

Delaware River Waterfront Corporation

ANNOUNCEMENT

REQUEST FOR PROPOSALS

Improvements to Pier 53

The Delaware River Waterfront Corporation and the City of Philadelphia are seeking proposals from qualified design/build consultants to prepare a design and construction plan for improvements to Pier 53 and its surrounding area. This project will occur on an aggressive schedule with implementation to begin in late winter/early spring of 2010. The goal is to develop Pier 53 and its surrounds into a simple and attractive green, public space with active programming to bring people to the riverfront. This project is intended to enhance the interim trail that will extend from Mifflin Street north to Lombard Street. In addition, the project design is intended to facilitate immediate and future investments in ecological improvements, both aquatic and riparian, to Pier 53 and its surrounding area.

This proposal will be a design-build project and there will NOT be a separate competitive bid process for construction. The design team will first deliver design and construction documents and will then manage the implementation phase. The selected design/build firm should be prepared to design and construct within the established budget however the firm may select to design and construct a high quality base plan that can accommodate incremental upgrades, including future ecological enhancements such as tidal wetlands and restored riverbank habitats, at a later date.

Attached is information relating to submitting a proposal including specific requirements, the organization of the proposal, and proposal evaluation criteria.

Sealed proposals (15 hard copies; 15 CDs) must be received by Joseph Forkin, Vice President for Operations and Development, Delaware River Waterfront Corporation by December 30, 2009 at 5:00 P.M. EST. The proposal should be addressed to:

Joseph A. Forkin
Delaware River Waterfront Corporation
121 North Columbus Boulevard
Philadelphia, PA 19106

If you have any additional questions, please contact Joe Forkin at:
jforkin@DelawareRiverWaterfrontCorp.com

SECTION 1: INTRODUCTION

PROJECT BACKGROUND & PROJECT STATEMENT

Since 2007 the City of Philadelphia has taken active steps towards rethinking the future of the riverfront. First, the city adopted a new vision for the riverfront. Together, the *Civic Vision for the Central Delaware* and its companion, *An Action Plan for the Central Delaware: 2008 - 2018*, provide a framework for thinking about the riverfront in new ways and help to chart a new vision for the central Delaware riverfront. Second, in recent months, the city and the Delaware River Waterfront Corporation (DRWC) have begun quite a few projects that signal a true commitment to the revitalization of the riverfront. For example, DRWC announced the names of two consultant teams chosen through a selective process to complete a design and construction project for Pier 11 as well as to complete a master plan for the seven miles of the central Delaware. These projects will go far towards ensuring the creation of new parks, a riverfront greenway and multi-use trail, a pedestrian friendly network of streets, and the ecological restoration of the river banks.

Simultaneously, the city and the DRWC are focused on the implementation of early action projects that will help build a constituency of riverfront users and illustrate the city's commitment to the riverfront. One early action project, initiated by the Center City District, will be the installation of a temporary trail along the riverfront. This trail will extend from Mifflin Street north to Lombard Street. The DRWC has played an instrumental role in helping the Center City District align the trail through a variety of parcels each owned by various individuals and corporations. Currently, the DRWC owns a one acre parcel of land and pier (Pier 53) behind the Sheet Metal Workers building located at the terminus of Washington Avenue. The DRWC has agreed to allow the Center City District to construct the interim trail on this land. This section of the trail will be adjacent to the river and, with some minor improvements and investment, this area could become a highlight of the interim trail – providing Philadelphians with a green, public space where they are able to enjoy the riverfront in a new way.

Implementing improvements to Pier 53 and its surrounding area will serve as an important demonstration project and an early initiative that will go far towards reintroducing the residents of South Philadelphia to the Delaware riverfront. In addition to providing the residents of South Philadelphia with a new green space and riverfront public access, the project will offer trail users a glimpse into the long term vision for the riverfront. Overall, opening this area of the riverfront to the public will offer Philadelphians a new place from which to experience the river. It is the hope of the city and the DRWC that this project will create a simple and attractive public space at the edge of the river and that the project will help to establish a more long term stewardship of the river, including the potential for aquatic and riparian ecological restoration developed in tandem with enhanced recreational and economic opportunities. Indeed, restoration of the Delaware riverfront can serve as a catalyst for future development activities.

The pier is located in the southern section of the central Delaware. The central Delaware is defined as a seven-mile stretch of the Delaware River in Philadelphia that is bounded by Oregon Avenue at the south, Allegheny Avenue at the north, the Delaware River at the east and Interstate 95 at the west. It is a 1,000+-acre area that includes active port uses, along with residential, commercial and post-industrial, mostly privately owned development sites.

The total design and construction costs are not to exceed \$570,000.

In addition, the Pennsylvania Horticultural Society (PHS) has separate funding to conduct civic engagement and outreach specifically for the Pier 53 design process. The selected team should anticipate working with PHS to develop and conduct an appropriate outreach effort that engages Philadelphians in the design process in a timely manner.

PURPOSE

The improvements to Pier 53 must demonstrate high standards of design including sustainable design-build standards. The final design should offer Philadelphians a new public access point to the river, a new place to gather along the river, a place of respite along the interim bicycle trail, and a place to learn about the future of the riverfront and the ecology of the Delaware River. Also, it will be essential to make the area both accessible and safe.

Importantly, this new public space must also be adaptable. The improvements to Pier 53 are meant to enhance a key portion of the interim trail. As the city completes the master plan for the central Delaware riverfront, it is likely that this area of the riverfront will be subject to change. Therefore, the proposed design must ensure that this new public space along the riverfront can adapt over time to accommodate a changing riverfront with changing needs. Considering this, the primary objective of creating this new public access area is to design a high quality, enhanced green space adjacent to Pier 53. The consultant team may consider a phased approach to the project; for example -- designing and constructing a complete base plan that can later accommodate a series of incremental upgrades. Though the improvements to Pier 53 may be phased, it is imperative that the base plan be well-designed and able to stand on its own as there is no guarantee that additional funding will be made available to complete later phases. Overall, the project should seek to reflect the urban design standards of the *Civic Vision for the Central Delaware* and other concurrent projects of the Delaware River Waterfront Corporation such as Pier 11.

The successful team will demonstrate high level design abilities as well as the capacity to deliver projects on time and on budget -- from design through to construction. The team may consider approaching this interim improvement as means to incorporate innovative public art into the city's riverfront landscape. Collaboration between an expert in public art and a design-build firm may offer an opportunity to approach the interim improvements to this site in a unique way that will help to generate traffic along the trail and generate important buzz for ongoing riverfront revitalization.

STUDY AREA

For this design-build process, the study area will include:

- The upland area adjacent to Pier 53 and behind the Sheet Metal Workers Union building (approximately 1 acre with 360' linear feet of waterfront); and
- Pier 53 itself.

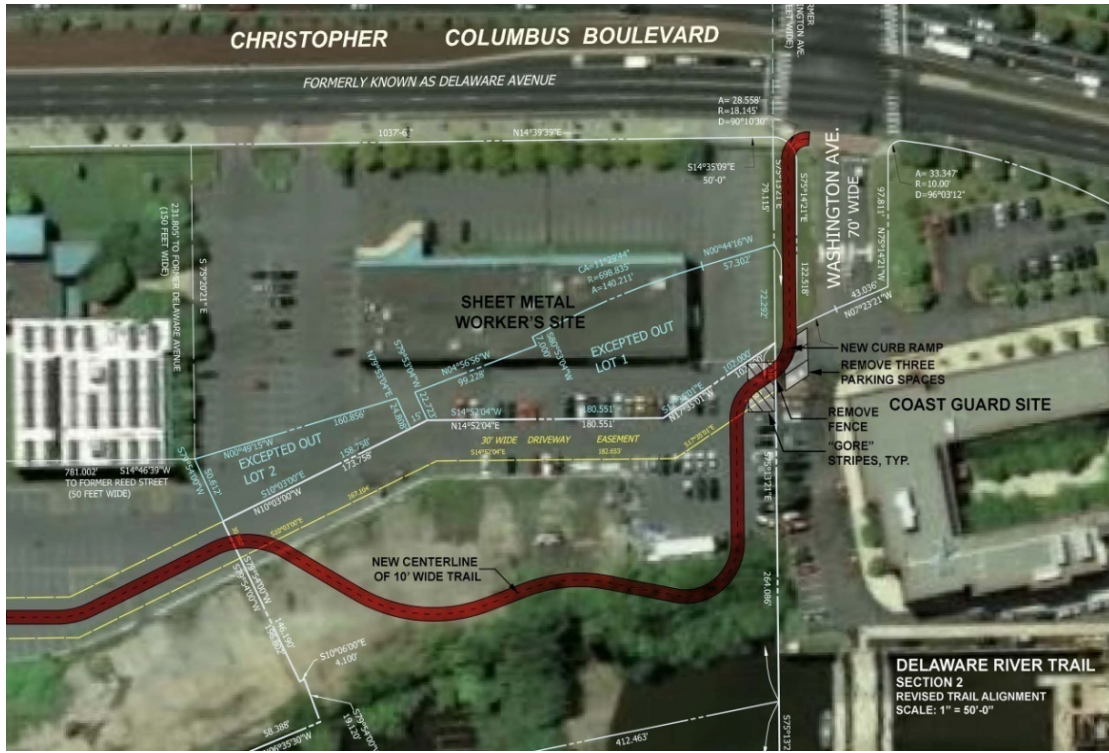
The study should evaluate the possibility of clearing the pier and/or the upland portion of the pier; paving or greening the pier and/or the upland portion of the pier; undertaking ecological restoration activities, including naturalized riverbank restoration, creation of tidal wetlands, and/or ecological restoration of the upland portion of the pier; installing railings at the edge of the pier; landscaping the area behind the Sheet Metal Workers building; installing signage and street furniture; exploring the

possibility of installing a floating boardwalk or lower walkway to provide river access; and incorporating creative temporary art installations or exhibits. The proposed improvements should focus on the installation of durable, low maintenance materials that may potentially be reused for other improvement projects along the riverfront. An opportunity exists for a temporary public art installation that might be both environmental and educational. This would offer Philadelphian's the chance to learn about their riverfront – its past, its present, and its future possibilities.

Additionally, the study should address programming around Pier 53 and along this segment of the temporary trail. The City of Philadelphia and the DRWC view this project as an opportunity to teach Philadelphian's about the riverfront and to promote stewardship of the river by building a constituency of riverfront users.

The following images outline the study area and identify the proposed trail alignment adjacent to Pier 53:





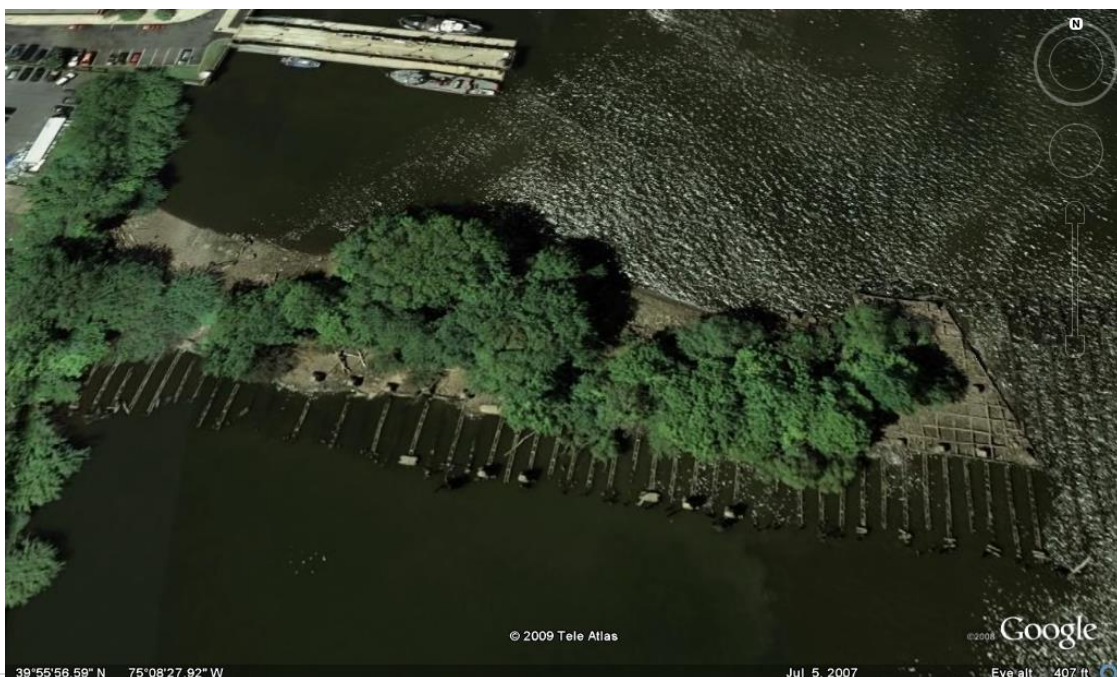
ADDITIONAL INFORMATION:

The DRWC has completed a preliminary inspection of the existing pier conditions and the determination is that the pier structure would need to be entirely rebuilt. However, the upland section of the pier is usable. While it is not economically feasible to rebuild the pier structure, the pier structure should not be ignored in your response because opportunities may exist to:

- Selectively clear and/or replant vegetation on the pier to enhance the ecological and habitat value.
- Install creative and educational temporary public art projects on to the exposed piles.
- Create tidal wetland and/or riparian upland habitat demonstration projects which would also serve to teach Philadelphians about the ecology of the river.
- Incorporate innovative programming that will bring residents of Philadelphia to the riverfront and give them the opportunity to experience the city in new ways.

Current and potential stakeholders include:

- Residents of South Philadelphia, the city at-large, cyclists, joggers, walkers, etc. using the interim trail
- The Delaware River Waterfront Corporation
- City of Philadelphia: Planning, Commerce, Recreation Department, Water Department, Office of Art, Culture, and the Creative Economy, Mayor's Office of Transportation and Utilities
- William Penn Foundation
- Center City District
- Pennsylvania Horticultural Society
- Residents/ Neighborhoods - The Central Delaware Advocacy Group, Queen Village, Pennsport
- Business owners –Sheet Metal Workers Union
- Institutions – Coast Guard, Academy of Natural Sciences
- Fairmount Park Art Association
- Department of Conservation and Natural Resources
- Pennsylvania Department of Environmental Protection
- US Army Corps of Engineers



SECTION 2: SCOPE OF SERVICES

PROJECT MANAGEMENT

The DRWC will directly manage this project; however, a Project Advisory Committee will help to advise the DRWC. This committee will include many of the stakeholders listed above as well as representatives from the nearby neighborhoods.

As stated above, the Center City District is currently working on implementing a temporary riverfront trail between Mifflin Street and Lombard Street. This park and the riverfront trail are complementary projects that together will improve waterfront access along the southern portion of the central Delaware. In addition, PHS is developing a series of public programs focused on bringing people to the riverfront and building long-term stewardship for the river. The Philadelphia Water Department and the Department of Conservation and Natural Resources are also partners of the Delaware Direct Watershed River Conservation Plan. The Delaware Direct Watershed River Conservation Plan addresses natural, recreational, and cultural resources as well as concerns and threats to river resources and lays out actions leading to the development of a river corridor management program. For the Pier 53 improvements, the consultant team should be prepared to work with these entities focused on evaluating, assessing, planning, designing and implementing waterfront access projects and environmental restoration activities within the project area. The consultant teams should seek to coordinate the Pier 53 project with the proposed designs and programming efforts planned for the trail and PHS. Many different entities will be working within this area and a coordinated approach to the project will go far towards making the area around Pier 53 a true demonstration project that will help to illustrate the great potential for Philadelphia's central Delaware and will help to engage Philadelphian's with their riverfront.

In addition, the Pennsylvania Horticultural Society (PHS) has separate funding to conduct civic engagement and outreach specifically for the Pier 53 design process. The selected team should anticipate working with PHS to develop and conduct an appropriate outreach effort that engages Philadelphian's in the design process in a timely manner. At a minimum, this public participation process shall consist of the following:

- Formation of a Project Advisory Committee with sufficient representation of the community's park and recreation and ecological enhancement needs and to build broad based support for the planning process, plan proposals, and implementation. At least four (4) Project Advisory Committee meetings shall be held.
- Convene at least two (2) advertised or promoted public meetings to gather information from local residents about their attitudes and interests as well as getting their reactions to the project's findings and recommendations.
- Conduct between five (5) and fifteen (15) key person interviews to give community leaders an opportunity to voice their concerns and respond to a standard set of questions to inform the planning and design process.

The DRWC anticipates a quick turnaround on this project. The DRWC would like to announce the start of the project in January 2010 with implementation fast tracked for construction to begin in the late winter/early spring of 2010 and opening in summer 2010.

As a result of this aggressive timeline, the consultant team will report directly to the DRWC.

PROJECT TASKS AND DELIVERABLES:

The proposal should describe how the consultant team will organize and manage a design-build process which invites participation and contribution from the Project Advisory Committee and local community. The firm will take the entire project through schematic design, design development, construction documents, and construction administration.

TASK #1:

Analysis of existing conditions to include:

- a) Safety Inspection
- b) Stability Review
- c) Background Information and Data including brief discussions of the following:
 - i. Community characteristics
 - ii. Natural resources of the site including but not limited to critical habitat or areas of special interest
 - iii. Philadelphia's park system and how Pier 53 will fit into the overall system and support existing community planning initiatives
 - iv. Planned public participation process
- d) Kick-off meeting with Project Advisory Committee

Deliverables: Inspection and safety report and recommendations; Background Information and Data narrative; Public Participation Process description

TASK #2

Design plan for pier, upland areas, and connections to Columbus Boulevard (Delaware Avenue).

- a) Schematic Design Drawings including -- site plan, landscape plan, utility plan, lighting plan, stormwater management plan, signage and street furniture plan, and Americans with Disabilities Act (ADA) compliance.
- b) Identification of opportunities for temporary public art, temporary exhibits that will attract visitors, and temporary displays centered on the progress of the masterplan.
- c) Identification of opportunities for creative programming. This might include developing ideas for fishing-related events, biking-related events, events for children, education around river ecology, information about the ongoing masterplan, etc. The consultant team should coordinate with PHS on this task.
- d) Identification of opportunities for ecological restoration, particularly around exposed piles and along the river's edge.
- e) Identification of opportunities for historical interpretation.
- f) Identification of potential upgrades and ecological enhancements that might occur onsite at a later date.
- g) Cost estimates for base plan and future upgrades.
- h) Cost estimates for maintenance and operating costs.
- i) Update meetings with Project Advisory Committee
- j) Community meeting(s) to discuss the plan and provide information about the project. Feedback will be gathered and incorporated into the final design. The consultant team will work with

PennPraxis and the Pennsylvania Horticultural Society on this task item. PHS will provide public outreach services for this project. Together the team, PHS and PennPraxis will develop methods of reaching out to the community and design a public event that will engage the community and teach them about opportunities associated with the temporary improvements to Pier 53 and its surrounds. As mentioned above, the public participation plan, with major assistance from the Pennsylvania Horticultural Society and PennPraxis, shall include, at a minimum, four (4) Project Advisory Committee meetings, two (2) public meetings, and between five (5) and fifteen (15) key person interviews.

Deliverables: Project Advisory Committee Meetings; Community Meetings; Key Person Interviews; Public Participation Process Narrative (including summaries of meetings and key person interviews); Narrative discussing opportunities for public art, creative programming, ecological restoration, historical interpretation, and upgrades and ecological enhancements; Design Plan, and Cost Estimates

TASK #3

Implementation

- a) Preparation of Construction Documents which include working drawings and specifications. Because this is a design/build project there will not be a separate competitive bid for construction.
- b) Final meeting with Project Advisory Committee
- c) Clearing of existing vegetation on pier and upland areas.
- d) Paving and/or landscaping of pier and upland area, including ecological restoration activities.
- e) Railings at river's edge/edge of pier, as necessary
- f) Clear visual and physical connection to interim trail.
 - Installation of:
 - Signage
 - Street furniture
 - Temporary public art
 - Ecological amenities

Deliverables: Construction Documents

TASK #4

Construction Administration – the proposal should describe how the consultant team will manage the construction and what aspects of the job will be subcontracted versus self-performed.

- a) Ongoing review of shop drawings, material and color samples, test reports for all materials, schedules, manufacturer's certifications and certificates of inspection submitted to contractors to determine compliance with the contract drawings and technical specifications and review progress payment submittals.
- b) On-site construction observation.
- c) Conduct bi-weekly progress meetings with DRWC, the General Contractor and all other involved parties. The Consultant is responsible for completing progress meeting minutes.

Deliverables: Final design and implemented project.

SECTION 3: PROPOSAL CONTENTS AND REQUIREMENTS

1. Letter of transmittal including:
 - A statement indicating your understanding of the work to be performed;
 - An affirmation of the firm's qualifications for professionally and expertly conducting the work as understood;
 - The firm's contact person concerning the proposal and a telephone number and email where that person can be reached.
2. Qualifications, including professional practice, areas of specialization, practice philosophy, and project/client mix as well as examples of no more than three (3) projects conducted by the firm and subcontractors of a similar scope. Proposers must disclose any professional engagements, relationships, conflicts of interest, or potential conflicts of interest with developers of projects, their contractors, subcontractors, and consultants that might impact the project.
3. Vision and strategic overview of the project.
4. Explanation of work to be performed.

The proposal must include a detailed description of the procedures and methods you propose to use to complete this scope of work.
5. Description of project management, including
 - Services to be provided by each team member (if applicable)
 - Organization chart
 - Technical resources
 - Key principal, project, technical, and support personnel with resumes
 - Consultant and sub-consultant experience
6. References

List three references, indicating project names, firm's role and client contact info (including telephone and email).
7. Fees

Submit Fee Proposal which includes the following:

 - Consultant hourly rates
 - Cost per task
 - Allowance for reimbursable expenses
8. Schedule:

A project work schedule should be provided which includes time frames for each task and dates for completion of design plans and final documents.
9. Sealed proposals (5 hard copies; 5 electronic), must be received by:

Joseph A. Forkin
Vice President for Operations and Development
Delaware River Waterfront Corporation
By December 30, 2009 at 5:00 P.M. EST.
If mailed, the proposal should be addressed to:

Joseph A. Forkin
Delaware River Waterfront Corporation
121 North Columbus Boulevard
Philadelphia PA 19106

Selection Process

The DRWC is committed to establishing and achieving the highest level of waterfront public realm design along the central Delaware. Design quality, along with technical competence, will rank highly in the consultant selection process.

Members of the DRWC Planning Committee and DRWC staff will consider the completeness, clarity, focus, conciseness and accuracy of the proposals, and recommend its findings to the board of the DRWC. It will also consider the relevance of experience, resources, references, quality and diversity of expertise and any additional information provided as well as fees and hourly rates.

After review of the written proposals, the DRWC Planning Committee may invite some consultant teams to make an oral presentation to the committee.

After interviewing the invited firms, the committee will recommend a selection to the Delaware River Waterfront Corporation board which will approve the selection of the consultant team.

The staff of the Delaware River Waterfront Corporation will finalize the scope of work and execute a contract, in a form satisfactory to the DRWC, with the consultant. The DRWC reserves the right to reject any or all proposals received in response to this request.

The DRWC encourages respondents to build teams with proven experience in construction management, construction contract buy-out, material sourcing, and construction contract administration. Proven experience and success in ecologically sustainable design, environmental restoration, and construction projects with a focus on education and interpretive site related projects is a plus. Teams may also include a LEED accredited Landscape Architect/Architect.

DRWC encourages the response and inclusion of Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE"), and Disabled Business Enterprises ("DSBE") (collectively, "M/W/DSBE") in its contracts. The goal of DRWC is to ensure that all businesses desiring to do business with DRWC have an equal opportunity to compete by creating access to DRWC's contract opportunities by M/W/DSBEs and meaningfully increasing opportunities for the participation by M/W/DSBEs in DRWC's contracts at all tiers of contracting.

DRWC has set the following M/W/DSBE participation goals for this project:

- Minority Business Enterprises: 10 - 15 %
- Woman Business Enterprises: 5 - 10%
- Disabled Business Enterprises: best efforts

The basis for each determination will be the total dollar amount of the bid/contract. DRWC will determine respondents' compliance with these percentage goals based on their final proposals, after any negotiations between DRWC and the respondents. If a non-M/W/DBE is selected as the prime

contractor, DRWC will monitor the contractor's performance to ensure it meets its commitments to utilize M/W/DBEs as stated in the final contract. Failure to meet these commitments will affect the prime contractor's standing in bidding for later phases of this project or future DRWC proposals.

To count toward inclusion goals, all M/W/DSBEs must be certified by the Philadelphia Minority Business Enterprise Council (MBEC) or the Pennsylvania Unified Certification Program (UCP). Participating firms that are not yet certified as of the deadline for this RFP must apply for proper certification as soon as practicable, and must submit a statement attesting that the firm believes in good faith it meets the qualifications of the relevant certifying authority. UCP and MBEC may recognize current certifications already issued by other states, cities, etc. MBEC and UCP certification requirements are similar to that of other states and/or other authorizing entities. Only work performed by certified firms will count toward a contractor's final achievement of its inclusion goals. Certifications that expire during a firm's participation on a particular phase of the project may be counted toward overall goals for participation ranges. However, said firm **MUST** become re-certified prior to consideration for goal credit for any future contracts affiliated with this plan. If a firm has been de-certified, said firm would not be eligible to participate.

An M/W/DBE submitting as the prime contractor will only receive credit, in its certification category, for the amount of its own work or supply effort on the specified work in the bid and or RFP.

A firm that is certified in two or more categories (e.g. MBE and WBE, or WBE and DSBE) will only receive credit as either an MBE or WBE or DSBE.

Respondents to this RFP are required to submit a Solicitation and Commitment form (see Appendix A) documenting their compliance with these goals and/or their best efforts toward achieving these goals.

In addition, respondents may provide a more detailed description of any efforts they have made within their company and proposal which will help DRWC achieve its inclusion goals. These efforts may include, but are not limited to the following: 1) a description of respondents' written diversity program identifying the race, gender and ethnic composition of its board of directors; 2) its employment profile; 3) a list of all M/W/DSBE vendors that the respondent does business with and a statement of the geographic area(s) where its services are most concentrated; and 4) a description of respondents efforts to maintain a diverse workforce, to maintain a diverse board of directors or administer a fair and effective M/W/DSBE contracting process.

The Delaware River Waterfront Corporation reserves the right to reject any or all proposals received in response to this request. After selection of a project team and finalization of a scope of work, a contract, in a form satisfactory to the DRWC, will be executed.

Reservations

The DRWC reserves and in its sole discretion may, but shall not be required to, exercise the following rights and options with respect to the proposal submission, evaluation and selection process under this RFP:

(a) To reject any proposals if, in the DRWC's sole discretion, the proposal is incomplete, the proposal is not responsive to the requirements of this RFP, the respondent does not meet the qualifications set forth in the RFP, or it is otherwise in the DRWC's best interest to do so;

- (b) To supplement, amend, substitute or otherwise modify this RFP at any time prior to selection of one or more respondents for negotiation and to cancel this RFP with or without issuing another RFP;
- (c) To accept or reject any or all of the items in any proposal and award the contract(s) in whole or in part if it is deemed in the DRWC's best interest to do so;
- (d) To reject the proposal of any respondent that, in the DRWC's sole judgment, has been delinquent or unfaithful in the performance of any contract with the DRWC or with others, is financially or technically incapable or is otherwise not a responsible respondent;
- (e) To reject as informal, non-responsive, or otherwise non-compliant with the requirements of this RFP any proposal which, in the DRWC's sole judgment, is incomplete, is not in conformity with applicable law, is conditioned in any way that is unacceptable to the DRWC, deviates from this RFP and its requirements, contains erasures, ambiguities, or alterations, or proposes or requires items of work not called for by this RFP;
- (f) To waive any informality, defect, non-responsiveness and/or deviation from this RFP and its requirements that is not, in the DRWC's sole judgment, material to the proposal;
- (g) To permit or reject at the DRWC's sole discretion, amendments (including information inadvertently omitted), modifications, alterations and/or corrections of proposals by some or all of the respondents following proposal submission;
- (h) To request that some or all of the respondents modify proposals based upon the DRWC's review and evaluation;
- (i) To request additional or clarifying information or more detailed information from any respondent at any time, before or after proposal submission, including information inadvertently omitted by the respondent;
- (j) To inspect and otherwise investigate projects performed by the respondent, whether or not referenced in the proposal, with or without the consent of or notice to the respondent;
- (k) To conduct such investigations with respect to the financial, technical, and other qualifications of each respondent as the DRWC, in its sole discretion, deems necessary or appropriate; and
- (l) To waive and/or amend any of the factors identified in the RFP as pertaining to the respondent's qualifications.

Proposal Evaluation

Proposals the DRWC determines, in its sole discretion, are responsive to the RFP will be reviewed by members of the DRWC Planning Committee and DRWC staff. The DRWC, in its sole discretion, may require any respondent to make one or more presentations of its proposal to the selection committee, in DRWC offices, at no cost to the DRWC, addressing its ability to satisfy the requirements of this RFP. The DRWC shall not be required, however, to permit any respondent to make such a demonstration.

Cost to the DRWC is a material factor, but not the sole or necessarily the determining factor in proposal evaluation. The DRWC may, in its sole discretion, award a contract resulting from this RFP to a person or entity other than the responsible and qualified respondent submitting the lowest price. The contract will be awarded to the respondent whose proposal the DRWC determines, in its sole discretion, is the most advantageous to the DRWC and in the DRWC's best interest.

The DRWC, in its sole discretion, may, but shall not be required to, reject without further consideration the proposal of any respondent that has not demonstrated, in the DRWC's sole judgment, that it satisfies the qualifications criteria provided in the RFP. The DRWC reserves the right, in its sole discretion and without notice to respondents, to modify this evaluation procedure as it may deem to be in the DRWC's interest.

Evaluation factors to be considered by the DRWC include, but are not limited to, the following (no particular order of importance, weighting, or other priority is assigned to these factors or reflected by their order in the list):

- (a) Project understanding and soundness of proposed project methodology, including but not limited to the detail and accuracy of the proposed scope and statement of work and implementation plan;
- (b) The respondent's financial and technical qualifications to perform the work required by the RFP, as presented in its proposal and determined by any other investigations conducted or information obtained by the DRWC;
- (c) References provided by the respondent, particularly from projects of similar complexity and scope;
- (d) Commitment and ability to complete the project within the time frame specified in the Proposal;
- (e) Superior ability or capacity to meet particular requirements of contract and needs of the DRWC and those it serves;
- (f) Superior prior experience of Applicant and staff;
- (g) Superior quality, efficiency and fitness of proposed solution for the DRWC;
- (h) Superior skill and reputation, including timeliness and demonstrable results;
- (i) Special benefit to continuing services of incumbent, such as operational difficulties with transition or needs of population being served;
- (j) Administrative and operational efficiency, requiring less DRWC oversight and administration;
- (k) Anticipated long-term effectiveness;
- (l) Meets qualification/prequalification requirements as set forth in this RFP;
- (m) Inclusion of M/W/DSBE participation as prime contractors, subcontractors, joint venture partners and employees in respondent's proposal;
- (n) Any other factors the DRWC considers relevant to the evaluation of the proposal.

Contract Negotiation and Award

The DRWC reserves and in its sole discretion may, but shall not be required to, exercise the following rights and options with respect to the contract negotiation and award process resulting from this RFP: The DRWC reserves the right to enter into post-submission negotiations and discussions with any one or more respondents regarding price, scope of services, and/or any other term of their proposals, and such other contractual terms as the DRWC may require, at any time prior to execution of a final contract. The DRWC may, at its sole election, enter into simultaneous, competitive negotiations with multiple respondents or negotiate with individual respondents seriatim. Negotiations with respondents may result in the enlargement or reduction of the scope of services, or changes in other terms that are material to the RFP and the submitted proposals. In such event, the DRWC shall not be obligated to inform other respondents of the changes, or to permit them to revise their proposals in light thereof, unless the DRWC, in its sole discretion, determines that doing so is in the DRWC's best interest.

In the event negotiations with any respondent(s) are not satisfactory to the DRWC, the DRWC reserves the right to discontinue such negotiations at any time; to enter into or continue negotiations with other respondents; to enter into negotiations with firms that did not respond to this RFP and/or to solicit new proposals from firms that did not respond to this RFP, including but not limited to negotiations or proposals for components of the System, if any, that are deleted by the DRWC from the successful proposal or the contract resulting from it. The DRWC reserves the right not to enter into any contract with any respondent, with or without re-issue of the RFP, if the DRWC determines that such is in the DRWC's best interest.

APPENDIX -A

Confidentiality and Public Disclosure

The successful applicant shall treat all information obtained from DRWC which is not generally available to the public as confidential and proprietary to DRWC. 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 DRWC, their 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 or through this RFP process.

By submission of a proposal, applicants acknowledge and agree that DRWC is subject to state and local disclosure laws and, as such, are legally obligated to disclose public documents, including proposals, to the extent required thereunder. Without limiting the foregoing sentence, DRWC's legal obligations shall not be limited or expanded in any way by an applicant's assertion of confidentiality and/or proprietary data.

Prime Provider/Contractor Responsibility

The selected applicant will be required to assume responsibility for all services described in their proposals whether or not they provide the services directly. DRWC will consider the selected applicant as the sole point of contact with regard to contractual matters.

Disclosure of Proposal Contents

Subject to the public disclosure requirements stated above, cost and price information provided in proposals will be held in confidence and will not be revealed or discussed with competitors. All material submitted as part of the RFP process becomes the property of DRWC and will only be returned at DRWC's option. Proposals submitted to DRWC may be reviewed and evaluated by any person other than competing vendors. DRWC retains the right to use any/all ideas presented in any reply to this RFP. Selection or rejection of a proposal does not affect this right.

Non-Discrimination

The successful vendor, as a condition of accepting and executing a contract with DRWC through this RFP, agree to comply with all relevant sections of the Civil Rights Act of 1964, the Pennsylvania Human Relations Act, Section 504 of the Federal Rehabilitation Act of 1973, and the Americans with Disabilities Act, hereby assuring that:

The provider agency does not and will not discriminate against any person because of race, color, religious creed, ancestry, national origin, age, sex, sexual orientation, handicap or disability in providing services, programs or employment or in its relationship with other provider contractors.

Miscellaneous

DRWC reaffirm their right to make any selection it deems prudent, and responding firms or individual participants acknowledge through their participation that such selection is not subject to protest or contest.

The successful applicant selected will perform a variety of duties as agreed upon in the final negotiated contract. The selected applicant and DRWC will finalize the contract terms and conditions. If DRWC and the selected applicant are unable to agree on terms and conditions, DRWC may exercise its right to negotiate with other eligible vendors.

M/W/DSBE Solicitation and Commitment Form – Attached as additional page

Campaign Contribution Disclosure Forms - Attached as additional pages