

City of Nogales, Arizona

Request for Proposals RFP No. CDD-2023-001 to select a

Zoning/Land Use Consultant/Team

For the

Development Standards Code Update

Project Manager:

Hector Tapia, AICP Community Development Director

htapia@nogalesaz.gov

(520) 285-5744

PROPOSALS ARE DUE:

Thursday, November 22, 2023 by 3:00 pm, Arizona time at the

Office of the City Clerk City of Nogales

777 North Grand Avenue

Nogales, AZ 85621

PRE-PROPOSAL MEETING (Zoom Meeting):

Wednesday, November 1, 2023 at 10:00 am, Arizona time

Release Date: October 18, 2023

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The City of Nogales, Arizona Request for Proposals (RFP) Development Standards Code Update Announcement

The City of Nogales, Arizona is announcing a Request for Proposals (RFP) from qualified Zoning/Land Use Planning Consultants to provide professional services to update the City of Nogales Development Standards Code. Sections of the Code have been reviewed by the Planning Commission and City Staff. Selected Consultant Team will review and document work done, continue with the review/recommendations then complete the code update. All proposals must be received in hard copy form only by **3:00 PM on Friday, November 22, 2023 at the Nogales City Clerk's Office (777 N. Grand Ave., Nogales, Arizona 85621).**

SECTION I: Background

A. Community Information

Nogales, Arizona, is a progressive city that has been able to maintain its small-town charm, rich traditions, and vibrant culture. The city is the county seat for Santa Cruz County and shares its rich heritage with Nogales, Sonora, its sister city in Mexico (“Ambos Nogales”).

Nogales’ weather is a national attraction. Nested in close proximity to the Coronado National Forest, Nogales is one of the greenest cities in Southern Arizona with access to scenic views and excellent bird watching and biking opportunities. These facts make the City a destination for ecotourism and outdoor recreation. Located along Arizona’s southern boundary, the City of Nogales, Arizona, borders Nogales, Sonora, and is Arizona’s largest international border community. Nogales, Arizona, is a major international gateway along the United States/Mexico border. Due to its location at the international border, Nogales is the economic capital of the region and serves as one of the major gateways into the United States.

The City evolved into a distinct historic urban core with suburban areas radiating from this core. Today, Nogales serves as a major distribution hub with the largest distribution of produce in the winter months. Tourism and commerce are important industries in the area. Visitors cross the border between both cities for site-seeing and shopping on a daily basis. The physical location of Nogales, Arizona, along the US/Mexican border and its rich history and strong ties with its sister city, Nogales, Sonora, makes the City a premier border community that serves as a model for future border planning efforts. There has never been a time in Nogales’ history in which so many people, governmental entities, and international Countries have been looking on its border. The people of *Ambos Nogales* have thrived on establishing creative business niches that capitalize on their international border location, and include industry, produce distribution, commerce, technology and innovation, retail sales on Morley Avenue, cultural heritage tourism and ecotourism.

B. Development Standards Code – Ordinance 20-X, and General Plan Overview

The Zoning Ordinance 20-X was adopted by the City in 1987 and is dated and even with many text amendments through the years, it has internal conflicts due to multiple locations of development guidance. While staff has amended and added clarifications of the zoning Ordinance from time to time to address such issues over the years, it is difficult to navigate and administer. In addition, the presence of new development trends and technologies need to be addressed to provide guidance and direction for staff and appointed officials to have a sound basis to review and consider submitted projects. Most Sections of the existing development standards code has been reviewed by the Planning Commission Committee and City Staff during the last two years, but its review and adding new ideas need to continue from the last recorded conversations. The intent is not to redo what it was already completed, but to take advantage of previous efforts and complete the update.

The City's intent is to conduct a critical analysis, and where needed, completely rewrite, modernize and adopt the following Articles of its Development Standards Code:

- Article I: Title, Purpose and Scope
 - Section 100: Introduction and Statements
 - Section 200: Zoning Regulations
 - Section 300: General Provisions
 - Section 400: Non-Conforming Uses
 - Section 500: Statement of Residential Districts, Schedule of District Regulations
 - Section 600: Supplementary District Regulations, Parking
 - Section 700: Supplementary District Regulations - Signs
 - Section 800: Landscaping, Walls, Screening, and Buffering
 - Section 900: Planned Development for Shopping Centers
 - Section 1000: Ordinance Implementation, Administration, and Enforcement
 - Section 1100: Board of Adjustment
 - Section 1200: Amending Article I
 - Section 1300: Schedule of Fees for Article I
 - Section 1400: Definitions
- Article II: Official City Maps
- Article III: Uniform Standard Specifications for Public Works Construction (by Reference)
- Article IV: Planning and Zoning Commission – Administration
- Article V: Reserved
- Article VI: Planned Area Development
- Article VII: Nogales General Plan (by Reference)
- Article VIII: Development Standards Code

The City has also created an electronic zoning map for ease of review and reference by our customers and citizens. It can be accessed through:

<https://cityofnogales.maps.arcgis.com/apps/instant/basic/index.html?appid=1dc283380c9a47a2af9ed39687a73361>

City staff will conduct all updating of the official City of Nogales Zoning Map, as necessitated by the new and or updated provisions and districts identified in the updated zoning ordinance.

The City's development standards code must be consistent with the City's adopted General Plan 2020,

and streamlined to meet the City's economic development objectives. At a minimum, the City would like to take the opportunity, while updating the zoning ordinance to:

- Confirm the updated zoning districts (boundaries and/or designations)
- Review and confirm updated platting procedures and requirements
- Review and update PAD requirements
- Review and confirm updated subdivision design standards
- Coordinate and confirm with Public Works Department with updated utility improvement requirements

The City's General Plan was adopted in 2020 and contains a total of 12 elements. The City has been incrementally updating these elements over the past several years. All updated and existing elements are located on the City's website. They can be accessed through: <https://nogalesaz.gov/community-development/general-plan/>

C. Project Intentions/Key Issue Areas

It is the intention of the City to procure the professional services of a qualified Zoning and Land Use Planning Consultant/Team that has the requisite technical, facilitation and legal expertise to successfully update of the City's Development Standards Code in accordance with current land use regulatory and development practices and in conformance with the Nogales General Plan (located on the City's Website). This will involve working through a collaborative process with City residents, property owners, business owners, City Staff, Planning & Zoning Commission, and the City Council. Staff is anticipating the update processes for the Development Standards Code will culminate in fully updated documents by no later than **May 31, 2024** complete with graphics and adopted by the City Council. The Consultant shall facilitate the updated development standards code in a format agreed upon by the City. In updating the zoning ordinance, the City wishes to address a number of items, including but not necessarily limited to:

1. Remove inconsistencies and duplications and update regulations.
2. Review and delete/edit/augment definitions.
3. Applications:
 - a. Update/renew applications and forms to be consistent.
 - b. Update the number of sets/copies required for a pre-submittal, and for applications such as, rezoning, general plan amendments, Variances, Preliminary and Final Plats for review and final approvals.
 - c. No Public Hearing under Preliminary and Final Plat processes.
 - d. Evaluate Fees: Administrative Wavers, Board of Appeals, Preliminary Plat extensions.
 - e. Explore ways to expedite platting processes, such as administrative approval of minor plats.

4. Incorporate emerging and missing land uses including, but not limited to:
 - a. Grandma Units
 - b. Second/third units in older neighborhoods
 5. Article 1 General Provisions:
 - a. Check on new ideas...
 6. Centralize and update definitions, terminology as well as graphics, tables, charts, etc. to illustrate regulations that make the Zoning Ordinance easy to use
 7. Signage-review and update the following:
 - a. Comprehensive Sign Package
 - b. Banners
 - c. temporary signage
 - d. "A" Signs
 - e. painted signs
 - f. murals
 8. Outdoor Storage and Junk Automobiles
 9. Parking
 - a. Accessible parking.
 - b. Parking or Storing Commercial and Recreational Vehicles, Trailers.
 10. Parking Permits (RVs, trailers)
 11. Fence ordinance
 - a. Revise Screening or View Obscuring definition (remove vegetation or allow it to extend the height of the fence).
 12. DESIGN GUIDELINES AND LANDSCAPE STANDARDS
 - a. Design guidelines for commercial and industrial land developments.
- Others:
1. Review and Update Subdivision regulations, standard.

SECTION II: Proposal Submittal Requirements

The Submittal shall conform to the following organization of information:

Page Limit and Formatting-

- a. There is not a page limitation for this submittal.
- b. One (1) inch margins on all four (4) sides and minimum 11 font text on all pages.

Cover Letter-The cover letter shall include the following elements:

- a. Statement of understanding of the work to be performed.
- b. Statement of affirmation of the firm's/team's qualifications for professionally and expertly conducting the work as understood.
- c. If teaming, all firms identified and their role on the team.
- d. The prime firm's contact person concerning the proposal and a telephone number and e-mail address where that person can be reached.
- e. Letter signed by prime firm's authorized representative.
- f. Confirm the inclusion of the affidavit in Section IV of this RFP and
- g. Indicate the acknowledgement of all solicitation amendments (if applicable).

Project Understanding/Approach

- a. A brief statement of your firm's/team's approach to prepare and adopt the zoning ordinance and subdivision regulations
- b. A brief statement of your firm's/team's familiarity with Nogales and Santa Cruz County.

Firm Background and Personnel- The general profile shall include the following information:

- a. A brief statement indicating the firm(s) experience in conducting work of the nature sought by this RFP. Prepared brochures may be submitted as a part of this profile as long as they specifically address the experience of the firm related to the work to be performed.
- b. How long firm(s) have been in business.
- c. The location of the firm(s) office serving this project.
- d. Resumes of individual consultants or employees proposed to conduct the work for the City and the specific duties of each consultant or employee relative to the City's proposed work.
- e. Any other information describing the office may be included if it relates to the capabilities and expertise of the firm in successfully completing directly related work.

Preliminary Scope of Work - the Consultant or Team (collectively "Consultant") shall provide full professional services to assist the City of Nogales Community Development Department Staff conduct and adopt a comprehensive update of its Development Standards Code. The Preliminary Scope of Work described below represents the minimum amount of work to be accomplished.

Submitters shall utilize this scope as the basis for the Scope of Work in their submittal. Refinements and augmentation is encouraged, where and to the extent needed.

a. Public Participation Process

The Consultant shall define a specific public participation process that describes the type, events and frequency of engagement that is appropriate to conduct a successful Development Standards Code update process.

The Consultant shall provide a public participation timeline graphic that is integrated with its technical and review and approval tasks that identifies key points at which the engaged stakeholders will be involved, how that involvement will occur, and how and when materials will be available and presented

The Consultant shall be responsible for producing meeting materials (the City will produce copies of items 11"x17" or smaller such as handouts, flyers, etc. designed by the Consultant), visual presentations, or any other resources or necessary materials. The Consultant shall demonstrate its technical capabilities to graphically communicate pertinent information in its submittal.

The Consultant shall also consider multiple means of obtaining input both during and outside of identified meetings.

Deliverables:

- a. The Consultant shall provide the City with a public participation plan for City review and City Council approval that includes a detailed strategy and timeline for engaging the public and all stakeholders in the development standards code update process.
- b. The Consultant shall implement the City-approved public participation plan. The Consultant, in consultation with the City, shall be responsible for facilitating all public participation events. The Consultant shall be responsible for producing meeting materials (the City will produce copies of items 11x17 or smaller such as handouts, flyers, etc. designed by the Consultant), visual presentations, or any other resources or materials necessary to engage the public.

b. Project Orientation

At the outset of the project, the Consultant shall meet with City Staff for a project orientation meeting in order to provide an understanding of project goals and the project schedule, specific issues, City policies, and opportunities and/or issues relating to growth and development within the City. The Consultant shall be responsible for reviewing and understanding the City's current development standards code regulations, General Plan, other City plans and policies as identified by the City, and all relevant and applicable local, state and federal laws, including Prop 207.

The Consultant shall propose its strategy for introducing the project to identified stakeholders and the general public. The strategy shall be designed to foster and develop a common understanding of the project scope.

Deliverables:

- a. The Consultant shall be responsible for arranging and facilitating a project orientation meeting with City Staff.

- b. The Consultant shall complete its project orientation strategy. The Consultant, in coordination with the City, shall be responsible for arranging and facilitating all public meetings and presentations.

c. Issue Identification

The Consultant shall describe its approach for gathering broad-based input about the existing zoning ordinance. City Staff, the Planning & Zoning Commission, City Council, and the general public, stakeholders, and others shall provide their input concerning current zoning requirements, administration procedures, zoning Ordinance deficiencies, suggested changes and implementation procedures. The Consultant shall prepare a draft and final memorandum that summarizes the input gathered during the issue identification process and how that viable input translates to the tasks/subtasks of the scope of work.

Deliverables:

- a. The Consultant shall implement its approach for gathering broad-based input about the current zoning ordinance. The Consultant, in coordination with the City, shall be responsible for facilitating all public participation events.
- b. One original copy at the draft and final memorandum steps that summarizes the input that the Consultant has received about the existing zoning ordinance and issue resolution through the scope of work.
- c. Electronic (PDF) and Native (Microsoft Word) files of the draft and final Issue Identification and Resolution memorandum.

d. Development Standards Code Regulations Analysis

The Consultant shall complete a technical analysis and evaluation of the City's current development standards code regulations. These analyses and evaluations shall include the issues identified in the issue identification process, applicable federal, state, and local laws, the Consultant's experience with or knowledge of best practices in other communities of similar size and character, and the Consultant's knowledge of pragmatic zoning and land use practices that would be beneficial amendments to the City's process. The list of issues included above will be used as the starting point for the development standards code regulations update.

The technical analysis and evaluation shall assess the strengths and weaknesses of the existing zoning ordinance in terms of its structure, organization, clarity, ease of use, existing zoning districts and district standards, regulations of general applicability, definitions, and procedures. The analysis and evaluation shall include the Consultant's findings regarding how to integrate and implement the applicable goals and objectives of the Nogales General Plan. The Consultant shall provide a complete summary of consistencies and inconsistencies between the existing zoning ordinance and the Nogales General Plan. The Consultant shall also gauge the stakeholder's perceptions about the strengths and weaknesses of the current development standards code regulations. The Consultant shall analyze the Implementation Strategies of the Nogales General Plan to determine if the listed applicable strategies are viable, and if so, how they should be implemented in the zoning ordinance or subdivision regulations.

Deliverables:

- a. One original copy of the technical analysis and evaluation report of the current zoning ordinance and subdivision regulations and discussion of how existing general plan implementation strategies should be included. If new zoning/subdivision concepts and approaches are to be proposed, they shall also be described in sufficient detail.
- b. Electronic (PDF) and Native (Microsoft Word) file of the technical analyses and evaluation report.
- c. Prepare for and conduct presentation and discuss/refine the findings of the technical analysis and evaluation report with City staff, Planning & Zoning Commission, and public at participation events.

e. Annotated Outlines

The Consultant shall identify and discuss the new or augmented zoning concepts and approaches for potential inclusion in the draft zoning ordinance, with special attention to addressing the project issues and the results of additional issue identification and zoning ordinance analysis tasks. Based on this discussion, the Consultant shall prepare an annotated outline for both the zoning ordinance and subdivision regulations that includes a chapter-by-chapter, detailed description of the proposed new zoning ordinance, an overview of the proposed structure and substance of the new zoning ordinance, a discussion of any zoning options, and a commentary explaining the rationale for the recommended approach to drafting the zoning ordinance. The outline for the subdivision regulations will also include a chapter-by-chapter detailed description of the proposed updated subdivision regulations.

The zoning ordinance annotated outline and subdivision regulations outline shall also include provisions of how the new zoning ordinance would be used to implement the regulatory-related recommendations of the Nogales General Plan. The Consultant shall present the annotated outlines to City Staff, the Planning & Zoning Commission, and others at public participation events for review and comment. After obtaining general agreement on the contents of the initial draft of the annotated outline, the Consultant shall provide the City with a final annotated outline based on the comments received and approach confirmed.

Deliverables:

- a. Meeting(s) with the Planning & Zoning Commission, City staff, and others at public participation events. The Consultant, in consultation with the City, shall be responsible for facilitating all meetings.
- b. One original copy of each draft annotated outline.
- c. One original copy of each revised, final annotated outline.
- d. Electronic (PDF) and Native (Microsoft Word) files of the draft and final documents.

f. Discussion Draft/Final Zoning Ordinance and Subdivision Regulations

The Consultant shall prepare a discussion draft each of the Development Standards Code Regulations that are based on the final annotated outlines. The discussion drafts shall reflect the project intent and address the issues, and the results of the issue identification and zoning ordinance analysis and subdivision regulations analysis tasks. The Consultant shall describe its approach to incorporating these inputs into the discussion drafts. After initial review and comments by City Staff and the Planning & Zoning Commission, the discussion drafts shall be widely distributed for review and comment.

The Consultant shall propose an approach for soliciting broad-based input about the discussion drafts from the Planning & Zoning Commission, the general public, and others. The Consultant, in consultation with the City, shall be responsible for facilitating all public participation events.

The discussion draft shall be presented in distinct modules that will permit timely and expeditious review. The Consultant may group the chapters based on their experience or may recommend an alternative approach to presenting the discussion drafts for review and comment and consideration by staff. The discussion drafts shall include extensive use of graphics, tables, flow charts, matrices or other methods for facilitating easy use and understanding of the proposed zoning ordinance and subdivision regulations. Its form will be mutually agreed upon by the City and the Consultant, to compare the original language to proposed language. It is expected that the discussion zoning ordinance draft may have more than one round of drafting, review, revisions, testing, evaluation and recirculation. The Consultant is expected to test the zoning ordinance discussion draft to identify effectiveness, appropriateness, practical problems, and other inadvertent impacts. The discussion draft subdivision regulations is also expected to have more than one round of drafting, review and revision.

The proposal shall include a project task/timeframe schedule that graphically depicts the technical tasks and their project timeframes. It will also include the projected number and sequencing of public involvement events the Consultant will conduct in order to successfully gather input and complete reviews and revisions of the discussion drafts. These meetings/presentations, etc. are anticipated to be part of the development of a consensus discussion draft zoning ordinance document and subdivision regulations document. The Consultant shall describe its approach to conducting the discussion draft zoning ordinance evaluation, testing and revision process.

Deliverables:

- a. One original copy each of the discussion draft zoning ordinance and subdivision regulations in native file (Microsoft Word) and as revised for additional review and revision, as necessary.
- b. Electronic (PDF) files of the discussion draft zoning ordinance and subdivision regulations, and as revised for additional review and revision, as necessary.
- c. The Consultant shall work with the City to evaluate, test and revise the discussion draft zoning ordinance and subdivision regulations.
- d. Meetings/presentations, etc. with the Planning & Zoning Commission, City Staff, the general public and others to review the discussion draft zoning ordinance and subdivision regulations. The Consultant, in coordination with the City, shall be responsible for facilitating all public participation events.
- e. The Consultant shall implement its approach to soliciting input from the general public and other users about the discussion draft zoning ordinance and subdivision regulations.
- f. The Consultant shall modify the discussion draft zoning ordinance as needed.

Project Budget

A total, not to exceed, project budget must be submitted for all labor and reimbursable expenses. The City has allocated \$75,000 for this solicitation, taking in consideration the code revision done up to date. The cost shall be organized to show the number of hours of work provided by project member and firm. The estimate shall provide the following information:

- a. The number of hours to be provided by each person assigned to the proposed work by the firm's organizational levels.
- b. The proposed hourly rate for billing shall be included for each person.
- c. The number of hours of work, cost and percent of total cost shall be itemized for each major work element of the proposal.
- d. An itemized estimate of "reimbursable expenses" must be included.
- e. Confirmation that the preferred billing practice of the City is to accept monthly invoices with a forty-five (45) day timeframe to remit payment. (Based on the City's acceptance of the work by the Consultant that is the basis for the invoice)
- f. A statement that any work conducted by the Consultant outside of the scope attached to the executed contract will be pre-approved in writing by the City's Project Manager. Any work conducted outside the scope without pre-approval will not be paid.

Directly Related Experience

- a. A brief listing and summary description of three other engagements similar to this solicitation successfully completed with the past ten (10) years.

Firm/Team References

- a. A brief reference list of other municipalities served by the firm(s) on similar engagements shall be provided along with the names of contact person(s), their telephone number and email address.

Appendix

- a. Resumes shall be limited to two pages per each team member identified on the team chart.
- b. A maximum total of six (6) one side only project sheets may be included to demonstrate directly related experience.
- c. The submittal must include the completed Non Collusion Affidavit form

SECTION III: Tentative Schedule of Activities

The Tentative Schedule of Activities is presented below, but the City reserves the right to alter these timelines as necessary in its best interests and to accommodate scheduling calendars. All times refer to Local Time, as kept by the City Clerk.

No.	Activity	Date and Time
1	Public Release of the Request for Proposals	10/18/2023
2	Conduct Preproposal Meeting – Zoom Meeting	11/01/2023 (10:00 am)
3	Last Day to Submit Questions	11/15/2023 (5:00 pm)
4	Proposals Due to the City (hard copy only)	11/22/2023 (3:00 pm)
5	Interview Short Listed Firms (if necessary)	Week of 12/4/2023
6	Authorization to enter Contract Negotiations (City Council) (tentative)	12/19/2023
8	Recommendation to Award Contract (City Council) (tentative)	1/3/2024
9	Notice to Proceed (tentative)	1/8/2024

SECTION IV. Proposal Terms, Conditions and Instructions

1. Submittal Preparation and Submission

To be considered responsive, one (1) original and four (4) copies of the complete submittal must be received by the City in a sealed envelope or box with the Proposal project title, solicitation number (CDD-2023-001) and the submitter's firm name and address clearly indicated on the package. Please include a flash drive of your proposal in a pdf format as a component of your submittal. All submittals shall be received by the City on or before the identified deadline.

The submittal shall be prepared either on the forms provided in this solicitation or their substantial equivalent. Any substitute document for the forms provided in this solicitation shall be legible and contain the same information requested on the form.

The submittal must be typed or in ink. Erasures, interlineations or other modifications in the submittal must be initialed in ink by the person signing the submittal. Modifications shall not be permitted after submittals have been opened except as otherwise provided under applicable law.

It is the responsibility of each submitter to examine the entire solicitation, seek clarification in writing, and check its submittal for accuracy before submitting the submittal. Lack of care in preparing a submittal shall not be grounds for withdrawing the submittal after the submittal due date and time nor shall it give rise to any contract claim. A submittal may not be amended or withdrawn after the submittal due date and time except as otherwise provided under the City's Procurement Code or other applicable law.

Each solicitation amendment, if any, shall be signed with an original signature by the person signing the submittal, and shall be submitted no later than the submittal due date and time. Failure to return a signed copy of a material solicitation amendment within the submittal may result in rejection of the submittal.

Under applicable law, all submittals submitted and opened are public records and must be retained by the City of Nogales. Submittals shall be open to public inspection after contract award, except for such submittals deemed to be confidential by the City of Nogales. If a submitter believes that information in its submittal should remain confidential, it shall stamp as confidential that information and submit a statement with its submittal detailing the reasons that information should not be disclosed. The City of Nogales shall make a determination pursuant to the City of Nogales's Procurement Code and the Public Records laws of the State of Arizona.

A submittal that takes exception to a material requirement of any part of the solicitation may be rejected.

The City shall provide the release of all public information concerning the project, including selection announcements and contract awards.

The City of Nogales reserves the right to reject a portion of, any, or all submittals, to reconfigure project teams, to waive any informality or irregularity in any submittal received, to be the sole judge of the merits of the respective submittals received, and to cancel any solicitation, if deemed to be in the best interests of the City to do so.

2. Inquiries

Any inquiry related to a solicitation shall be directed solely to the City of Nogales' Project Manager identified on the cover page of this solicitation. All firms invited to respond to this solicitation (including the firm's employees, representatives, agents, lobbyists, attorneys, and sub consultants) will refrain, under penalty of disqualification, from direct or indirect contact for the purpose of influencing the selection or creating bias in the selection process with any person who may be involved in the selection process, including the City Council, Boards and Commissions, City Manager, Department Heads and other City staff. This policy is intended to create an equal opportunity for all invited firms, assure that contract decisions are made in public and to protect the integrity of the selection process. The Project Manager for this solicitation shall be:

Hector Tapia, AICP
Community Development Director
1450 N. Hohokam Dr.
Nogales, AZ 85621
520-285-5744
htapia@nogalesaz.gov

The Project Manager may require that an inquiry be submitted in writing or by email. Any inquiry related to a solicitation shall refer to the appropriate solicitation number, page number, paragraph and line of text in this solicitation.

Any inquiry should be submitted prior to the date identified in this solicitation. Failure to do so will result in the inquiry not being answered.

Any inquiry that raises material issues and results in changes to the solicitation shall be answered solely through a written solicitation amendment. A submitter may not rely on verbal responses to its inquiries.

3. Submittal Acceptance Period

By submitting a response to this solicitation, the submitter agrees that it shall hold its submittal open for the number of days from the submittal due date, as stated in the solicitation. If the solicitation does not specifically state a number of days for the submittal acceptance, the number of days shall be ninety (90) working days.

4. Certifications, Disclosure, and Disqualification

By signing the Non-Collusion Affidavit (attached), the submitter certifies that it did not engage in collusion or other anti-competitive practices in connection with the preparation or submission of its submittal.

5. Pre-contractual Expenses

Pre-contractual expenses include any expenses incurred by Submitters and selected contractor in:

- a. Preparing submittal in response to this RFP
- b. Submitting responses to the City

- c. Negotiations with the City on any matter related to submittals
- d. Other expenses incurred by a contractor or submitter prior to the date of award of any agreement

The City shall not be liable for any pre-contractual expenses incurred by a Submitter or selected contractor. Submitters shall not include any such expenses as part of the price proposed in response to this RFP. The City shall be held harmless and free from any and all liability claims, or expenses whatsoever incurred by, or on behalf of any person or organization responding to the RFP.

6. Conflict of Interest Statement

Submitters' proposals in response to this RFP must disclose to the City any actual, apparent, or potential conflicts of interest that may exist relative to the services to be provided under Agreement for Submitter services to be awarded pursuant to this RFP. If the Submitter has no conflict of interest, a statement to that effect shall be included in the proposal. The selected Submitter shall refrain from and disclose subsequent potential conflict during the contract.

7. Americans with Disabilities Act (ADA) Provisions

To comply with the nondiscrimination requirements of the Americans with Disabilities Act (ADA), the City makes every effort to ensure that its programs activities and services are available to all persons, including persons with disabilities. For persons with a disability needing a reasonable modification to participate in the procurement process, or for person s having question regarding reasonable modification of the procurement process, you may contact the City designated person in Section IV 2 of this RFP. In order to ensure the proposal complies with federal ADA guidelines, submitter should review the federal ADA guidelines.

8. Verbal Agreement or Conversation

No prior, current, or post award verbal conversations or agreement(s) with any officer, agent or employee of the City shall affect or modify any terms or obligations of the RFP, or any contract resulting from this RFP.

SECTION V: Evaluation Criteria

All proposals will be evaluated based on the technical and professional expertise and the experience of the firm/team, the proposed method and procedures of the work, and the budget of the project. The City's intention is to award this project to the firm/team with the most responsible response and cost conscious budget.

SECTION VI: Non-Collusion Affidavit

State of _____)
County of _____) ss.

_____, affiant,
(Name)

the _____ of
(Title)

(Contractor/Bidder)

who is the person or other entity that makes the accompanying Submittal, having first been duly sworn, deposes and says:

That such Submittal is genuine and not sham or collusive, nor made in the interest of, or on behalf of, any persons not herein named, and that the Submitter has not directly or indirectly induced or solicited any other Submitter to put in a sham bid, or any other person, firm, company or corporation to refrain from making a submittal, and that the Submitter has not in any manner sought by collusion to secure for itself an advantage over any other Submitter.

(Title)

Subscribed and sworn to before me
this _____ day of, 20____

Notary Public:

My Commission Expires: _____