achieve self-sufficiency.

B. Department Overview

MOCS was created in 1965, as the Philadelphia Anti-Poverty Action Committee (PAAC), to establish policies necessary to guide the City's Anti-Poverty campaign under the Economic Opportunity Act. The programs which grew out of PAAC were intended to achieve maximum participation of the poor, with the aim of reaching the disenfranchised. Through its different transitions, MOCS continues its advocacy work on behalf of the city's economically disadvantaged population, and specifically, assists individuals and families with incomes at or below 200% of the federal poverty level move toward self-reliance.

MOCS serves as the parent organization for a number of programs and partnerships, working toward the common goal of providing outreach and support to low-income individuals and families, helping them gain access to basic services and achieve self-sufficiency. Each program is designed to improve life circumstances using strategies and methodologies that engage program participants, their families, neighborhoods, and communities.

C. Project Background

According to the Philadelphia workforce investment board's 2009 "Help Wanted" report, 52.2 percent of the City's population, or 550,000 residents are functionally illiterate, lacking the basic literacy standards required by businesses. Philadelphia's illiteracy rate is nearly twice the average rate for the state of Pennsylvania. Moreover, a 2006 report found Philadelphia had a 55 percent 6-year graduation rate, leaving a 45 percent drop-out rate across the city (*Unfulfilled Promise: The Dimensions and Characteristics of Philadelphia's Dropout Crisis, 2000- 2005*). The reality is that a large proportion of the city's adults are without even a fifth grade education and lack the basic education to navigate the workforce.

The objective for this project is to locate literacy and education service providers to prepare low-income individuals to enter the workforce and achieve self-reliance.

D. Request for Proposals

MOCS is accepting proposals from qualified responsible vendors, with both organizational and

financial capacity, to develop and deliver literacy services to low-income individuals facing various barriers. Eligible Applicants are community-based organizations of demonstrated effectiveness, educational opportunity centers, non-profit agencies and organizations with previous performance and ability providing literacy services to adults and families, and/or consortia of agencies, organizations, institutions, libraries which combine to provide comprehensive services. MOCS reserves the right to select multiple applicants with which to contract.

Successful Applicant(s) operate instructional programs in adult basic education, English as Second Language (ESL), and adult secondary education (preparation for the General Educational Development ((GED)) testing).

Literacy services must include intake, assessment testing (pre- and post-), development of Individualized Service Plan (ISP), and culturally sensitive adult education instruction, to advance in educational functioning level and/or obtain GED or high school diploma or transition into post-secondary education or training.

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. MOCS is seeking to subcontract with a literacy and educational support services provider that can enable adults and families with incomes less than 200% of the federal poverty level achieve literacy advancements, and/or attain a high school equivalency diploma, and/or obtain or retain employment, and/or gain English language proficiency, and/or transition to postsecondary education. MOCS is looking to fund programs of instruction in adult basic education, ESL, GED preparation, and GED. Program services should include the following:
 - a. Assist adult learners to become literate and obtain the function-level and skills necessary for employment and self-sufficiency.
 - b. Assist parents to obtain the educational skills to become engaged in the educational development of their children.
 - c. Assist adults in the completion of secondary school education and transition to post-secondary education or training schools.
 - d. Assist non-English speaking adults to gain competence in English language speaking, reading and writing.
- (2) Timetable. Successful Applicants will enter into contract for the period of September 13, 2010 through June 30, 2011.
- (3) Reporting requirements. Successful candidate must maintain all necessary documentation in each participant's file to support the achievement of reported goals. Successful candidate will ensure full access to all appropriate local, state, and federal entities, including, MOCS, the City of Philadelphia, the PA Department of Community and Economic Development, federal monitoring and auditing personnel access to all participant files, fiscal records and pertinent documentation upon request. The following documents are required to be maintained in each participant's file:
 - a. Completed and signed intake form;
 - b. Individual Service Strategy for each participant, including case/progress records;
 - c. All assessments - pre and post program;
 - d. Copies of participant attendance records, any certificates of achievement;
 - e. Clear documentation of services provided; and
 - f. Copies of referrals and follow-up records.

In addition, the successful candidate is responsible for submitting timely quarterly programmatic and fiscal reports to MOCS' Administrative Offices. Programmatic reports must be cumulative and include all activities performed by the contractor from the beginning of the contract period to date. A final report is required and must be submitted when all program activities are concluded.
- (4) Performance standards. (Applicant must specify number of proposed participants.) Successful candidates will be expected to achieve positive outcomes for at least 80% of those enrolled in the program, according to the federal NRS and PA Department of Education performance indicators for adult literacy programs.
- (5) Monitoring. The contract will be monitored on a quarterly basis to assess contractor performance against stated deliverables. MOCS will conduct site visits to monitor for

compliance with the contract and quality of services. This includes:

- a. Achievement of objectives in accordance with proposal and contract;
- b. Integrity of administrative systems and reported outcomes; and
- c. Quality assessment through observation and informal interviews.

(6) Compensation. The successful applicant will be compensated according to the terms of the contract, not to exceed \$400,000 for the fiscal year.

B. Organizational and Personnel Requirements

MOCS will be considering proposals from a variety of different vendors and may award multiple contracts based on the strength and performance of the following information:

- ✓ Organizational structure: the management, administrative, or technical project staff structure; whether non-profit or for-profit.
- ✓ Organizational history/experience: years of experience, experience with a project of a similar size/scope.
- ✓ Organizational references
- ✓ Technical expertise of personnel: licenses, certifications, years of experience
- ✓ Financial capacity

C. Technology Capabilities

Successful Applicant should utilize an automated individual adult-learner records database, which complies with the federal National Reporting System (NRS) and the Pennsylvania Department of Education requirements for adult education programs, with staff trained in collecting and tracking data. Adult-learner assessment and post-testing is to be accomplished with the standard assessment instruments – the Test of Adult Basic Education (TABE), and preferably the BEST Plus and the BEST Literacy. The information management system should document the following data for each client: pre- and post-testing assessments and any follow-up information collected, ISP, diagnostic results, literacy indicators (e.g. writing samples, resumes, test scores), referrals, and educational functioning level advancements.

D. Required Tasks

Outcome measures are advancing educational functioning level(s), and goals identified by the individual program participant. Successful Applicant will use the targets set by the PA Department of Education in Adult Basic Education (beginning literacy, basic, intermediate, low adult secondary education), ESL (beginning, low, high, intermediate, advanced), GED or secondary school diploma. Preferred Applicants will also measure employment retention, obtainment, advancement, and entrance to post-secondary education or training. Further, successful Applicants will measure reductions in public assistance and family literacy achievements.

E. Alternative Solutions

Applicants are invited to propose their own solutions or approaches to accomplishing the objectives of the RFP as an alternative to the tasks outlined in this RFP. Applicants are required to accompany the alternative solutions with alternative budgets so they can be adequately evaluated in quality and creativity of alternative solutions, and also by cost.

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

A. Required Proposal Format

1. Proposal Content

Applicants must complete the online application for this RFP via eContract, <https://secure.phila.gov/eContract/> and submit one proposal, in the following mandatory format:

- (1) Cover Sheet
- (2) Table of Contents
- (3) Introduction / Executive Summary
- (4) Company or Agency Profile
- (5) Project Understanding – applicants are asked to demonstrate the depth of their understanding of the project. Summarize the major factors or features of the RFP, including any conclusions, assumptions, and generalized recommendations the Respondent desires to make. This narrative should be designed specifically for use by individuals that may not have a technical background.
- (6) Proposed Scope of Work – applicants are asked to describe specifically the method by which they intend to meet the stated objectives of the RFP. Respondents must describe how they anticipate approaching this project and give clear outcomes and measurables based on relevant past experience, including benchmarks and outcome indicators.
- (7) Proposed Schedule – applicants are asked to present a schedule of anticipated projects tasks, including final completion. Each project goal or milestone should be addressed in the proposed schedule.
- (8) Identification of Project Staffing and Organization – applicants are asked to provide basic firm information and identify the lead and supporting project staff that will be assigned to complete the project. Please include an organization chart, work titles, job descriptions, training and experience qualifications for each position, and resumes/ curriculum vitae for each assigned staff member.
- (9) Cost Proposal – applicants must include a detailed budget with their proposal. Since this RFP is seeking a basic approach, as well as compelling alternatives, Respondents must base their cost proposal on proposed scope of work. Please include a detailed project budget in addition to a per client cost justification.
- (10) Statement of Qualifications/Relevant Experience – brief history and biographical description evidencing relevant past experience, including certifications or licenses used to practice in the Commonwealth of Pennsylvania, demonstrating that Respondent is qualified according to the professional standards identified in this RFP, and are in good standing with the City of Philadelphia. Illustrate capacity to execute and complete all work in accordance with the requirements, stipulations, provisions, and conditions of this proposal request and the resultant contract.
- (11) References – briefly summarize additional experience that may be of value to the City, with names and phone numbers of potential references of these projects, and include any institutional, municipal or other government clients that illustrate relevant experience.
- (12) Statement of Financial Capability – applicants are asked to provide financial information demonstrating their financial capability to accomplish the work sought by the RFP, such as the following:

- (a) Bank account statement
- (b) Statement of financial condition
- (c) Audited or unaudited financial statements for last three years
- (d) Bank references

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 contracting opportunity (Contract Terms) are set forth in the General Provisions appearing on eContract Philly with this RFP and attached to this RFP as an appendix. By submitting a proposal in response to this contract opportunity, the Applicant agrees that, except as provided herein, it will enter into a contract with the City containing substantially the Contract Terms.

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

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

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

Applicants need not have a City of Philadelphia Tax ID 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 this RFP.

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

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

You can begin uploading (or attaching) your proposal and other application materials at any time. It is especially prudent for you to start uploading your attachments earlier if you have a large number of attachments (e.g. over five documents) or larger-sized attachments (e.g. above 5 MB). 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

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

1. Superior ability or capacity to meet particular requirements of contract and needs of MOCS and those it serves
2. Eligibility under Code provisions relating to campaign contributions
3. Superior prior experience of Applicant and staff; specialized experience; documented prior experience in handling project(s) of similar size and scope; demonstrated ability to meet deadlines
4. Superior quality, efficiency and fitness of proposed solution for MOCS; proposed plan of action/strategy/solution for MOCS project; utilization of most efficient methodology; innovativeness of solution; utilization of best practices; ability to meet project deadlines

- under proposed project plan; staffing model
5. Superior skill and reputation, including timeliness and demonstrable results
 6. Special benefit to continuing services of incumbent, such as operational difficulties with transition or needs of population being served
 7. Benefit of promoting long-term competitive development and allocation of experience to new or small businesses, including those owned by minority or disabled persons or by women
 8. Lower cost: Cost-effectiveness, cost-efficiency, proposed savings, expense reduction; Price, fee caps and other cost control measures
 9. Administrative and operational efficiency, requiring less City oversight and administration
 10. Anticipated long-term effectiveness
 11. Meets prequalification requirements
 12. Organization and clarity of proposal
 13. Quantified outputs and outcomes

Only proposals, which are responsive to this RFP, as determined solely by MOCS, will be reviewed and evaluated. MOCS may request inspection of projects referenced in Applicant's proposal and conduct investigations with respect to the qualifications listed. In the selection process, MOCS reserves and may exercise the rights and options to accept or reject any or all items in any proposal which is incomplete or non-responsive, is not in conformity with applicable law, is conditioned in any way, deviates from this RFP or contains erasures, ambiguities, alterations or items not called for by this RFP.

IV. Proposal Administration**A. Procurement Schedule**

(1) RFP release	July 26, 2010
(2) Questions regarding the RFP due	August 10, 2010
(3) Answers provided on eContract Philly website	August 11, 2010
(4) Proposal submission	August 13, 2010
(5) Applicant Interviews, Presentations	August 16 - 20, 2010
(6) Applicant selection	August 23, 2010
(7) Contract award and execution	September 7, 2010
(8) Commencement of work	September 13, 2010

B. Questions Relating to the RFP

All questions concerning this RFP must be submitted in writing via email to Megan Foley, at Megan.Foley@phila.gov no later than August 10, 2010 at 5:00 p.m. Philadelphia, PA, local time. The City will provide written responses to the submitted questions no later than August 11, 2010 at 5:00 p.m. Philadelphia, PA, local time. 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. Interviews/Presentations

Applicants may be invited to present their proposals, and in this case, the costs of interviews/presentations (including travel) are the sole responsibility of the Applicant.

D. Term of Contract

The initial term of the Contract shall commence on September 13, 2010 (the "Initial Term") and, unless sooner terminated by the City pursuant to the terms of the Contract, shall expire up to twelve months thereafter, on June 30, 2011. 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; the Department may consider waiving the fee for non-profit corporations upon request. Section 17-701 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 Rights¹

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

¹ 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.

term "notice of contract opportunity," as used herein, shall mean this RFP and include all information posted on eContract Philly in relation to this "New Contract Opportunity" as published on eContract Philly, including, without limitation, the information posted for this opportunity on the "Detailed Information for Opportunity" page, in the eContractPhilly "Opportunity List," 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.