

**REQUEST FOR PROPOSALS (RFP)
FOR
THE CITY OF FAIRHOPE**

**RFP 001-21
Professional Planning Services**

for Fairhope Area Community-Based Comprehensive Land Use Plan

for

**Alabama Department of Conservation and Natural Resources (ADCNR) Grant
S1P17-FACP**

**Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived
Economies of the Gulf Coast States Act of 2012 (RESTORE ACT)**

**State Expenditure Plan #17
Spill Impact Component Project Grants
The Gulf Coast Ecosystem Restoration Council**

**MAYOR
Karin Wilson**

**FAIRHOPE CITY COUNCIL
Jack Burrell, Council President**

CITY OF FAIRHOPE, AL
INVITATION REQUEST FOR PROPOSALS (RFP)

Sealed proposals will be received by the City of Fairhope of Baldwin County, Alabama, in the City of Fairhope offices, 555 South Section Street, Fairhope, AL, 36532 until **11:00 a.m. November 18, 2020** and then publicly opened thereafter, for furnishing professional services required by the City of Fairhope and described as follows:

RFP 001-21 for Professional Planning Services for Fairhope Area Community-Based Comprehensive Land Use Plan Project ADCNR Grant # S1P17-FACP

The Scope of Services will include, but may not be limited to, project organization and coordination, community engagement, data collection, development of the land use plan, action plan for goals and prioritizations, community code reviews and updates, and final approval and adoptions, to deliver a complete: Fairhope Area Community-Based Comprehensive Land Use Plan.

Questions or comments pertaining to this proposal must be presented in writing, or sent as e-mail to the attention of Dee Dee Brandt, Purchasing Manager, 555 South Section St., Fairhope, AL 36532, e-mail: deedee.brandt@fairhopeal.gov, Seventy-two (72) hours prior to the proposal opening or may be forever waived.

The City of Fairhope is an Equal Opportunity Employer and requires that all contractors comply with the Equal Employment Opportunity laws and the provisions of the Contract Documents in this regard. The City also encourages and supports the utilization of Minority and Woman-Owned Business Enterprises on this and all public proposals. All procurement actions will be conducted in a manner consistent with the Federal Award, RESTORE Act STC, and all applicable federal, state, and local requirements including, but not limited to, provisions of 2 C.F.R. Part 200. Furthermore, applicable clauses set forth pursuant to 2 C.F.R. Part 200 will be included in all purchase orders, contracts, and agreements. "Applicants or bidders for a lower tier covered transaction (except procurement contracts for goods and services under \$25,000 not requiring the consent of a Treasury official) are subject to 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement)." In addition, applicants or bidders for a lower tier covered transaction for a subaward, contract, or subcontract greater than \$100,000 of Federal funds at any tier are subject to relevant statutes, including among others, the provisions of 31 U.S.C. 1352, as well as the common rule, "New Restrictions on Lobbying," published at 55 FR 6736 (February 26, 1990), including definitions, and the Office of Management and Budget "Governmentwide Guidance for New Restrictions on Lobbying," and notices published at 54 FR 52306 (December 20, 1989), 55 FR 24540 (June 15, 1990), 57 FR 1772 (January 15, 1992), and 61 FR 1412 (January 19, 1996)."

The bidder must include the Company's DUNS number in the proposal. The bidder must include evidence of the Company's active registration with the System for Award Management (SAM). SAM registration is required for businesses to contract with the federal government, and for confirmation of debarment/suspension status. Registration can be obtained through www.sam.gov. A contract award will not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. part 180 that implement

Executive Orders 12549 (3 C.F.R. part 1986 Comp., p. 189) and 12689 (3 C.F.R. part 1989 Comp., p. 235), “Debarment and Suspension.”

Envelopes containing proposals must be sealed and labeled on the outside as follows: “Proposal for Professional Planning Services, Fairhope Area Community-Based Comprehensive Land Use Plan” and may be mailed to, Dee Dee Brandt, Purchasing Manager, 555 South Section St., Fairhope, AL 36532. All proposals shall contain original signatures. Proposal must be received no later than 11:00 a.m. on November 18, 2020. Firms submitting proposals are solely responsible for meeting submittal deadlines. Proposals received after the stated deadline will be deemed non-responsive and will not be considered for any contract awarded as a result of this solicitation. Proposals deemed responsive will be evaluated and an award decision will be made by the City Council. The City of Fairhope is an Equal Opportunity Employer. A contract will be awarded to the qualified applicant whose proposal is determined to be the most advantageous to the City of Fairhope, with price and other factors considered. The City reserves the right to reject any or all proposals, and to waive any irregularities or informalities in the proposal process.

The company that is awarded the bid must have Workman’s Compensation Insurance on all of its employees if work is done on City premises. General Liability Insurance must be maintained to hold the City harmless in the event of an accident. Awarded Vendor must submit to the City, Proof of Workman’s Compensation Insurance if work is done on City premises and General Liability Insurance specifying coverage. See bid packet for details

No proposals will be considered unless the Professional Services firm, whether resident or non-resident of Alabama, is properly qualified to submit a proposal for this type of work in accordance with all applicable laws of the State of Alabama, including, where applicable, possessing a Certificate of Authorization issued by the State Board of Licensure for the State of Alabama under the CODE OF ALABAMA, Section 34, and further, certifies that it has the professional, technical, and administrative personnel with the specific experience and training necessary to provide the services as may be required by the City. Furthermore, the Professional Services firm will meet all current licensing and certifications necessary to perform the scope of work. In addition, the awarded vendor, if non-resident of the State, and if a corporation, shall show evidence of having qualified with the Secretary of State to do business in the State of Alabama, <http://www.sos.alabama.gov/BusinessServices/ForeignCorps.aspx>

**CITY OF FAIRHOPE
REQUEST FOR PROPOSALS (RFP)**

Relating to: Professional Planning Services for Fairhope Area Community-Based Comprehensive Land Use Plan Project ADCNR Grant # S1P17-FACP

Purpose

The Scope of Services will include, but may not be limited to, project organization and coordination, community engagement, data collection, development of the land use plan, action plan for goals and prioritizations, community code reviews and updates, and final approval and adoptions, to deliver a complete: Fairhope Area Community-Based Comprehensive Land Use Plan. This Project Scope of Work includes the following:

1. Project Organization and Coordination- steering committee, orientation meeting, website development, steering committee meetings, project coordination meetings, status update meetings
2. Community Engagement-workshop, workshop results with questionnaire, focus group meetings, milestone updates, work session, community open house
3. Community Factbook- plan reviews, studies, audit of existing codes, data collection, community survey, population analysis, existing land use analysis, community design analysis, transportation analysis, infrastructure analysis, economic analysis, housing analysis, natural and cultural resource analysis, draft community factbook, final community factbook
4. Community Land Use Plan- visioning from community engagement, land use element, community design element, connectivity and mobility elements, economic and community development, community facilities and services, natural and cultural resources, infrastructure, land use plan, draft community land use plan, final community land use plan
5. Action Plan- action items and goals, prioritization of action items
6. Community Code Review and Update- regulating plan, design and building site standards, architectural guidelines, educational workshops, draft community code
7. Approval and Adoptions- steering committee, planning commission, city council

Background

The proposed Fairhope Area Community-Based Comprehensive Land Use Plan project will thoroughly identify, address, and anticipate the issues and concerns about how the City of Fairhope can retain its quality of life, unique coastal character and charm, and natural resources and ecosystems while also supporting economic growth and expansion. Failure to develop and implement a comprehensive community-based land use plan for the Fairhope community may result in continued loss and degradation of natural ecosystems within the planning jurisdiction of the City and greater Mobile Bay watershed. At-risk ecosystems include aquatic communities (shorelines, streams, wetlands, floodplains, etc.). Associated with the loss and degradation of these natural habitats are loss and degradation of their ecosystem services and functions would further increase cost and demand of community infrastructure and resources. Additionally, new development and haphazard growth would add significant and reoccurring financial burdens to the Fairhope community through increased demands for infrastructure and resources. The long-term result of poor land use planning and insufficient regulatory framework to manage and plan for development would result in the loss of the current and past identity that makes the City of Fairhope a treasured coastal community.

Scope of Work

The PROFESSIONAL PLANNERS will be responsible for meeting or exceeding the overall objectives for the requested services including:

Purpose: The purpose of this project is to develop a community-based comprehensive land use plan that recognizes all community concerns and issues and translates this information into a clear framework, plan and course of actions supporting community growth in a responsible, sustainable and resilient manner. A Fairhope area community-based comprehensive land use plan will recognize the interconnectivity of all community concerns and issues to guide future land use activities and code updates for the purpose of protecting and preserving the culture, heritage and natural resources within the planning jurisdiction of the City of Fairhope and broader Mobile Bay watershed.

Objective: The objective of this project is the development of a community-driven comprehensive land use plan for the City of Fairhope to address growth with an emphasis on environmental stewardship and legal foundation for implementation. Plan development envisions sustainable community growth infused with aspects of green infrastructure.

Eligibility: This project is located in the Gulf Coast Region and is eligible for Spill Impact Component funding under planning assistance criteria as stated in the RESTORE Act.

The work will include the following:

PROFESSIONAL PLANNING SERVICES

The basic service provided will be as follows:

Task #1 – Collecting and assessing data and information and engaging in community outreach (12 months)

1. Project Organization and Coordination- steering committee, orientation meeting, website development, steering committee meetings, project coordination meetings, status update meetings
2. Community Engagement-workshop, workshop results with questionnaire, focus group meetings, milestone updates, work session, community open house
3. Community Factbook- plan reviews, studies, audit of existing codes, data collection, community survey, population analysis, existing land use analysis, community design analysis, transportation analysis, infrastructure analysis, economic analysis, housing analysis, natural and cultural resource analysis, draft community factbook, final community factbook

Task #2 – Developing Task #1 factors into a comprehensive plan and legal foundation to implement that plan. (12 months)

4. Community Land Use Plan- visioning from community engagement, land use element, community design element, connectivity and mobility elements, economic and community development, community facilities and services, natural and cultural resources, infrastructure, land use plan, draft community land use plan, final community land use plan

5. Action Plan- action items and goals, prioritization of action items
6. Community Code Review and Update- regulating plan, design and building site standards, architectural guidelines, educational workshops, draft community code
7. Approval and Adoptions- steering committee, planning commission, city council

Request for Proposals

PROFESSIONAL PLAN DEVELOPMENT SERVICES: These tasks shall include, but not be limited to, project organization and coordination, community engagement, data collection, development of the land use plan, action plan for goals and prioritizations, community code reviews and updates, and final approval and adoptions, to deliver a complete: Fairhope Area Community-Based Comprehensive Land Use Plan.

A lump sum, fixed price fee will be required. Planning services for all stages of the project are required. The preparation of all documents must be consistent with Local, State and Federal regulations. Proposals will be evaluated and ranked on the basis of the following criteria:

1. Qualifications, knowledge and expertise regarding the proposed Scope of Work- 20 points
2. Resources and availability- 20 points
3. Experience of proposed key personnel- 20 points
4. Previous experience in working with locality- 20 points
5. Cost of services to be provided- 20 points

Total possible points to be achieved: 100

Seven (7) copies of the proposal must be submitted by the deadline. Firms submitting proposals are solely responsible for meeting submittal deadlines. Proposals received after the stated deadline will be deemed non-responsive and will not be considered for any contract awarded as a result of this solicitation.

Format

Proposals should include the following:

1. Cover Letter
The Respondent shall prepare a cover letter, not exceeding two pages in length, which summarizes the key points in the proposal. It should include the full name of the firm or joint venture members and all proposed subconsultants. If the Respondent is made up of more than one firm, the legal relationship between those firms must be described. The cover letter must include a statement committing the availability of the key personnel to perform the work. The cover letter must be signed by a person who is also authorized to sign a Contract with the City.

If the Respondent believes any information, data, process or other material in its proposal should be considered by the City to be confidential or proprietary, the Respondent shall identify that material with specificity as to the page and paragraph and on what basis the material is believed to be proprietary or confidential.

2. Information that provides all information necessary for the Review Committee to evaluate the rating criteria listed above

1. Qualifications, knowledge and expertise regarding the proposed Scope of Work- 20 points
2. Resources and availability- 20 points
3. Experience of proposed key personnel- 20 points
4. Previous experience in working with locality- 20 points
5. Cost of services to be provided- 20 points

3. Proposed Work Plan/Project Schedule

4. Firm Previous Project Experience

All projects listed in this section must have been completed by the firm using current employees. List the names of key employees for each project. **Do not include projects for which key project personnel are no longer employed by the firm.** Projects for which experience was gained by individuals during previous employment should be indicated in the next section.

For each qualifying project, include the following information in tabular form:

- Project name
- Location
- Client, address, telephone number
- Date completed
- Brief narrative description of the project

5. Individual Project Experience

This section must follow the same general format as for the firm project experience, but is intended for projects for which experience was obtained while individuals were employed elsewhere.

For each qualifying project, include a brief narrative and the following information in tabular form: project name, location, client, current employees who had key management or staff roles, employer during the project, and a client reference.

6. Subconsultants

Describe the qualifications of each subconsultant which the Respondent plans to retain to perform work or who will provide individuals which specific expertise. Describe the type of work which will be assigned to each subconsultant and the estimated percentage of the total Agreement value that each subconsultant will perform.

For the selection of subconsultants, the Bidder must comply with the requirements of 2 CFR 200.321 of the Code of Federal Regulations "Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms". *Refer to pages 10 through 12 of the RFP which includes the referenced federal regulation.* If subcontracts are to be let, the

contractor must show compliance with the required affirmative steps listed in paragraphs (1) through (5) of this section.

Prior to contract execution, the selected contractor must provide evidence of compliance with these steps in the selection of subconsultants. Refer to the **Subcontractor Listing Form (page 15 and 16)** showing documentation that will be required for each selected subconsultant.

7. Additional Information

The Respondent is invited to describe any particular aspects of its organization or proposal which, by way of background, experience, unique qualifications, or other basis, sets it apart from the competition in its ability to accomplish this particular Scope of Services.

Selection Process and Schedule

The provision of the Professional Planning Services for the Fairhope Area Community-Based Comprehensive Land Use Plan will require a multi-disciplined firm that is capable of performing a wide variety of tasks and managing specialized sub-consultant firms where necessary to properly complete the tasks assigned.

The procedure to be used in the selection process is described in the following steps.

- Step 1. Proposals from firms responding to the Request for Proposals will be reviewed and evaluated. This review will be performed by a committee of City of Fairhope by the Mayor and Council. The selection committee will identify a shortlist of consultant candidates based on the evaluation criteria.
- Step 2. At the discretion of the City, short-listed consultant candidates may be required to participate in an interview with the project selection committee or other City senior staff. If this step is used, the Respondent's representative presentation and interview must be the staff member who will be assigned to this Contract. Candidate firms will be limited to three participants in the interview and permitted to present a maximum 5-page handout to the selection committee.
- Step 3. The project selection committee will rank the firms separately based on the results of any interview conducted and the selection criteria. The Committee may negotiate with more than one respondent.
- Step 4. The selected consultant will enter into negotiations with the City to develop a detailed scope of work, cost schedule, and the contract terms and conditions.

Following is a tentative schedule for the selection process. The schedule is **subject to change**.

October/November 2020	Request for Proposals advertised
November 2020	Proposals submitted by candidate firms or individuals
December 2020	Interviews conducted (if required)

December 2020

Selection

December 2020 or January 2021

Contract on City Council agenda for approval

NO SUBMITTALS WILL BE ACCEPTED AFTER THE STATED DEADLINE.

Evaluation

Each element of the RFP will be evaluated by each member of the selection committee and assigned a score. A Respondent's final score will be determined by averaging the total ranking assigned from all selection committee members to each Respondent.

Subconsultants

It is expected that the prime consultant may assemble a team of subconsultants that provide an adequate range of resources to undertake the variety of assignments described in the Scope of Work. The resources and capabilities of each member of the subconsultant team must be described in the RFP. The proposed team of subconsultants will be reviewed by the City during the selection process. Once a consultant team has been selected to begin contract negotiations, the prime consultant will be required to obtain written approval from the City for each of the subconsultants on the team before negotiations can be completed. No funds will be committed nor any services rendered until the City approves the subconsultants. The City reserves the right to reject any proposed subconsultant and to request that the selected prime consultant review other candidate firms for a particular area of responsibility.

Miscellaneous

1. RFP is not to be construed as a contract or a commitment of any kind, nor does it commit the City of Fairhope to pay for any costs incurred in the preparation of a submission or of any costs incurred prior to the execution of a formal contract.
2. In the event that a mutually agreeable contract cannot be negotiated between the consultant and the City, the City reserves the right to select an alternate consultant.
3. The City of Fairhope reserves the sole right to (1) evaluate submittals; (2) waive any irregularities therein; (3) select candidates for selection interviews; (4) request supplemental or additional information as deemed necessary; (5) contact others to verify information provided in the submittal; or (6) reject any and all submittal(s), should it be deemed in the best interest of the City of Fairhope.
4. No debriefings by City staff to unsuccessful submitters will occur until after the award of a contract by City Council to the recommended team.
5. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. **(Please complete the certification form on page 14 and submit with the Company's proposal.)** Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in

connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Proposals are being requested in accordance with Item (d) of 2 C. F. R. §200.320 “Methods of procurement.”

Warranties

By responding to this RFP, firms/individuals submitting proposals warrant and represent the following:

1. The firm/individual does not have a judgment lien against the its property for a debt to the United States.
2. The firm/individual has a valid DUNS number and active registration with the General Services Administration’s, government-wide System for Award Management Exclusions (SAM exclusions). The SAM Exclusions can be found at <https://www.sam.gov/portal/public/SAM/>.

RESTORE Act Required Provisions

The fees associated with this project are part of the **City's Subaward Grant Agreement with the Alabama Department of Conservation and Natural Resources (ADCNR) #S1P17-FACP made available by the Spill Impact Component funding from the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE ACT)**. As a result, bidders and the selected contractors will be responsible for full compliance with, as applicable, provisions required pursuant to 2 C.F.R Appendix II to part 200 "Contract Provisions for Non-Federal Entity Contracts Under Federal Awards", the Federal Award, the subaward, the Gulf Coast Ecosystem Restoration Council Financial Assistance Standard Terms and Conditions, and all other federal, state or local laws.

The Bidder must agree to comply with **2 CFR 200.321 of the Code of Federal Regulations as follows:**

§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

- (a)** The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- (b)** Affirmative steps must include:
 - (1)** Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2)** Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3)** Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4)** Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - (5)** Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - ***(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.**

The bidder and selected contractor must agree to comply with all provisions of the **Code of Federal Regulations Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards** as follows:

(A) Contracts for more than the simplified acquisition threshold currently set at \$250,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in

excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. **(See attached Certification Regarding Lobbying)**

(J) See § 200.322 Procurement of recovered materials. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable,

consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

Insurance

All insurance will be provided by insurers licensed to conduct business in the State of Alabama and shall have minimum A.M. Best rating of A-VII and must be acceptable to the CITY. Self-insured plans and/or group funds not having an A.M. Best rating must be submitted to the CITY for prior approval.

1.1. NO WORK IS TO BE PERFORMED UNTIL PROOF OF COMPLIANCE WITH THE INSURANCE REQUIREMENTS HAS BEEN RECEIVED BY THE CITY.

1.2 Worker’s Compensation and Employers Liability

Part One:	Statutory Benefits as required by the State of Alabama	
Part Two:	Employers Liability	\$1,000,000 Each Accident \$1,000,000 Each Employee \$1,000,000 Policy Limit

1.3 Commercial General Liability

Coverage on an Occurrence Form with a combined single limit (Bodily Injury and Property Damage combined) as follows:

Each Occurrence	\$1,000,000
Personal and Advertising Injury	\$1,000,000
Products/completed Operation Aggregate	\$2,000,000
General Aggregate	\$2,000,000

Coverage to Include;

- Premises and operations
- Personal Injury and Advertising Injury
- Products/completed Operations
- Independent Contractors
- Blanket Contractual Liability
- Broad Form Property Damage

1.4 Automobile Liability

Covering all Owned, Non-Owned, and Hired vehicles with a combined single limit (bodily injury and property damage combined) of \$1,000,000 each accident. The Policy shall name the CITY as an Additional Insured.

1.5 Professional Liability (Errors and Omissions)

Coverage shall be maintained during design, construction and for two (2) years after completion and acceptance by the CITY.

Limits of Liability:

Each claim	\$1,000,000
Aggregated	\$1,000,000

1.6 The SERVICE PROVIDER shall name the CITY, its employees and agents as Additional Insured.

Liability insurance as required by this contract to provide cross-liability coverage.

1.7 **Certificate of Insurance** A Certificate of Insurance evidencing the above minimum requirements must be provided to and accepted by the CITY PRIOR to commencement of any work on the Contract. Each policy shall be endorsed to provide thirty (30) days written notice of cancellation to the CITY. The project number on which the SERVICE PROVIDER is working must be included in the description section of the Certificate. The City of Fairhope will be listed as an Additional Insured under the SERVICE PROVIDER’S general liability insurance and automobile liability insurance policies, and all other applicable policies, and certificates of insurance provided.

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents of all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, United States Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Organization: _____

Street address: _____

City, State, Zip: _____

CERTIFIED BY:(type or print) _____

TITLE: _____

_____ **(signature)** **(date)**

SUBCONTRACTOR LISTING FORM

The prime contractor must submit this form to the Owner prior to contract execution and must update it for each subcontractor performing any work resulting from this contract. If additional lines are needed, this form may be duplicated.

Subcontractor Name and Contact Person	Subcontractor Address and Phone Number	Subcontractor DUNS	MBE (Y/N)	WBE (Y/N)	Selected as Sub-Contractor (Y/N)
Example- ABC Engineering John Doe	123 Main Street, Fairhope, AL 12345 123-456-7890	12-34567890	Y	N	Y

COMPLETED BY: _____ **DATE:** _____

- Please provide documentation for each MBE/WBE firm declaring its status as a MBE/WBE. A self-certification is acceptable, if the certification specifies the basis for MBE/WBE designation (e.g. the business is 51% owned and daily operation is controlled by one or more women or minority owners).
- For all subcontracts for which there are capable certified MBE/WBE firms existing to potentially perform the work, prime contractors must take all necessary affirmative steps to assure minority business enterprises (MBE), women's business enterprises (WBE), and labor surplus area firms when possible. Did you comply with this requirement? Please provide documentation of efforts to solicit MBE/WBE firms for participation.
- Please provide evidence that each Non-MBE/WBE subcontractor selected for the scope of work, was lower in price than each MBE/WBE proposal (or that there is some other acceptable reason to select the Non-MBE/WBE) and that the scope of work was the same for both the MBE/WBE and Non-MBE/WBE.

COMPLETED BY: _____ **DATE:** _____

RESOLUTION NO. 3842-20

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, as follows:

[1] That the City of Fairhope did request, receive, and open Request for Proposals for Professional Planning Services for Fairhope Area Community-Based Comprehensive Land Use Plan ADCNR Grant #S1P17-FACP (Restore Act) (RFP No. 008-20) at 555 South Section Street in the City of Fairhope offices, Fairhope, Alabama.

[2] After evaluating the RFP proposal with the required bid specifications, the recommendation by the Grantee, Alabama Department of Conservation and Natural Resources is to reject all submittals and re-advertise the RFP.

Adopted on this 12th day of October, 2020



Jack Burrell, Council President

Attest:



Lisa A. Hanks, MMC
City Clerk