



REQUEST FOR PROPOSALS
for a
PEDESTRIAN PLAZA PROGRAM
for the
CITY OF PHILADELPHIA

Issued by:
CITY OF PHILADELPHIA (“City”)
MAYOR’S OFFICE OF TRANSPORTATION AND UTILITIES (“MOTU”) & THE
DEPARTMENT OF COMMERCE (“Commerce”)

All Proposals must be submitted electronically through the eContract Philly online application process at www.phila.gov/contracts, choose eContract Philly. Applicants who have failed to file complete applications through the eContract Philly online application process will not be considered for the contract.

Proposals must be received no later than 5:00 p.m. Philadelphia, PA, local time, on OCTOBER 3RD, 2011

A series of three Pre-Proposal Conferences will be held on August 10th (10 AM), 24th (6 PM) and 31st (10 AM). Applicants must attend one of the three.
at the
Municipal Services Building, 1401 JFK Blvd.
Suite 1450
Philadelphia, PA 19102

Michael A. Nutter Mayor
Rina Cutler, Deputy Mayor for Transportation and Utilities

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I. Project Overview

A. Introduction / Statement of Purpose

Philadelphia is home to vibrant neighborhoods whose residents enjoy a mix of retail and recreational amenities. These neighborhoods are reinforced by strong pedestrian amenities: neighborhoods where it is easier and more enjoyable to walk are lively and livable communities. In many of the city's neighborhoods small street segments that create unnecessary turning movement or break up the grid, make it harder for Philadelphians to walk around their city. The City of Philadelphia will review applications for new Pedestrian Plazas from community groups and non-profits (Applicants) and then work with selected Applicants to implement the Plazas by performing installation and awarding grants for furnishings and maintenance.

B. Department Overview

The Mayor's Office of Transportation and Utilities (MOTU) works hard to make sure that Philadelphians can get where they are going, no matter how they choose to get there; be it by foot, bike, car or transit. It endeavors to ensure that Philadelphia's water, electricity and gas systems are of the highest caliber. To do so MOTU makes sure that the investments and plans that affect the city's infrastructure and the people who use it will promote a shared vision of increased mobility and sustainability. The MOTU does not directly provide city services; instead it makes sure that those departments that fix the city's pot holes, the authorities that run its subways, and maintain its runways work together for a brighter, greener future.

Philadelphia was built by visionaries who preserved our water supply through the creation of parks, created neighborhoods along train lines and street cars, and brought people downtown to shop via subways and elevated lines. Today there are 9,537 transit stops throughout the city, 2,575 miles of street, and over 6,500 miles of sewers and water mains running underground across the city. The MOTU is responsible for taking the "good bones" which make up Philadelphia's infrastructure system and making sure they are responsive to the needs of the 21st Century. MOTU is made up of passionate administrators, planners and do-ers who represent over thirty years of experience in transit, parking, biking and municipal operations planning.

C. Project Background

Pedestrian Plazas provide the public the chance to sit and enjoy the city's busy street life. This program will make our streets safer for pedestrians and drivers alike by converting underutilized street segments into public space. Working with the community the City will paint over these underutilized segments and allow the community to install benches, tables, chairs, bike parking and some limited landscaping turning them into Pedestrian Plazas. Such spaces will be designed both to meet the City's safety guide lines and to provide a pleasing addition to the urban environment. Applicants who wish to create pedestrian plazas should be prepared to identify a space, produce a concept for the space, including potential furnishing elements and likely uses, collect written support from local stakeholders, and describe how they will provide maintenance of the space after construction according to the requirements stated in this application.

D. Request for Proposals

The City is seeking applications from non-profits, community groups, community development corporations (CDCs) and business improvement districts (BIDs). Successful Applicants will demonstrate a capacity to engage the community and to manage and maintain the proposed site. Partnerships between groups of different levels of organizational capacity are welcomed. In order to be considered, Applicants' proposals in response to this RFP must be made by completing the "Pedestrian Plaza Program Application" (Application) attached to this RFP and appearing on the eContractPhilly website as **Appendix A**.

E. General Disclaimer of City

This RFP does not commit the City of Philadelphia to award a contract. This RFP and the process it describes are proprietary to the City and are for the sole and exclusive benefit of the City. No other party, including any Applicant, is intended to be granted any rights hereunder. Any response, including written documents and verbal communication, by any Applicant to this RFP, shall become the property of the City and may be subject to public disclosure by the City, or any authorized agent of the City.

II. Scope of Work

A. Project Details

The City of Philadelphia is seeking to place the Pedestrian Plazas in neighborhoods with strong community organizations, a healthy retail environment and underutilized road space. The City will consider potential plaza locations that contain the following features:

- Intersections with excess roadway space or redundant turning areas
- Road segments that do not play an integral part in circulation, such as streets that cut diagonally across the traditional grid
- Areas where adjacent streets have a posted speed limit of 25MPH or less
- The existence of nearby commercial activity or other uses that generate significant volumes of pedestrian activity
- The existence of local organizations with interest, willingness, and capacity to invest in the long-term maintenance of the space

Thriving public spaces receive care and attention from the communities around them. Applicants that show significant planning and community support in the design and development of their proposal are more likely to be selected for inclusion in the Pedestrian Plaza program. Selected Applicants will be required to sign a License and Operating Agreement (L&O Agreement), the form of which is attached to this RFP and appears on eContractPhilly as **Appendix B**. The Applicant will be responsible for the insurance, maintenance and programming of the space and will work closely with the City of Philadelphia to manage the implementation of the plaza. The Applicant will also be responsible for maintaining Workers Compensation and General Liability insurance covering its employees and operations as required under the L&O Agreement. They will also be responsible for ensuring that the community at large has the opportunity to learn about and participate in the design of the Pedestrian Plaza.

Eligible Applicants will be local community organizations, Community Development Corporations (CDCs) or Business Improvement Districts (BIDs) who oversee, manage or work in the area where the Pedestrian Plaza is proposed. Smaller community organizations who will not be able to meet the maintenance and funding requirements may partner with outside organizations. Further information on the kind of Pedestrian Plazas sought by the City and the obligations to be performed by successful Applicants are detailed in the Pedestrian Plaza Program Guidelines attached to this RFP and appearing on the eContractPhilly website as **Appendix C**.

CONCEPTUAL DESIGN

Proposed Plaza location and designs should contribute positively to the urban environment and promote the safety of its users. Applicants are encouraged to explore methods of designing Pedestrian Plazas that are unique additions to their immediate neighborhood and draw upon the contributions of local artisans. If selected, Applicants will work with the Streets Department to develop the final design for painting the road and ensuring that their proposals comply with the Streets Department's safety and materials regulations. Designs which require significant construction or alteration of the roadway will not be considered. Successful Applicants will submit a proposed location with visual aids, including photographs. Applicants can also provide aerial images with the

approximate boundaries delineated. Successful Applicants will also submit a list of proposed elements and the estimated quantity required. This may include objects to buffer the space such as planters, boulders or other objects of sufficient weight and size. Other elements may include seating features, (including chairs, tables and benches), umbrellas, bike racks and sculptural elements. A complete list of possible and suggested furnishings is provided on Page 9 of the Pedestrian Plaza Program Guidelines. All elements of the proposed concept must be removable and should not necessitate the construction or re-engineering of curbs, tree beds, etc. While permanent installations may be a long-term goal of the Applicant, the purpose of this program is to re-purpose roadway space for pedestrian use in a way that is efficient, low-cost, and minimally invasive. In developing the conceptual design, communities should consider a variety of questions such as:

- What balance of open space, seating, and other elements makes sense for the location?
- Does the site concept match up to local capacity to care for and maintain the space?
- Are there local businesses or artisans that might be willing to contribute something unique (outdoor furniture, sculpture or other public art, floral arrangements, bike racks, etc.)?
- Is the space flexible? Can it adapt to different seasons, age groups, residents and passersby?

MAINTENANCE PLAN

Applicants will develop a maintenance plan that will serve as the basis for, and be included in the L&O Agreement executed by successful Applicants. The plan must delineate entities responsible for, and frequency of

- Watering and replacing of any planted features
- Sweeping and cleaning of space
- Securing or storing of moveable furniture
- Securing or storing of any other portable design element
- Shoveling paths for pedestrians in case of snow.

Strong maintenance plans will delineate measurable results as well as staff and funding required for its implementation. Existing volunteer organizations and adjacent businesses can play a role in maintenance plans, but must demonstrate ability to perform the duties described. The Applicant will also be responsible for maintaining Workers Compensation and General Liability insurance covering their employees and operations as required under the L&O Agreement. In cases where Applicants lack financial resources to commit to ongoing maintenance, limited City funding may be available.

PROGRAMMING

The City of Philadelphia encourages Applicants to plan for cultural and community programming to take place on the Pedestrian Plaza. Programming may include art/craft fairs, farmers markets, limited sponsorship events, holiday celebrations, temporary art installations, and music and dancing.

Applicants may propose revenue generating programming but any revenue generated shall be used solely for the management, operation, and maintenance of the plaza. All programming on the site will be required to comply with all relevant City regulations. Strong programming plans will describe program elements and display knowledge of the applicable regulations with which it must comply.

Your community might want to consider the following questions:

- Would your community want activities to be a permanent or temporary element?
- Different activities can cater to users of different age groups and backgrounds

- Is there an existing community activity (weekly farmers' markets, for example), that might be a good fit for the plaza?
- Does your space even need programming to make it successful?
- Can your community provide adequate maintenance and security for the activities?

COMMUNITY OUTREACH

For an initial application, Applicants must submit documented evidence of support from adjacent business owners and meeting minutes or other documentation demonstrating that the application was addressed at one or more regularly scheduled community meetings. Applicants may also submit petitions with signatures from the residents and businesses that are in support of the planned pedestrian plaza. Furthermore Applicants with community listservs are welcome to disseminate notice of the application in this manner, and may submit documentation illustrating community response. If selected, Applicants will be required to complete or submit the following:

- Letters of support from District Councilperson and any local community organizations and business associations
- Hosting one or more public meetings wherein City staff will explain the implementation process, receive input, and address community questions and concerns

B. Organizational and Personnel Requirements

The City of Philadelphia requires all Applicants to have the organizational capacity to deliver the proposed maintenance plan. The City requests that Applicants provide detailed organizational information in completing the Application.

C. Available Information

Below is a list of documents that all Applicants shall have consulted prior to submitting the Application.

- Request for Proposals (this document)
- Pedestrian Plaza Program Application (Appendix A)
- L&O Agreement (Appendix B)
- Pedestrian Plaza Program Guidelines (Appendix C)

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

A. Required Proposal Format

1. Proposal Content

All Applicants are required to fill out the Pedestrian Plaza Program Application attached to this RFP as Appendix A. Applicants must also submit with their Application all documents outlined in Section III.B *Proposal Checklist*.

2. Notice to Applicants to State Requested Exceptions to Contract Terms in Proposal

The City's standard contract terms and conditions for services of the type sought by this contracting opportunity (Contract Terms) are set forth in the L&O Agreement appearing on eContract Philly with this RFP and attached to this RFP as Appendix B. By submitting its Application in response to this contract opportunity, the Applicant agrees that, except as provided herein, it will enter into a contract with the City containing substantially the Contract Terms contained in the L&O Agreement.

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

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

The City reserves the right, in its sole discretion, (i) to waive any failure to comply with the terms of this Notice to Applicants if it determines it is in the best interest of the City to do so; and (ii) to require or negotiate terms and conditions different from and/or additional to the Contract Terms in any final contract resulting from this contract opportunity, without notice to other Applicants and without affording other Applicants any opportunity to revise their Applications based on such different or additional terms.

3. Office of Economic Opportunity Participation

Each Applicant is subject to the provisions of Mayoral Executive Orders 02-05 and 14-08 and is required to respond to the ranges, if any, specified by the Office of Economic Opportunity for participation by Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE") and

Disabled Business Enterprises (“DSBE”) (collectively, “M/W/DSBE”) as those terms are defined in Executive Orders 02-05 and 14-08. The Office of Economic Opportunity has not established any M/W/DSBE participation ranges, for the L&O Agreements that result from this RFP.

Notwithstanding, the City desires that selected Applicants, in their contracting activities, employ *Good Faith Efforts* to use firms owned by minority persons, women and disabled persons during the term of the L&O Agreement. Mayoral Executive Order 02-05 defines *Good Faith Efforts* as those efforts, the scope, intensity and appropriateness of which are designed and performed to achieve meaningful participation of M/W/DSBEs. In furtherance of this objective, successful Applicants are encouraged to solicit M/W/DSBEs listed in the City’s Registry of M/W/DSBEs. Office of Economic Opportunity Staff are available at (215) 683-2080 to assist successful Applicants with finding M/W/DSBEs for those services and supplies that are needed.

4. The Philadelphia Tax Status and Clearance Statement

It is the policy of the City of Philadelphia to ensure that each contractor and subcontractor has all required licenses and permits and is current with respect to the payment of City taxes or other indebtedness owed to the City (including, but not limited to, taxes collected by the City on behalf of the School District of Philadelphia), and is not in violation of other regulatory provisions contained in The Philadelphia Code. To assist the City, through its Department of Revenue and Department of Licenses and Inspections, in determining this status, each Applicant is required to complete and return with its Application, a City of Philadelphia Tax Status and Clearance Statement Form (included with this RFP as **Appendix D**).

If the Applicant is not in compliance with the City’s tax and regulatory codes, an opportunity will be provided to enter into satisfactory arrangements with the City. If satisfactory arrangements cannot be made within a week of being notified of their non-compliance, Applicants will not be eligible for award of the contract contemplated by this RFP.

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

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

Applicants need not have a City of Philadelphia Business Privilege Tax Account Number and Business Privilege License Number to respond to this RFP, but will, in most circumstances, be required to obtain one or both if selected for award of the contract contemplated by the RFP.

Applications for a Business Privilege Tax Account Number or a Business Privilege License¹ may be made on line by visiting the City of Philadelphia Business Services Portal at <http://business.phila.gov/Pages/Home.aspx> and clicking on “Register Your Business.” If you have specific questions, call the Department of Revenue at 215-686-6600 for questions related to City of Philadelphia Business Privilege Tax Account Number or the Department of Licenses and Inspections at 215-686-2490 for questions related to the Business Privilege License.

5. Disclosure of Litigation

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

B. Proposal Checklist

Pedestrian Plaza Program Applicants must include the following in their Applications:

- A map and photographs of the proposed location.
- Letters of support from abutting property owner(s)
- Maintenance and Funding Plan
- Site Concept (proposed furnishing and other elements)
- IRS Form 990 (if Applicant is incorporated)

Applicants who have been selected will be required to provide the following at a later date.

- Letters from City Council and community organizations
- Documentation of ability to insure the Plaza.
- A signed Licensing and Operating Agreement
- Participation in City-led public meeting to gather final input

C. Mandatory Online Application Requirements

You must apply online in order to be eligible for award of the non-competitively bid contract opportunity described in this RFP; Applications and any other related documents prepared in response to this RFP will not be considered unless they are filed, within the prescribed time period, through eContract Philly, which can be accessed on the City’s website at www.phila.gov/contracts by clicking on eContract Philly. The posting of this RFP on eContract Philly is also referred to as a Notice of Contracting Opportunity.

Applicants and contractors are required to disclose their campaign contributions to local and state political candidates and incumbents; any consultants used in responding to the RFP and contributions those consultants have made; prospective subcontractors; and whether Applicant or any representative of Applicant has received any requests for money or other items of value or advice

¹ Business Privilege Licenses are not required for non-profit organizations, however, Business Privilege Tax

on particular firms to satisfy minority-, woman- or disabled-owned business participation goals from City employees. This information, as well as a proposal or any other response document required, are part of the online application. For more information, please consult the reference materials found on the website, e-mail econtractphilly@phila.gov or call 215-686-4914.

Applicants who have failed to file complete applications – including using the online disclosure forms provided – through the eContract Philly online application process prior to the closing date and time will not be considered for the contract.

Applicants are encouraged to start and complete their online applications on eContract Philly as early as possible. Please be aware that internet connection speed depends on a variety of factors including: configuration of your computer, configuration of your business or home network, the condition of the wiring at your location, network or internet congestion (available bandwidth). Please prepare and plan accordingly to ensure a timely submission. Your Application and related application documents will not be considered submitted until you sign the Application and click on the “submit” button at the conclusion of the eContract Philly process.

You can begin uploading (or attaching) your Application and other application materials at any time. It is especially prudent for you to start uploading your attachments earlier if you have a large number of attachments (e.g. over five documents) or larger-sized attachments (e.g. above 5 MB). Until you sign and submit your Application, your materials are not accessible to any staff with the City of Philadelphia. Once you have signed and submitted your Application, your Application is accessible only to appropriate contract staff within the City of Philadelphia.

D. Selection Process

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

1. Superior ability or capacity to meet particular requirements of contract and needs of City Department and those it serves
2. Eligibility under Code provisions relating to campaign contributions
3. Superior prior experience of Applicant and staff
4. Superior quality, efficiency and fitness of proposed solution for City Department
5. Superior skill and reputation, including timeliness and demonstrable results
6. Lower cost
7. Administrative and operational efficiency, requiring less City oversight and administration
8. Anticipated long-term effectiveness
9. Meets prequalification requirements

Account Numbers typically are required.

IV. Proposal Administration

A. Procurement Schedule [CMB: You will need to make appropriate adjustments to these dates.]

(1) RFP release	<i>August 2, 2011</i>
(2) Pre-Proposal Meeting	<i>Optional August 10, 24 and 31, 2011</i>
(3) Questions regarding the RFP due	<i>September 2, 2011</i>
(4) Answers provided on eContract Philly website	<i>September 9, 2011</i>
(5) Proposal submission deadline	<i>October 3, 2011</i>
(6) Applicant selection	<i>Early November</i>

B. Questions Relating to the RFP

All questions concerning this RFP must be submitted in writing via email to ariel.ben-amos@phila.gov no later than September 2nd at 3 PM. The City will provide written responses to the submitted questions no later than September 9th at 5PM. These responses will be posted on the eContract Philly website with the original RFP details notice. Oral responses by any City employee or agent of the City are not binding and shall not in any way be considered as a commitment by the City.

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

A series pre-proposal conference will be held on August 10th (10 AM), 24th (6 PM) and 31st (10 AM). in room 1450 of the Municipal Services Building (1401 JFK Blvd.). Attendance is mandatory for 1 of the 3 meetings.

D. Term of Contract

The L&O Agreement will be terminable at will by either party upon thirty (30) days notice to the non-terminating party..

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

A. Revisions to RFP

The City reserves the right to change, modify or revise the RFP at any time. Any revision to this RFP will be posted on eContract Philly with the original Opportunity Details. It is the Applicant's responsibility to check the eContract Philly website frequently to determine whether additional information has been released or requested.

B. City Employee Conflict Provision

City of Philadelphia employees and officials are prohibited from submitting an Application in response to this RFP. No Application will be considered in which a City employee or official has a direct or indirect interest.

C. Proposal Binding

By signing and submitting its Application, each Applicant agrees that the contents of its Application are available for establishment of final contractual obligations for a minimum of 180 calendar days from the application deadline for this RFP.

D. Contract Preparation Fee

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

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

E. Reservation of Rights²

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

By submitting its response to this notice of contract opportunity as posted on the eContract Philly web site (“eContractPhilly”), the Applicant accepts and agrees to this Reservation of Rights. The term “notice of contract opportunity,” as used herein, shall mean this RFP and include all information posted on eContract Philly in relation to this “New Contract Opportunity” as published on eContract Philly, including, without limitation, the information posted for this opportunity on the “Detailed Information for Opportunity” page, in the eContractPhilly “Opportunity List,” including in addition to this RFP, any other document linked to the Detailed Information for Opportunity Page or otherwise displayed on or linked to this notice of contract opportunity.

1. This Notice of Contract Opportunity

The City reserves and may, in its sole discretion, exercise any one or more of the following rights and options with respect to this notice of contract opportunity:

- 1) to reject any and all Applications/proposals and to reissue this notice of contract opportunity at any time prior to execution of a final contract;
- 2) to issue a new notice of contract opportunity with terms and conditions substantially different from those set forth in this or a previous notice of contract opportunity;
- 3) to issue a new notice of contract opportunity with terms and conditions that are the same or similar as those set forth in this or a previous notice of contract opportunity in order to obtain additional Applications/proposals or for any other reason the City determines to be in the City’s best interest;
- 4) to extend this notice of contract opportunity in order to allow for time to obtain additional Applications/proposals prior to the notice of contract opportunity application deadline or for any other reason the City determines to be in the City’s best interest;
- 5) to supplement, amend, substitute or otherwise modify this notice of contract opportunity at any time prior to issuing a notice of intent to contract to one or more Applicants;
- 6) to cancel this notice of contract opportunity at any time prior to the execution of a final contract, whether or not a notice of intent to contract has been issued, with or without issuing, in the City’s sole discretion, a new notice of contract opportunity for the same or similar services;
- 7) to do any of the foregoing without notice to Applicants or others, except such notice as the City, in its sole discretion, elects to post on eContractPhilly.

2. Proposal Selection and Contract Negotiation

The City reserves and may, in its sole discretion, exercise any one or more of the following rights and options with respect to proposal selection:

- 1) to reject any Application/proposal if the City, in its sole discretion, determines the Application/proposal is incomplete, deviates from or is not responsive to the requirements of this notice of contract opportunity, does not comply with applicable law (including, without limitation, Chapter 17-1400 of The Philadelphia Code), is conditioned in any way, or contains ambiguities, alterations or items of work not called for by this notice of contract opportunity, or if the City determines it is otherwise in the best interest of the City to reject the Application/proposal;
- 2) to reject any Application/proposal if, in the City’s sole judgment, the Applicant has been delinquent or unfaithful in the performance of any contract with the City or with others;

- is delinquent, and has not made arrangements satisfactory to the City, with respect to the payment of City taxes or taxes collected by the City on behalf of the City of Philadelphia, or other indebtedness owed to the City; is not in compliance with City regulatory codes applicable to Applicant; is financially or technically incapable; or is otherwise not a responsible Applicant;
- 3) to waive any defect or deficiency in any Application/proposal, including, without limitation, those identified in subsections 1) and 2) preceding, if, in the City's sole judgment, the defect or deficiency is not material to the Application/or proposal;
 - 4) to require, permit or reject, in the City's sole discretion, amendments (including, without limitation, information omitted), modifications, clarifying information, and/or corrections to their Applications/proposals by some or all of the Applicants at any time following submission of the Application/proposal and before the execution of a final contract;
 - 5) to issue a notice of intent to contract and/or execute a contract for any or all of the items in any Application/proposal, in whole or in part, as the City, in its sole discretion, determines to be in the City's best interest;
 - 6) to enter into negotiations with any one or more Applicants regarding price, scope of services, or any other term of their Applications/proposals, and such other contractual terms as the City may require, at any time prior to execution of a final contract, whether or not a notice of intent to contract has been issued to any Applicant and without reissuing this notice of contract opportunity;
 - 7) to enter into simultaneous, competitive negotiations with multiple Applicants or to negotiate with individual Applicants, either together or in sequence, and to permit or require, as a result of negotiations, the expansion or reduction of the scope of services or changes in any other terms of the submitted Applications/proposals, without informing other Applicants of the changes or affording them the opportunity to revise their Applications/proposals in light thereof, unless the City, in its sole discretion, determines that doing so is in the City's best interest;
 - 8) to discontinue negotiations with any Applicant at any time prior to the execution of a final contract, whether or not a notice of intent to contract has been issued to the Applicant, and to enter into negotiations with any other Applicant, if the City, in its sole discretion, determines it is in the best interest of the City to do so;
 - 9) to rescind, at any time prior to the execution of a final contract, any notice of intent to contract issued to an Applicant, and to issue or not issue a notice of intent to contract to the same or a different Applicant and enter into negotiations with that Applicant, if the City, in its sole discretion, determines it is in the best interest of the City to do so;
 - 10) to elect not to enter into any contract with any Applicant, whether or not a notice of Intent to Contract has been issued and with or without the reissuing of this notice of contract opportunity, if the City determines that it is in the City's best interest to do so;
 - 11) to require any one or more Applicants to make one or more presentations to the City at the City's offices or other location as determined by the City, at the Applicant's sole cost and expense, addressing the Applicant's proposal and its ability to achieve the objectives of this notice of contract opportunity;
 - 12) to conduct on-site investigations of the facilities of any one or more Applicants (or the facilities where the Applicant performs its services);

- 13) to inspect and otherwise investigate projects performed by the Applicant, whether or not referenced in the proposal, with or without consent of or notice to the Applicant;
- 14) to conduct such investigations with respect to the financial, technical, and other qualifications of each Applicant as the City, in its sole discretion, deems necessary or appropriate; and,
- 15) to do any of the foregoing without notice to Applicants or others, except such notice as the City, in its sole discretion, elects to post on eContractPhilly.

3. Miscellaneous

- 1) Interpretation; Order of Precedence. In the event of conflict, inconsistency or variance between the terms of this Reservation of Rights and any term, condition or provision contained in any notice of contract opportunity, the terms of this Reservation of Rights shall govern.
- 2) Headings. The headings used in this Reservation of Rights do not in any way define, limit, describe or amplify the provisions of this Reservation of Rights or the scope or intent of the provisions, and are not part of this Reservation of Rights.

F. Confidentiality and Public Disclosure

The successful Applicant shall treat all information obtained from the City which is not generally available to the public as confidential and/or proprietary to the City. The successful Applicant shall exercise all reasonable precautions to prevent any information derived from such sources from being disclosed to any other person. The successful Applicant agrees to indemnify and hold harmless the City, its officials and employees, from and against all liability, demands, claims, suits, losses, damages, causes of action, fines and judgments (including attorney's fees) resulting from any use or disclosure of such confidential and/or proprietary information by the successful Applicant or any person acquiring such information, directly or indirectly, from the successful Applicant.

By submission of an Application, Applicants acknowledge and agree that the City, as a municipal corporation, is subject to state and local public disclosure laws and, as such, is legally obligated to disclose to the public documents, including Applications/proposals, to the extent required under such laws. Without limiting the foregoing sentence, the City's legal obligations shall not be limited or expanded in any way by an Applicant's assertion of confidentiality and/or proprietary data.

[CMB: Not needed since we have explained the L&O Agreement previously.]

APPENDIX A
PEDESTRIAN PLAZA PROGRAM APPLICATION

APPENDIX B
FORM OF LICENSE AND OPERATING AGREEMENT

APPENDIX C
PEDESTRIAN PLAZA PROGRAM GUIDELINES

APPENDIX D
 CITY OF PHILADELPHIA TAX STATUS AND CLEARANCE STATEMENT
For Applicants

**THIS IS A CONFIDENTIAL TAX DOCUMENT
 NOT FOR PUBLIC DISCLOSURE**

This form must be completed and returned with Applicant’s Application/proposal in order for Applicant to be eligible for award of a contract with the City. Failure to return this form will disqualify Applicant’s Application/proposal from further consideration by the Contracting Department. The City of Philadelphia, acting through its Department of Revenue and the Department of Licenses and Inspections, will utilize the information contained in the completed form to review the tax and Philadelphia Code compliance records of the person and/or entity identified below as part of the proposal evaluation process and will report their findings to the Contracting Department and the City’s authorized investigatory agents. By signing the certification statement below as Applicant or an authorized representative of Applicant, you represent that Applicant is current and in compliance with, or has made or intends to make satisfactory arrangements with the City to come into compliance with the tax and regulatory provisions of The Philadelphia Code.

Applicant Name	
Contact Name and Title	
Street Address	
City, State, Zip Code	
Phone Number	
Federal Employer Identification Number or Social Security Number:	
Philadelphia Business Privilege Tax Account Number (if none, state “none”) ³	
Business Privilege License Number (if none, state “none”) ⁴	

³ To apply for a City of Philadelphia Business Privilege Tax Account Number, please go to <http://business.phila.gov/Pages/Home.aspx> and click on “Register Your Business.”

⁴ To apply for a Business Privilege License, please go to <http://business.phila.gov/Pages/Home.aspx> and click on “Obtain a Business Privilege License” or “Register Your Business.”

I certify that the Applicant named above has all required licenses and permits and is current or has made satisfactory arrangements with the City to become current with respect to the payment of City taxes or other indebtedness owed to the City (including, but not limited to, taxes collected by the City on behalf of the School District of Philadelphia), and is not in violation, or has made satisfactory arrangements to cure any violation, of other regulatory provisions applicable to Applicant contained in The Philadelphia Code.

Authorized Signature

Date

Print Name and Title

