

Request for Qualifications

Rockford Metropolitan Agency for Planning



On-Call Planning, Design & Technical Consultant Services



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On-Call Planning, Design, and Technical Consultant Services

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EXECUTIVE SUMMARY

- Scope of Work:** The Rockford Metropolitan Agency for Planning (RMAP) is seeking qualifications for on-call urban design, planning and technical services. The City of Rockford is seeking services through RMAP for on-going planning assistance. The first assignment is the development of a Downtown Comprehensive Development Strategy.
- Location:** City of Rockford, Illinois
Central Planning Subarea; Focus areas include Vital Signs Districts 7, 13, 25, 30 and portions of 12 and 27 (See Attachment B for additional information).
- Respondent(s):** Qualified respondents must have experience in design & implementation planning projects. Respondents should have the financial and staffing means to provide on-going services for one (1) year, with the potential for two (2) one year extensions.
- Consultant Selection Process**
1. Submittal of proposals.
 2. Evaluation process and selection criteria
 3. Recommendation to City of Rockford
 4. Agreement negotiation and approval by RMAP/City of Rockford
- Proposals Due:** **11:00 a.m., Central Standard Time, on April 17, 2014**
- Rockford Metropolitan Agency for Planning
313 North Main Street
Rockford, IL 61104
815-964-7627

SECTION 1: BACKGROUND AND SUMMARY OF WORK

A. Background

The City of Rockford with a population of over 150,000 is located in northwest Illinois (90 miles northwest of Chicago, IL and 70 miles south of Madison, WI). The City of Rockford (City) is experiencing significant public and private investment in downtown and anchor employment hubs and commercial corridors. Our primary arterial corridors are either in visioning, design, engineering, construction or recently completed. These transformational plans include:

- Phase 1 Riverwalk system;
- West State Street (U.S. 20);
- South Main Street (IL2);
- North Main Street (IL 2);
- Kishwaukee Street (IL 251);
- Morgan Street Bridge (crossing the Rock River).

Currently, the City is launching an update to their 2020 Comprehensive Plan and implementing a planning subarea strategy to maximize design, infrastructure planning and economic development for residents, businesses and community stakeholders.

B. Scope of Work Goals

The Rockford Metropolitan Agency for Planning (RMAP) and the City of Rockford are soliciting a written proposal from qualified firms to perform urban design, planning and related technical services. The primary intent is to provide “on-call” consulting services. During the contract term, the consultant(s) may be asked to respond to individual project assignments to perform certain services described in RFP Section 2. For each project, the consultant(s) will be asked to indicate: 1) their availability to perform the specific assignment, 2) proposed fee based on the amount of time anticipated to complete the work, 3) materials and equipment cost by unit, and 4) related subcontractor fees at hourly rates and unit costs.

The first assignment by the consultant(s) is developing a Downtown Comprehensive Development Strategy.

C. Contract Term

The awarded contract(s) will be for a one (1) year term with the option to renew for two (2) additional one (1) year terms.

D. Project Administration

Proposal respondents must identify specific personnel, qualifications, role and responsibilities assigned to major tasks/assignments. Additionally, the consultant must identify a Project Manager and their qualifications (at least five years of relevant experience in their particular area of expertise; demonstrated experience through work projects). The consultant(s) project manager will work directly with the City of Rockford designated project manager.

SECTION 2: SCOPE OF SERVICES

Below is a basic scope of work for each identified discipline/area of expertise. The list of services will be used to evaluate RFP response qualifications to perform work. Submittals must address the individual staff experience, support personnel, materials, software, and all other necessary information to demonstrate qualifications to provide requested services.

A. Community Engagement

Assist staff with community engagement-based approach to planning. These efforts are considered essential in every large scale project we undertake. Services that may be requested include:

- Assist with web-based and in-person interactive consensus building (i.e., individual stakeholder interviews, design charrettes, project workshops, and open houses, web-based civic engagement).
- Assist staff with involving other public agencies and key stakeholders in the planning process
- Related services as requested.

B. Urban Design & Planning

Assist staff with developing urban design standards applicable for new and existing buildings, parks and open space, and riverfront corridor within defined planning area. Services that may be requested include:

- Provide staff with understanding of best practices in design/development trends for midsized communities
- Site planning and layout
- Work with staff to identify highest and best use of subject property, existing land use protections and best practices
- Provide Line drawings, renderings, perspectives, 3-D computer models, conceptual site maps, other related graphics and visuals that integrate results from community engagement and best practices for land and building improvement
- Provide consultation to City staff on urban design recommendations
- Develop scenarios; assign priorities and timelines for project implementations
- Cost estimates associated with recommended improvements
- Related services as requested.

C. Landscape Design (Leisure, Recreation, Parks and Open Space Planning)

Assist staff with planning and design for parks and open space, streetscape and riverfront corridor development opportunities within the defined planning area. Services that may be requested include:

- Assist in setting priorities for public right-of-way improvements (lighting, streetscape and landscape elements)
- Work with staff to identify highest and best use of subject property/planning area
- Cost estimates associated with recommended improvements
- Related services as requested

D. Transportation & Infrastructure Analysis

Assist staff with scenario planning and assessment to determine transportation impacts and limitations with changes in land use patterns. Services that may be requested include:

- Infrastructure best practices analysis/solutions (i.e., context sensitive design, complete streets)
- Transportation network evaluation/assessment and master planning (i.e., public transit, freight, roadways, bike and pedestrian)
- Transportation modeling and management
- Parking and site access impacts
- Traffic calming recommendations
- Pedestrian and bike pathways
- Prioritization of improvements based on scenario planning and projected impacts
- Concept infrastructure design
- Storm water evaluation, design and management recommendations
- Cost estimates associated with recommended improvements
- Related services as requested

E. Fiscal/Economic Impact Analysis & Market Development

Assist staff with the following services:

- Cost-benefit/impact analysis for new development/redevelopment scenarios
- Growth areas within the planning area; land use assessment and recommendations
- Residential development assessment and recommendations
- Prioritization of development scenarios for highest and best use
- Business clustering concepts (i.e., Professional services, artist/maker manufacturing, and retail)
- Business retention/attraction strategies

SECTION 3: PROJECT #1 DOWNTOWN COMPREHENSIVE DEVELOPMENT STRATEGY



A. Project Goals & Outcomes

Implementation planning is essential for the City of Rockford to move forward with current and planned public and private development projects. The implementation plan will become the City's work plan for informing budget priorities for transformational investment and development. Desired outcomes of the Development Strategy include, but not limited to:

- A build-out analysis identifying potential development scenarios for downtown land uses and public infrastructure (i.e., complete streets, parks and open space)
- A set of recommendations and implementation steps for plan/development prioritization (immediate, medium and long-term)
- A methodology and framework to track and report progress (i.e., metrics and indicators) to the community
- Economic Model to finance near, medium and long-term projects

B. Project Boundary

The planning boundary area is defined by Vital Signs Districts 7, 13, 25 and 30 (See attachment B).

C. Existing Plans

See Attachment C for Local and Regional Planning documents.

SECTION 4: RESPONSE FORMAT

The following items are to be included in your proposal response, in the order listed. Deviation from this may render your proposal non-responsive.

- A. Statement of Qualifications Cover Sheet (1 page maximum)**
- B. Transmittal/Acknowledgement Letter (1 page maximum):** All proposals must be transmitted with an appropriately executed transmittal letter. A sample copy of the acknowledgement letter is included in Attachment E. This letter is required to address all of the City's goals for this project as outlined on pages 4 and 5 of this document.
- C. Table of Contents (1 page maximum)**
- D. Understanding of Request (2 pages maximum):** Summarize your understanding of the request and requirements, providing any information you feel will aid RMAP and the City of Rockford in making its decision. Successful proposals will include the following:
- Describe how the work will be done within the given timeframe and budget
 - Include a sample work plan and schedule for project delivery
 - Demonstrate understanding of past planning work product (see comprehensive list) included in the RFP Background section
 - Demonstrate understanding of Project #1
 - Project Management Approach – what approach/approaches do you think we should follow to ensure a good public-private partnership for consulting services?
- E. Firm / Team Qualifications (5 pages maximum):** Explain how your firm meets the experience and other requirements listed in Sections 2 and 3. At minimum, provide the following information:
- Proposed team
 - Brief narrative of Firm / Team and experience
 - Ownership and Corporate Structure
 - Description of Core Business activities/services
- F. Firm / Team Experience (14 pages maximum):** Include projects conducted over the past ten (10) years which involved services similar to this request for proposal. Successful proposals will include the following:
- Provide a description and data on similar projects completed or in process by your team since 2004 (including photos, drawings, and plans to convey project work product is encouraged); Maximum of seven (7) similar projects presented
 - Specifically address how you approach community engagement and plan development collaboration with city staff
 - Resumes of key staff that will be involved in this project
 - Organizational chart of team with designated consultant(s) Project Manager
- G. References (2 pages maximum):**
- Complete contact information
 - Public or Government: Identify at least two (2) redevelopment agency, county, city or other public officials who have been involved with a project completed by your team
 - General: Provide contact information for at least two (2) other individuals that can provide information about the experience and capabilities of your firm to carry out services identified in section 1

SECTION 5: EVALUATION OF PROPOSALS

A. Evaluation Procedure: Proposals received and conforming to the submittal instructions will be evaluated. Proposals will use the criteria listed below. Interviews may be requested prior to final selection of firm(s). The City of Rockford reserves the right to utilize references provided by firms seeking prequalification to gather information regarding a firm's services as stated within the RFQ. The information could be considered for use in scoring individual firms within an evaluation category.

| B. Evaluation Criteria | Total Score |
|---|---|
| <ul style="list-style-type: none"> • Understanding of Request <ul style="list-style-type: none"> ○ Understanding of desired work product ○ Project management plan/approach • Firm / Team Qualifications <ul style="list-style-type: none"> ○ Firm experience ○ Demonstration of services needed and project objectives • Firm / Team Experience <ul style="list-style-type: none"> ○ Similar project experience ○ Experience of staff/assigned team members • <u>References</u> | <p>15 points</p> <p>10 points</p> <p>15 points</p> <p>15 points</p> <p>20 points</p> <p>20 points</p> <p>5 points</p> |
| Total Score | 100 points |

C. Evaluation Committee: The evaluation committee may include, but not limited to, representatives from the City of Rockford Community & Economic Development, Public Works, Central Services Manager, and Administration.

SECTION 6: GENERAL INFORMATION

A. Fair Employment Practices, Equal Employment and Business Opportunity: All respondents shall be required to comply with all applicable laws on Fair Employment Practices, Equal Employment and Business Opportunity.

The City hereby notifies all respondents that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority and/or women business enterprise will be afforded opportunity to submit Proposals in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for any award. **All firms submitting RFQ's to the City are required to complete and attach the City of Rockford EEO forms (attached to this document).**

B. Method of Responding: Respondents shall submit **seven (7) copies and one (1) CD-ROM or USB Flash Drive** of the Qualifications proposal. The final RFQ document will be posted on the RMAP website at the following hyperlink for downloading purposes:

Rockford Metropolitan Agency for Planning: <http://www.rmapil.org/>

C. MBE/WBE certification process: The City of Rockford has a certification process for MBE/WBE designation that is separate for the RFQ process. While it is helpful to understand your firm's MBE/WBE status, this RFQ process does not take into consideration your MBE/WBE status as a criterion for qualification. If your firm wishes to seek certification as a MBE/WBE, we encourage you to contact Ron Moore, Diversity Procurement Officer, (815) 987-5622, Ron.Moore@rockfordil.gov.

D. Response Deadline: The proposal must be submitted in sealed envelopes or boxes marked with the project name to the RMAP Executive Director **by 11:00 a.m., Central Standard Time, on April 17, 2014 to:**

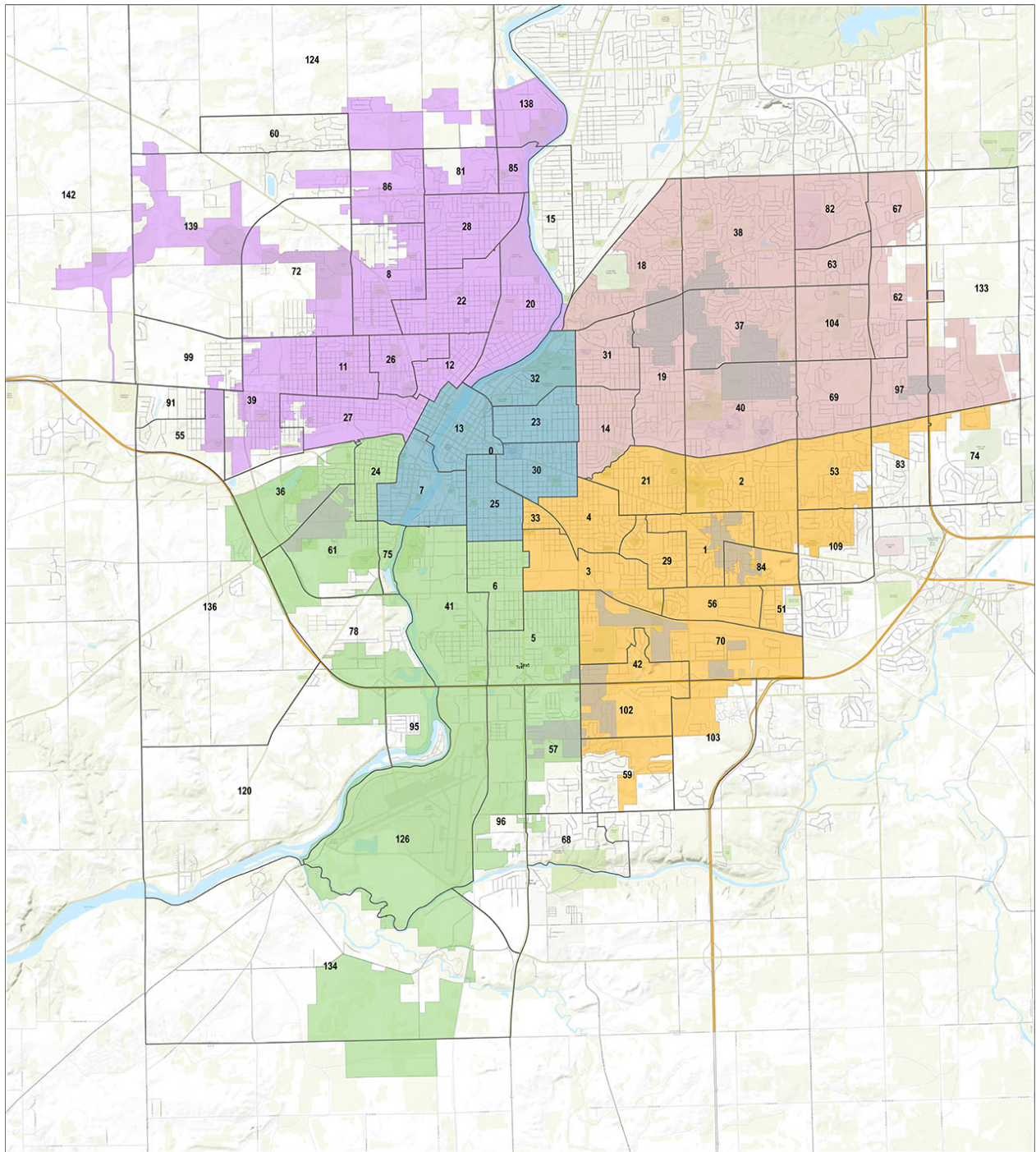
Rockford Metropolitan Agency for Planning
313 North Main Street
Rockford, IL 61104

E. RFQ Contact(s): Any questions concerning this RFQ should be addressed to:

Steve Ernst
Executive Director
Rockford Metropolitan Agency for Planning
815-967-7611
steve.ernst@rockfordil.gov

David Sidney
Manager of Comprehensive Planning & Design
City of Rockford, Community & Economic Development Department
815-987-5618
david.sidney@rockfordil.gov

ATTACHMENT A: City of Rockford Planning Subarea Map



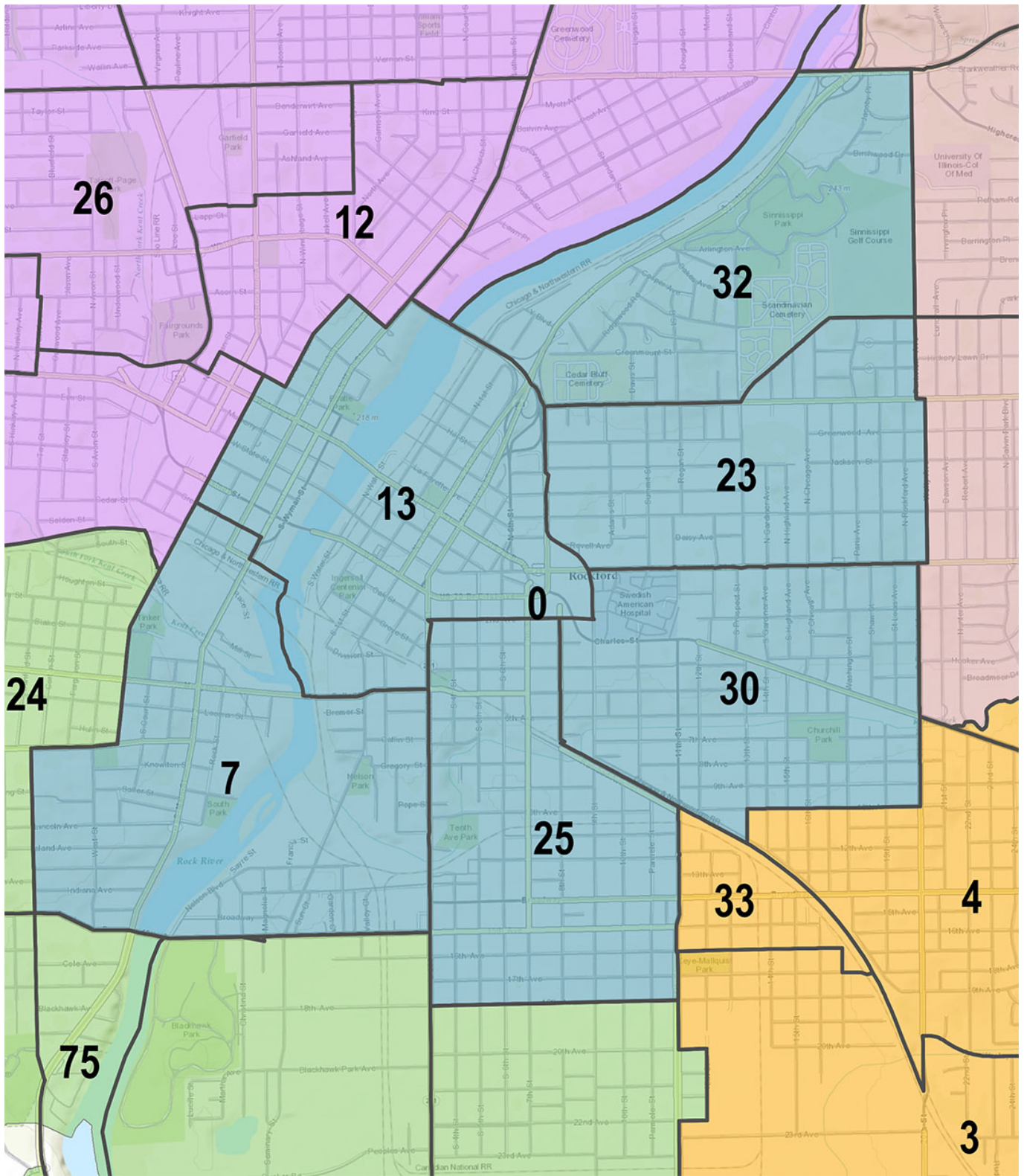
**City of Rockford
Planning Subareas with Vital Signs Districts**

Lawrence J. Morrissey, Mayor



| LEGEND | |
|--------|-----------------------|
| | Vital Signs Districts |
| | Unincorporated Area |
| | Central |
| | Northeast |
| | Northwest |
| | Southeast |
| | Southwest |

ATTACHMENT B: City of Rockford Central Planning Subarea Map



ATTACHMENT C: List of Local & Regional Planning Documents

- **City of Rockford 2020 Plan** City of Rockford (prepared in September 2004, Amended May 2008) (available at <http://www.rockfordil.gov/community-economic-development/long-range-planning/2020-plan.aspx>)
- **City of Rockford Downtown Circulation Study,**” City of Rockford (prepared by Henningson, Durham & Richardson, May 1984)
- **River District Framework Plan,**” Rockford River District Association (prepared by SmithGroup JJR, January 2003) (available at www.riverdistrict.com/development.htm)
- **River District Framework Plan and Implementation Study,**” Rockford River District Association (prepared by Farr & Associates, 2006) (available at www.riverdistrict.com/development.htm)
- **River District Association: Objections & Strategies,**” Rockford River District Association (August 2009)
- **Rockford Redevelopment Framework, and Phase I Implementation Strategies,**” Rock River Development Partnership (assembled by Live, Work, Learn & Play, 2010) (available at www.rrdp.org)
- **Business U.S. 20 – West State Street Corridor Study,** “ City of Rockford (prepared by Wight and Company; Wolff Clements and Associates, Ltd.; Gary Anderson and Associates, Inc.; and, Real Estate Planning Group, September 2002) (available at <http://www.rockfordil.gov/uploadedFiles/developmentbuildzone/development/WStateCorridor/WState%20Streport.pdf>)
- **Envision North Main Street: Corridor Plan,**” City of Rockford (prepared by Hitchcock Design Group; Business Districts, Inc.; and, Houseal Lavigne, LLC, September 2007) (available at <http://www.rockfordil.gov/uploadedFiles/development/devsubpages/Env%20N%20Main%20final%20report.pdf>)
- **Kishwaukee Street Corridor Revitalization Plan: Volume 1: Existing Conditions Analysis; Volume 2: Revitalization Strategy,**” City of Rockford (prepared by HNTB; Gary Anderson Architects; and, Valerie Kretchmer Associates, Inc., March 2008) (available at <http://www.rockfordil.gov/community-economic-development/long-range-planning/corridor-plans/kishwaukee-corridor-revitalization-plan.aspx>)
- **South Main Revitalization Strategy: Volume 1: State of the Corridor; and, Volume 2: Revitalization Vision & Implementation,**” City of Rockford (prepared by The Lakota Group; T.Y. Lin International; CLUE Group; and, Arc Design Resources Inc., December 2011) (available at <http://www.rockfordil.gov/community-economic-development/long-range-planning/corridor-plans/south-main-revitalization-strategy.aspx>)
- **Rockford Riverwalk Vision Plan: A Vision for our Downtown Riverwalk,**” City of Rockford (prepared by Hitchcock Design Group, December 2006)
- **Rockford Retail & Residential Market Study,**” City of Rockford Community & Economic Development Department (prepared by Economics, Research Associates, July 2008)

- **“The Rockford Area Transportation Study – Pedestrian and Bicycle Plan,”** Rockford Metropolitan Agency for Planning (RMAP) (prepared by T.Y. Lin International, 2008) (available at http://www.rmapil.org/assets/documents/bike_ped_plan.pdf)
- **“Boone and Winnebago Greenways Plan and Map,”** Rockford Metropolitan Agency for Planning (RMAP) (prepared by RMAP Task Force, including, Boone County Conservation District; Winnebago County Forest Preserve; Illinois Department of Natural Resources; Rockford Park District; and, Belvidere Park District, 2011) (available at http://www.rmapil.org/assets/documents/greenway_2011.pdf)
- **“2040 RMAP Long Range Transportation Plan: Transportation – Mobility – Sustainability,”** Rockford Metropolitan Agency for Planning (RMAP) (prepared July 2010) (available at http://www.rmapil.org/assets/documents/2040_lrtp.pdf)
- **“Attracting and Retaining Talent to the Rockford Area: Evidence, Key Findings and Action Plan,”** Next Rockford (prepared by Next Generation Consulting (Rebecca Ryan), February 2007)
- **“Comprehensive Economic Development Strategy: 2010-2014,”** Rockford Region Economic Development District (EDD)

**BID REQUIREMENTS FOR
EQUAL EMPLOYMENT OPPORTUNITY**

All bidders seeking to do business with the City of Rockford are **REQUIRED** to submit with any formal, sealed bid all of the following documents and information, attached herewith, completed and signed:

1. Equal Employment Opportunity Affirmative Action Plan Statement of Policy.
2. The Statement of Non-Compliance and Certificate of Non-Segregated Facilities.
3. The Contractor or Vendor Workforce Data Form listing all current employees, by classification, directly employed by the bidder. All categories of information requested must be supplied.
Note: The number of employees must be entered under each category (no check marks)

Below are the Federal definitions of the following racial groups accepted as minorities by the City of Rockford:

Black: A person having origins in any of the Black racial groups of Africa, not of Hispanic origin.

Hispanic: A person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes for example, China, Japan, Korea, the Philippine Republic and Samoa.

American Indian or Alaskan Native: A person having origins in any of the original peoples of North America.

4. Your State of Illinois Pre-Qualification Certification Number, issued by the Illinois Department of Human Rights for the Illinois Department of Human Rights Act, **must provide expiration date entered in the place provided therefore.**
5. Certificate of Non-Barred Bidding
6. All executed Subcontractor/Leased Operator and Supplier forms.

If you have not obtained your State of Illinois Pre-Qualification Number (item #4), by signing these documents you agree to make application for this number within 30 days from the date of bid opening.

ANY BID WHICH FAILS TO INCLUDE THE CITY OF ROCKFORD EEO PAGES 2, 4, AND 5, COMPLETED AND SIGNED WITH YOUR SEALED BID WILL NOT BE READ AND WILL NOT BE CONSIDERED – NO EXCEPTIONS.

Falsification of any required Equal Employment Opportunity or Affirmative Action information on the part of the bidder could result in rejection of the bid submitted or in the case where a contract has already been awarded, in the cancellation of said contract.

Any questions pertaining to E.E.O. requirements should be addressed to Ron Moore, Diversity Procurement Officer, Legal Department, 425 East State Street, Rockford, Illinois 61104, Phone: (815) 987-5622 or ron.moore@rockfordil.gov

EQUAL EMPLOYMENT OPPORTUNITY
AFFIRMATIVE ACTION PLAN
STATEMENT OF POLICY

It is the policy of this company, _____
to provide equal employment opportunity without regard to race, religion, color, national origin, handicap, age or sex through a program of positive action affecting all employees. In this program, our company carries out the requirements of Federal Executive orders 11246 and 11375, Civil Rights Act of 1964, Equal Employment Act of 1972, and all other applicable laws, and indicates its active support of the principle of equal opportunity in employment.

At present, _____ % of our work force are minorities and _____ % of our work force are females, and we will attempt to utilize minorities and females through a positive, continuing program in all jobs for which we contract in the future. Our company will utilize referrals from the City of Rockford's Diversity Procurement Officer for use of minorities and females regarding any future job vacancies.

It is also our intent to make efforts to purchase supplies or equipment from small business concerns located in the City of Rockford or counties of Winnebago or Boone and owned in substantial part (at least 51 per cent) by minorities or females.

_____ is the official who will be responsible for implementing this policy statement.

_____ will be designated as the Equal Opportunity Officer in our company, responsible for submission of all required equal employment opportunity documents.

In addition, _____ is hereby authorized to sign payroll as well as this company's officers. (NOTE: If only officers will be authorized to sign payrolls, please fill in "No One" in this space.)

STATEMENT OF NONCOMPLIANCE

If the equal employment opportunity hearing committee determines that a contractor, subcontractor/leased operator of equipment or bidder is not in compliance with this chapter, (also known as Chapter 11, Article III the City of Rockford Equal Opportunity Employment Ordinance), the hearing committee shall issue and serve upon such person a written statement of noncompliance setting forth the manner in which it finds such person has violated this chapter, and imposing and/or requiring appropriate sanctions, including, but not limited to any and/or all of the following:

- a. Denying, suspending or revoking qualifications, or declaring the contractor or subcontractor irresponsible and ineligible for future contracts or subcontracts until such time as the contractor or subcontractor shall demonstrate to the equal employment opportunity hearing committee that it is in compliance;
- b. Withholding or delaying payment on the contractor or;
- c. Suspending, avoiding or canceling contract work.

CERTIFICATION OF NON-SEGREGATED FACILITIES

The bidder certifies that he/she does not maintain or provide for his/her employees any segregated facilities at any of his/her establishments, and that he/she does not permit his/her employees to perform their services at any location, under his/her control, where segregated facilities are maintained. The bidder agrees that a breach of this certification will be a violation of the Equal Opportunity clause in any contract resulting from acceptance of this bid.

The bidder agrees that (except where he/she has obtained identical certification from proposed subcontractors/leased operators of equipment for specific time periods) he/she will obtain identical certification from proposed subcontractors/leased operators of equipment from the provisions of the Equal Opportunity clause, and that he/she will retain such certification in his/her files.

CERTIFICATE OF NON-BARRED BIDDING

The undersigned certifies that it is not barred from bidding on this contract as a result of a conviction for the violation of State laws prohibiting bid rigging or bid rotating. The undersigned also certifies that current or prospective employees, contractors, and subcontractors/leased operators of equipment are not listed as Excluded Individuals/Entities with the US Government, as maintained by the US General Services Administration.

By signing below, the firm agrees that all information provided in the previous pages is accurate, and that if the firm below does not currently have a Department of Human Rights number they will apply for one within thirty days with the State of Illinois.

Authorized Signature

Title

Firm

Our firm is a:

Minority Business Enterprise _____ City-Certified? Yes ___ No ___

Women Business Enterprise _____ City Certified? Yes ___ No ___

Neither _____

(Revised 12/21/09)

CITY OF ROCKFORD, ILLINOIS—BIDDING GENERAL CONDITIONS

1. **Pricing.** The bidder shall insert price for all bid items and all other information requested in these specifications. The price shall be the *full, delivered cost* to the City of Rockford with no additions.
2. **Total versus “Per Item” Awards.** The City generally awards contracts based on a lump sum basis to the lowest responsible and responsive bidder. However, the City may choose to award on a per item basis. Therefore, each bidder must submit pricing for each item indicated on the bid forms. Bidders must clearly indicate which items are bid and which are not.
3. **Delivery of Merchandise.** Delivery terms will always be Freight On Board (FOB)—Destination. The City of Rockford accepts no responsibility for the condition of any merchandise purchased prior to acceptance by City Personnel. Failure to comply with this requirement may constitute rejection of the bid.
4. **Acceptance of Merchandise at Delivery.** The City of Rockford reserves the right to refuse acceptance of delivered merchandise that differs substantially from the specifications in this invitation to bid or as otherwise permitted by Illinois law.
5. **Prompt Payment Act.** The City of Rockford intends to comply with the governmental prompt payment act. The awarded vendor will be paid upon submission of invoices to: City of Rockford Accounts Payable, 425 East State Street, Rockford, IL 61104.
6. **W-9 Request for Taxpayer Identification Number.** Prior to issuance of a purchase order, the successful bidder will be required to supply the City of Rockford with a federal W-9 Request for Taxpayer Identification Number and Certification. Failure to comply with this requirement will be considered a violation of contract terms, for which the City may bar the vendor from bidding for a period of up to three years.
7. **Legal Compliance.** The vendor awarded this contract will comply with all Federal, State, County, and City laws, ordinances, rules and regulations, which in any manner affect the product or service placed for bid herein. Lack of knowledge on the part of the awarded vendor of applicable law will in no way be cause for release of this obligation. If the City becomes aware of violation of any laws, ordinances, rules and regulations on the part of the awarded vendor, it reserves the right to reject any bid, cancel any contract, and pursue any other legal remedies deemed necessary.
8. **Legal Requirements.** This contract sets forth the entire final agreement between the City of Rockford and the bidder and shall govern the respective duties and obligations of the parties. The validity of this contract, and any disputes arising from the contract, shall be governed by the laws of the State of Illinois. Any litigation under this agreement shall be resolved in the trial courts of Winnebago County, State of Illinois. Should a provision of this contract be declared invalid by a court of competent jurisdiction, it shall not affect the validity of the remaining provisions of the contract.
9. **Safety.** Prevention of accidents at any project is the sole responsibility of the awarded vendor and its subcontractors, agents, and employees. The awarded vendor, its subcontractors, agents, and employees shall be fully and solely responsible for the safety of this project. The awarded vendor shall retain exclusive and direct control over the acts or omissions of its subcontractors, agents and employees, and any other persons performing portions of the work and not directly employed by the awarded vendor.

10. Criminal Background Check. When necessary for the protection of citizens and/or City staff, the City may require an awarded vendor to conduct a criminal background check on all of its personnel who will have direct contact with City facilities or residents/businesses served under this contract. Personnel are defined as representatives, agents, employees, subcontractors, or anyone else who will be utilized to fulfill obligations under this contract. Criminal background checks, at a minimum, shall consist of a county level felony and misdemeanor check for each county in which the personnel resided in the last 10 years. The awarded vendor shall notify the City of any of its personnel who have been convicted of a felony or misdemeanor prior to commencing any work under this contract. At the City's discretion, personnel with any felony or misdemeanor convictions which raise a concern about the safety of building, property, or City staff/resident's personal security, or is otherwise job related (as determined by the City) shall not perform work under this contract. Once given notice that a background check(s) will be required, it must be completed within 14 calendar days so as to not delay work to be completed.

11. Control of the Work. With respect to the awarded vendor's own work, the City shall not have contractual, operational, and/or supervisory control over and/or charge of the work and shall not be responsible for construction means, methods, techniques, sequences, procedures, and programs in connection with the awarded vendor's work, since these are solely the vendor's responsibility under the agreement. The City shall not be responsible for the awarded vendor's failure to carry out the work in accordance with the agreement's terms and conditions. The City shall not have control over and/or charge of acts or omissions of the awarded vendor, its subcontractors, and/or their agents or employees, or any other person performing portions of the work not directly employed by the awarded vendor. The awarded vendor shall be considered to be an "independent contractor" pursuant to Illinois law.

12. Bid Bond. When required on the cover sheet, a bid bond for not less than 5 percent of the bid amount must accompany all bids as a guarantee that if the bid is accepted, the bidder will execute and file the proper contract. A bank cashier's check, bank draft, or certified check equal to the amount specified is acceptable in lieu of a bid bond. Bid bonds of the two lowest firms will be retained until the contract is awarded.

13. Performance Bond. When required by the specifications herein, the awarded vendor shall furnish a performance bond equal to the amount of the contract, acceptable to the City, within 14 calendar days after notification of contract award. Failure to furnish the required bond within the time specified may be cause for rejection of the bid and any bid deposit may be retained by the City as liquidated damages and not as a penalty.

14. Taxes. No charge will be allowed for taxes from which the City of Rockford, Illinois is exempt. The City of Rockford, Illinois is not liable for the Illinois Retailers' Occupation Tax, the Service Occupation Tax or the Service Use Tax. The City is exempt from the Federal Excise and Transportation Tax.

15. Withdrawal of Bids. Firms may withdraw or cancel their bids at any time prior to the advertised invitation to bid opening. After the opening time, no bid shall be withdrawn or cancelled. All bids shall be firm and valid for a period of sixty (60) calendar days. If a bidder to whom a contract is awarded refuses to accept the award, the City may, at its discretion, suspend the bidder for a period of time up to three (3) years.

16. Subcontracting. The bidder shall provide information for all subcontractors, leased operators/equipment, and suppliers and all other information requested in the Subcontractor and Supplier Detail Forms attached. Requests for deviations from the completed detail forms submitted must be made in writing, and reviewed and approved by the City's Diversity Procurement Officer and the Central Services Manager or designee. The awarded vendor may not subcontract any portion of the contract after award without written consent of the

City of Rockford Central Services Manager. When subcontractors are used, the awarded vendor is required to pay subcontractors promptly after completion of work. Delay of payment is prohibited.

17. Termination of Contract. The City of Rockford reserves the right to terminate the contract in its entirety or in portions, upon written notice to the awarded vendor, if the Rockford City Council does not appropriate sufficient funds to complete the contract or in the event of default by the awarded vendor. Default is defined as failure of the awarded vendor to perform any of the provisions of this contract or failure to make sufficient progress so as to endanger performance of this contract in accordance with its terms. In the event of default, the City may purchase the product(s) and/or service(s) from other sources and hold the defaulting company responsible for any excess costs occasioned thereby. The City may require payment of liquidated damages for non-performance. Should default be due to failure to perform or because of a request for a price increase, the City reserves the right to remove the firm from the City's bidder list for a period of up to three years.

18. Late Bids and Proposals. Regardless of cause, late bids and proposals will not be accepted and will automatically be disqualified from further consideration. It shall be solely the vendor's risk to ensure delivery at the designated office by the designated time. Late bids and proposals will not be opened and may be returned to the awarded vendor at their request and expense.

19. EEO Forms. Each firm shall be required to submit with its bid information all EEO forms included in the invitation to bid package. Any bid which fails to include the properly completed compliance items will not be read and will not be considered. All subcontractors shall also be required to comply with the same EEO forms as the firm.

20. Restrictive or Ambiguous Specifications. It is the responsibility of the bidding firm to review the invitation to bid specifications and to notify the Central Services Manager if the specifications are formulated in a manner that would unnecessarily restrict competition. Any such protest or question regarding the specifications or invitation to bid procedures must be received by the Central Services Division not less than seventy-two hours prior to the time set for the opening. In the event a contract term is not defined within the contract document, the term will be given its ordinary dictionary definition.

21. Bid Protest. Firms wishing to protest bids or awards shall notify the Central Services Manager in writing within 7 days after the invitation to bid opening. The notification should include the bid number, the name of the firm protesting, and the reason why the firm is protesting the bid. The Central Services Manager will respond to the protest within seven (7) calendar days. A successful protest may result in the reversal of a previously awarded contract.

22. Disputes. In case of disputes as to whether or not an item or service quoted or delivered meets specifications, the decision of the Central Services Manager, or authorized representative shall be final and binding to all parties. The Central Services Manager has the right to waive technicalities as they see fit. The Central Services Manager may request a written recommendation from the head of the department using the equipment or service being procured.

23. Exceptions. Any deviations from these specifications shall be noted and submitted with the bid. Failure to address deviations from specifications may result in bid rejection.

24. Acceptance/Rejection of Bids. The City of Rockford reserves the right to accept or reject any or all bids or proposals at any time, for any reason, including but not limited to the Rockford City Council not appropriating

sufficient funds to purchase equipment or complete the contract. The City may make awards in any manner deemed in the best interest of the City.

25. Prevailing Wage. When indicated on the cover page of this document, this contract calls for the construction of a “public work,” within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 *et seq.* (“the Act”). The Act requires awarded vendors and subcontractors to pay laborers, workers, and mechanics performing services on public works projects no less than the “prevailing rate of wages” (hourly cash wages plus fringe benefits) in the county where the work is performed. When required, awarded vendors are responsible for paying current prevailing wage rates, as posted on the Illinois Department of Labor’s website at: <http://www.state.il.us/agency/idol/rates/rates.HTM>. It is the awarded vendor’s responsibility to verify current wage rates, as they are updated monthly. All awarded vendors and subcontractors rendering services under this contract must comply with all requirements of the Act, including but not limited to, all wage, notice, and record keeping duties.

26. Certified Payroll. All Certified Payroll reports required to be submitted under the Prevailing Wage Act, 820 ILCS 130, must be submitted monthly via email, in Excel or some format compatible with Excel, to certified.payroll@rockfordil.gov.

27. Substance Abuse Prevention. When required by Illinois State Statutes, awarded vendors must have in place and file with the City a written program for prevention of substance abuse among its employees. This program must include pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing, as required by the Substance Abuse Prevention on Public Works Projects Act.

28. Apprenticeship Requirement. For construction contracts over \$50,000, awarded vendors must participate in apprenticeship and training programs approved and registered with the United States Department of Labor’s Bureau of Apprenticeship and Training for all Trades that will be in the awarded vendor’s (or his subcontractor’s) employment, with each worker receiving the required apprenticeship/training appropriate to his trade. Owners or work performed by owners is not exempt from the apprenticeship and training requirement.

29. Indemnification. To the fullest extent permitted by law, the awarded vendor shall indemnify and hold harmless the City, its officers, representatives, elected and appointed officials, agents, and employees from and against all claims, damages, losses and expenses, including but not limited to attorney’s fees, arising out of or resulting from the awarded vendor’s performance of work under this agreement, and indemnifies and agrees to defend and hold harmless the City against any and all losses, claims, damages, and expenses arising from the work performed hereunder of the erection, construction, placement, or operation of any scaffold, hoist, crane, stay, ladder, support, or other mechanical contrivance in connection with such work including but not limited to losses, claims, damages, and expenses arising pursuant to claims asserted against the City pursuant to theories premised upon section 414 of the Restatement (Second) of Torts and section 343 of the Restatement (Second) of Torts.

This indemnification agreement shall not be limited in any way by any limitations on the amount or type of damages, compensation, or benefits payable by or for the awarded vendor under Worker’s Compensation Acts, disability benefit acts, or other employee benefit acts, and serves as an express agreement to waive the protection of *Kotecki v. Cyclops Welding Corp.*, 146 Ill.2d 155, 585 N.E.2d 1023 (1991) in Illinois.

Further, the awarded vendor agrees that it is solely responsible for compliance with all safety laws applicable to the work performed hereunder, including but not limited to the Occupational Safety and Health Act of 1970

and the Construction Safety Act of 1960 and all standards and regulations which have been or shall be promulgated by the agencies which administer the Acts.

Under no circumstances shall the awarded vendor, its subcontractors, agents, and employees be required to indemnify the City for its own negligence.

30. Officers. Each bidder affirms, by submission of a response to this bid or request for proposals, that no officer of the City of Rockford, Illinois, is directly or indirectly interested in the proposal for any reason of personal gain.

31. Non-Waiver. The failure by the City to require performance of any provision shall not affect the City's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this contract constitute a waiver of any subsequent breach or default or a waiver of the provision itself.

32. Professional Services Selection Act. The City of Rockford intends to comply with 50 ILCS 510/5 governing the selection of professional services. Any reference in these terms and conditions to supplying pricing or price as a determining factor in selection do not apply for services covered by said act.

33. The City of Rockford reserves the right to accept or reject any and all proposals and to waive technicalities in submitted bids.