



Department of Transportation  
101 City Hall Plaza, Fourth Floor  
Durham, North Carolina 27701

## Request for Proposals (RFP) Bid No. 17-MPO2

Date of Issue: **Nov 13, 2017**  
Addendum 1 – December 1, 2017

### **DOWNTOWN DURHAM TRANSPORTATION STUDY (DDTS)**

The City of Durham is seeking a highly qualified consulting firm or team of firms with appropriate expertise, innovative approaches and a multi-disciplinary team of engineering, design, planning, transit, bicycle-pedestrian, and parking personnel to develop a multi-modal transportation vision for Downtown Durham.

**Submittals are due by 3:00 p.m. on December 22, 2017**

Firms are strongly encouraged to attend the pre-proposal meeting on **November 28, at 9:00 a.m. in the City of Durham City Hall, Committee Room 2<sup>nd</sup> Floor, 101 City Hall Plaza, Durham, NC 27701.**

Offerors are not required to return this form.

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## SELECTED CONTENTS

### Table of Contents

REQUEST FOR PROPOSAL (RFP).....	4
10. Date of RFP.....	4
20. Project Manager and Contact with City; Questions about this RFP.....	4
DESCRIPTION OF PROJECT AND NATURE OF RFP .....	4
30. Project .....	4
40. Scope of Work. ....	8
Task 1 Deliverables: Task 1 will include a kick-off meeting to finalize the project’s primary goals and objectives, the scope of work, establish the overall schedule, and provide an opportunity for the discussion of initial data. With input from the City of Durham, the consultant will develop a project schedule to include routine project management meetings, project milestones, reviews, and deliverables, and community engagement and communications strategies. Project management will occur throughout the course of the entire project.....	8
Task 2 Community/Public Engagement & Outreach .....	8
Task 2 Alternate Deliverable: Downtown Transportation Survey (Optional) .....	9
Task 3 Data Collection (Gathering), Analysis & Review .....	9
Task 4 Policy Review.....	10
Task 5 Assess Current Conditions and Forecast Future Conditions.....	10
5a. Existing Conditions.....	10
5b. Future Conditions (2017 and 2045).....	10
Task 5 Alternate Deliverable: Micro-simulation Survey (Optional).....	11
Task 6 Identify & Evaluate Project/Program Alternatives.....	11
Task 7 Evaluate and Prioritize Projects/Programs/Policies .....	12
Task 8 Vision & Plan Development/Implementation Framework .....	12
Task 8 Deliverables: .....	12
50. Compensation Amount and Schedule .....	13
60. Definitions in this RFP .....	14
70. Contract.....	14
80. Trade Secrets and Confidentiality.....	14
90. Bonds. ....	15
100. Insurance.....	15
110. Discretion of the City.....	15
SCHEDULE.....	16
120. Schedule.....	16

130. Keeping Proposals Open .....	16
140. Deadline to Submit Proposals.....	16
GETTING MORE INFORMATION ON THE PROJECT AND RFP PROCESS .....	17
150. Questions.....	17
160. Pre-submittal conferences, meetings, and site visits .....	17
170. Updates and revisions to RFP .....	17
EVALUATION CRITERIA .....	17
180. Evaluation Criteria.....	17
180.10 Qualifications and Experience of the Proposed Team.....	17
180.20 Public Involvement and Stakeholder Engagement Approach .....	17
180.30 Understanding of the Project Study Area, Goals and Objectives .....	17
180.40 Quality of the Proposal.....	18
180.50 In-person Interviews .....	18
CONTENTS OF PROPOSAL .....	18
240. Contents of Proposal.....	18
COVER LETTER WITH PROPOSAL .....	22
250. Cover letter .....	22
260. Addendums .....	22
HOW TO SUBMIT A PROPOSAL .....	22
270. How to submit a proposal .....	22
280. Format.....	23
290. Alternative Proposals.....	23
300. Candidate to Bear Expense; No Claims against City .....	23
320. Notice under the Americans with Disabilities Act.....	23
330. Values of City of Durham regarding Treatment of Employees of Contractors ...	23

## **REQUEST FOR PROPOSAL (RFP)**

Downtown Durham Transportation Study (DTSS)

The City is seeking consultant services to envision a downtown multi-modal transportation network tailored to the city's diverse transportation needs including automobile, bicycle, pedestrian, and public transportation users. The project will provide the city with a recommendation for a multi-modal transportation vision and strategies that balance the operational needs of all modes while allowing all users to feel respected and safe when using the downtown transportation network (as highlighted in Section 30.1 of this RFP).

**10. Date of RFP: November 13, 2017**

**20. Project Manager and Contact with City; Questions about this RFP.**

Direct questions and concerns to:

Attn: Ellen Beckmann, Project Manager  
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If you have concerns about this RFP that you believe are not being addressed by the project manager, please contact Felix Nwoko, PhD, Transportation Manager, City of Durham, DOT/Administrator, DCHC MPO, 919-560-4366, x36424.

## **DESCRIPTION OF PROJECT AND NATURE OF RFP**

### **30. Project.**

#### **30.1 Introduction:**

The main thrust of the study is to develop a multi-modal transportation vision that maintains and promotes a balanced, complete, safe, and integrated transportation system that meets the needs for all travel modes (automobile, transit, cycling and walking), while also supporting sustainable development patterns. This study will coordinate with concurrent/on-going efforts or completed studies, including but not limited to, the two-way conversion of the Downtown Loop, Transit Development Plan, Durham Belt-line, NC 147 Interchange reconstruction, two-way conversions of one-way streets, Parking Plan, Light Rail, Commuter Rail, etc. Thus far, these studies or efforts have been evaluated in isolation without examining how they fit with or impact each other. Similarly, a number of Downtown transportation projects and land use changes have been completed in recent years or are currently underway. Similarly, the Durham-Orange Light Rail Transit (D-O LRT) will alter the Downtown landscape when completed. Thus, the development of a multimodal transportation vision aims to account and plan for these changes in order to: support safety and mobility for all users; promote surface street continuity; balance street capacity with development and circulation needs; maximize transit use; encourage walking and cycling; manage parking demand; and support special events. The recommended plan will also determine an efficient and sustainable approach to providing access to and movement around downtown Durham for residents, workers, and visitors for the next 30 years.

Additionally, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) has approved the State mandated fiscally unconstrained Comprehensive Transportation Plan (CTP), and is scheduled to adopt the federally mandated fiscally constrained Metropolitan Transportation Plan (MTP) in January 2018. In a coordinated yet separate effort from this study, the Durham City/County will embark on the update of their Comprehensive Plan in FY 2018-19. This Downtown Transportation Plan will be fully integrated into the Comprehensive Master Plan.

A qualified multi-disciplinary team of engineering, design, planning and transit personnel will be selected based on proven excellence in preparing studies that encompass the following elements:

- Analysis of existing transportation conditions and capacity
- Complete Streets Design
- Traffic engineering and modeling
- Visualization (including possibly micro simulation)
- Multi-modal transportation infrastructure planning and design
- Transit planning, including fixed guideway
- Bicycle and pedestrian planning, including trail planning
- Land-use integration
- Freight circulation delivery
- Substantive community and stakeholder outreach and engagement
- Order-of-magnitude cost estimating and implementation strategies
- Technology, including Connected Vehicles

### **30.2 Purpose**

The Downtown Durham Transportation Study would develop a holistic approach to parking, non-auto modes and facilities, street design, and the future structure of Downtown. It would also develop a comprehensive plan for addressing multi-modal transportation needs in Durham that is responsive to the economic growth and land use plans of the City, safety concerns of residents, and transportation accessibility for all users. The study area is defined as the area bounded by I-85 on the north, US 70/East End Connector on the east, a roughly 1 mile buffer of NC 147 on the south, and US 15/501 on the west (See : Study Area Map) .

### **30.3 Background**

Downtown Durham has experienced significant growth in recent years. Since 2000, there has been over \$1.2 billion of investment in downtown Durham. More development is currently under construction or being proposed for construction. Durham land use planning projects further growth in central Durham, especially around the proposed transit stations, NCCU, and Duke University. There are also multiple transportation projects that have the potential to dramatically affect transportation patterns in central Durham. The East End Connector is under construction with a 2020 completion date. One of the primary purposes of this project is to reduce the growth of through traffic on the major streets through central Durham and provide a faster and more convenient freeway-to-freeway connection between I-85 and NC 147. The widening of Alston Avenue from NC 147 to NC 98 is under construction with a 2020 completion date. The Durham-Orange Light Rail Transit project is in development with a 2029 opening date and will offer a congestion-free alternative to driving from Alston Avenue to Duke University (and beyond) through central Durham. The project will also impact roadway connectivity through the conversion of part of Pettigrew Street to one-way traffic and more at-grade roadway crossings. Downtown parking is increasingly limited and more expensive for people who travel to Durham, and many developers and commuters are looking for lower cost alternatives to driving downtown, including park-and-ride lots and bus transit service. The residents of central Durham have increasingly requested more pedestrian and bicycle facilities, decreased traffic volumes and speeds through their neighborhoods, and the conversion of one-way streets to two-way traffic. Durham is in the planning stages for the Durham Belt Line, a multi-use path that will arc through central Durham, as well as many other pedestrian and bicycle projects.

Lastly, the legacy of NC 147's construction through Durham, including the destruction of the Hayti community and urban renewal, still has a negative impact on the economy, safety, and connectivity of much of central Durham. Less of the economic growth in downtown Durham has extended south and east across NC 147 due to the physical barrier and lack of connectivity caused by the freeway. The NC 147 interchanges are frequent crash locations, mostly built without adequate bicycle and pedestrian facilities and lacking even basic ADA curb ramps, and with little regard to urban design or aesthetics. NC 147 itself is an outdated freeway design with narrow shoulders and closely spaced ramps and tight weaving sections. NCDOT submitted a project for auxiliary lanes and operational improvements on NC 147 to the prioritization process, and it was recently funded as a committed project in the TIP. However, the scope of this project has not been vetted through a local or MPO planning process, and the public may have different expectations for improvements on NC 147. Any changes to NC 147 ramps and interchanges will have a spill-over effect on downtown streets and circulation that has not been examined. This project is proposed for right-of-way acquisition in 2021 which necessitates that a downtown study commence quickly to inform this project and ensure that it is designed to meet the public's desires.

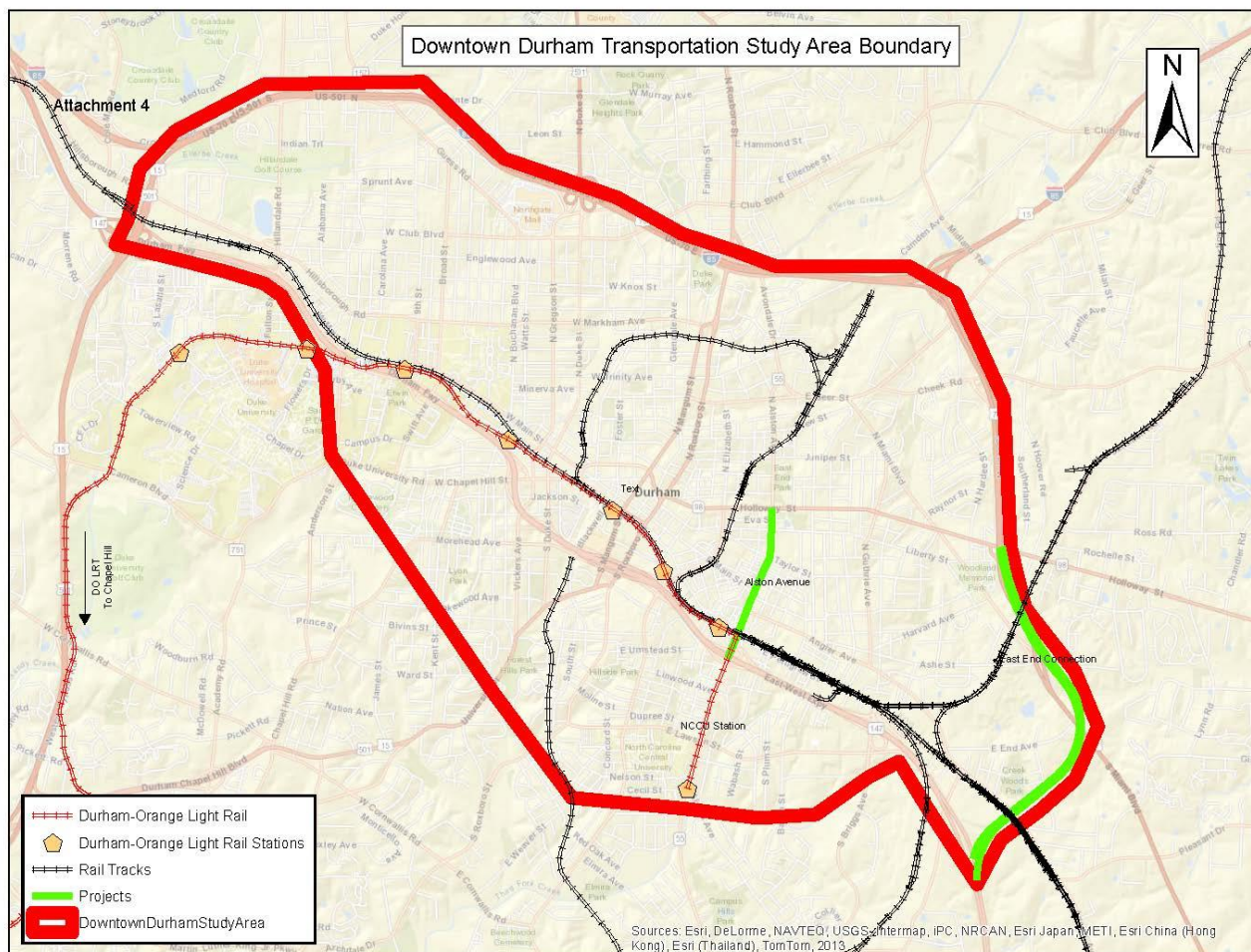
The Downtown Durham Transportation Study would develop a comprehensive plan for addressing multi-modal transportation needs in central Durham that is responsive to the economic growth and land use plans of the City, safety concerns of residents, and transportation accessibility for all users. Central Durham is defined as the area bounded by I-85 on the north, the US 70/East End Connector on the east, a roughly 1 mile buffer of NC 147 on the south, and US 15/501 on the west. It will include a forecast of future population and employment growth consistent with the MPO's long-range transportation plan and Durham's land use plans. It will study the impact of the planned and funded transportation projects on the transportation system. It will include setting mobility goals for downtown that may be different from the mobility goals of the larger City or MPO, and developing a multi-modal transportation plan to meet these goals. The inter-relationship of transportation projects on overall accessibility for all residents and visitors will be studied.

Specific project recommendations will be developed for:

- NC 147 from the East End Connector to US 15/501
- Durham-Orange Light Rail Transit (recommendations limited to possible modifications in Project Engineering and station area infrastructure)
- Durham-Wake Commuter Rail Transit (recommendations limited to be consistent with MIS underway)
- GoDurham and GoTriangle bus service
- Park-and-ride lots to serve downtown Durham
- Bike Share Initiative
- Car Share Initiative
- The Downtown Loop
- Duke and Gregson/Vickers one-way pair
- Mangum and Roxboro one-way pair
- Alston Avenue Extension and/or Avondale Road improvements

- NCRR railroad crossings including improvements of existing grade separations, closures of at-grade crossing, or new crossings
- Possible potential for re-routing the NCRR through central Durham
- Critical bicycle and pedestrian connections throughout the study area including any needed new crossings of NC 147
- Fayetteville Street NCCU Gateway Introduction
- Streetscape improvements to facilitate economic growth as well as beautification to improve the aesthetic quality and downtown streetscape.
- Multi-modal connection opportunities within downtown
- Feasibility of trolleys in Downtown in the long-range timeframe
- Future of Connected vehicles –conceptual analysis of will connect to new modes such as Uber, Lyft, Pedi-cabs and autonomous/Connected vehicles
- Complete Streets. Identify traffic calming and complete street measures to implement in the downtown area including roadway reductions and modifications, bulb-outs, crosswalk enhancements, and street trees to aid pedestrian and bicycle traffic, while adding visual cues to create driver awareness of the multimodal nature of the downtown area

The intention is for the study recommendations to be used to inform the DCHC MPO's long-range transportation plans, NCDOT TIP project development, and City of Durham project development. Public involvement will be critical to ensure that recommendations are reflective of neighborhood, commuter, and property owner concerns.



#### 40. Scope of Work.

The tasks outlined below are the components that make up the scope of work for the Downtown Durham Transportation Study (DDTS).

##### **Task 1 Project Management & Initiation** (no more than 1% of the project budget)

The purpose of this task is to ensure a coordinated and efficient planning process which results in timely and thorough deliverables that address the scope of work. This task also provides for collaboration between this transportation study and the parallel aforementioned Downtown planning efforts.

**Task 1 Deliverables:** Task 1 will include a kick-off meeting to finalize the project's primary goals and objectives, the scope of work, establish the overall schedule, and provide an opportunity for the discussion of initial data. With input from the City of Durham, the consultant will develop a project schedule to include routine project management meetings, project milestones, reviews, and deliverables, and community engagement and communications strategies. Project management will occur throughout the course of the entire project.

##### **Task 2 Community/Public Engagement & Outreach**

The purpose of this task is to obtain valuable input from a range of stakeholders to help shape the plan's goals, objectives, and recommendations. Outreach activities will be conducted to understand existing transportation issues and future needs, and to receive feedback on the recommendations developed in the plan. Stakeholders will include property owners, employers, downtown businesses, commuters, residents (including under-represented/transit dependent groups), institutions, developers, agencies, and the general public, among others. The consultant will be responsible for preparing, advertising, conducting, and documenting the public outreach envisioned for the Plan. Respondents should explain



strategies that will be used to maximize the impact of outreach. This includes thinking of creative and out-of-the-box strategies that will engage the community at large, especially under-represented population groups such as seniors, low-income and minority residents, and people with disabilities.

The outreach should be interactive and break down complex discussion topics into simplistic design options and elements that the public can grasp. The outreach formats and types will be coordinated with the City and shall include, but is not limited to, workshops, event informational booths, online resources, social media, etc.

**Task 2 Deliverables:** Recommended out-of-the-box public engagement/outreach. A Technical oversight committee and a stakeholder committee will serve as a conduit for public input. The City could lead some elements of the engagement process and the role of the Consultant will be to provide technical tools and tactics to support the anticipated community engagement activities. The Consultant will provide written summaries of each committee meeting and engagement activity. The Consultant will develop a succinct technical memorandum serving to document and summarize community engagement elements over the span of the project.

**Task 2 Alternate Deliverable: Downtown Transportation Survey (Optional)**

The City requests that respondents consider the benefit and scope for development and implementation of a survey tool (or similar tool/tactic, including but not limited to Street Lights data or Airspace data) to document and measure Durham residents' perspectives and preferences related to Downtown transportation. The survey (or the aforementioned cell phone data) would aim to "dig deeper" into user characteristics, experiences, and preferences surrounding travel to/from and within Downtown.

This is an optional task, yet should be approached as a task that fits within the anticipated existing Project budget. A statistically-significant survey is desired; however alternate approaches / tactics may be proposed with explanation/justification. Because this Task 2 Alternate is optional, the augmented survey methods proposed *should not* take the place of the deliverables expected to be part of the standard community engagement activities proposed for Task 2 above.

**Task 3 Data Collection (Gathering), Analysis & Review**

The purpose of this task is to collect, organize, review, and analyze current transportation, commuting, land use, and other pertinent data and plans/studies to better understand existing conditions, trends, and deficiencies in the study area. The Consultant will identify, collect, and create as needed, a compilation of data to analyze existing and future transportation needs of Downtown and immediate adjacent areas. The Consultant will identify data needs and gaps. The Durham-Chapel Hill Carrboro Metropolitan Planning Organization (DCHC MPO), on behalf of the City will supply a significant amount of the data needed for this plan. The Consultant shall generate future travel demand using the Triangle Regional Model (TRM) Version 6 (V6). Existing data will include but not limited to; bidirectional traffic volume/classification counts and AM, Midday and PM peak hour turning movement counts as required for analyzing current and future traffic conditions, bike/pedestrian counts, inventory of crosswalks and sidewalks dimensions and conditions transit routes and stops, transit ridership/boarding and alighting counts, parking supply and utilization, INRIX or HERE travel time/average speed, NC Demographer and/or ACS demographic data (i.e., population by age cohort, pop historic trends in Durham and in Downtown) and commuting patterns, etc. It is the Consultant's responsibility to analyze existing data and generate future data, and collect additional data as necessary to perform the scope of work. The Consultant shall conduct site visits to the study area as necessary for purposes of observation, data collection and confirmation, and evaluation of existing Downtown conditions and proposed recommendations.

In coordination with City of Durham, the Consultant will also review pertinent development projects and proposals advancing in Downtown and nearby (existing, planned/proposed and under-construction) which are of consideration for the plan's development.

**Task 3 Deliverables:** The Consultant will identify data needs in consultation with City of Durham and the DCHC MPO, collect and organize existing data sets and relevant plans/studies, and collect/create new data sets as needed. A summary of the data will be provided to City in a succinct technical memo

(including maps, graphs & tables). The consultant will generate data summarization in GIS ESRI format as well as in PDF and web ready formats.

#### **Task 4 Policy Review**

The purpose of this task is to identify and analyze pertinent local and state transportation policies and guidelines, including City Code and regulations influencing Downtown access and mobility, its transportation network, and desired place-making goals. In parallel with the work of Task 3, the Consultant will review pertinent regulations, identify applicable policies for Downtown Durham in concert with the City of Durham's review and input, and make recommendations for best practices supportive of the Transportation Plan's overall recommendations. The Consultant's review should also identify existing policies that are inconsistent with the Plan's goals and objectives. Example regulations may encompass topics such as truck delivery routes and requirements/restrictions; curbside loading and unloading; lane closures; parking demand management, including special events, passenger for hire regulations, valet parking, parking (off-street) and on-street practices and program policy; transportation demand management; preventive maintenance; construction lane closures, etc.

**Task 4 Deliverables:** The Consultant will summarize existing policies and regulations and document overarching Downtown Transportation Policy Recommendations in a succinct technical memo, which will include relevant references, including contact information, for where specific policies have been successfully implemented in other communities (Downtowns, Cities, etc.).

#### **Task 5 Assess Current Conditions and Forecast Future Conditions**

The purpose of this task is to obtain a comprehensive understanding of existing transportation conditions in Downtown and to determine likely future conditions. A multi-modal analysis will be conducted. Areas of congestion will be identified through a travel time and capacity and Level of Service (LOS) analysis, through field observation of peak conditions, and through input from community engagement. A complex microsimulation MAY NOT be desired as a necessary tool for the completion of this task. Rather, the analysis and its tools should have the ability to accurately replicate existing traffic patterns and demand conditions for base year and predict future travel demands for a) 2027 (for SPOT/TIP) and b) the MTP horizon (e.g. 2045). It is assumed that the Synchro model used for the Downtown traffic operations program could be generated by the City Traffic Engineering Division and made available for Consultant use. The analysis and its tools will ideally provide a pragmatic basis to evaluate and confirm the performance of the Downtown transportation system and its key corridors/nodes today and in the future as well as identify both opportunities and constraints.

##### ***5a. Existing Conditions***

The Consultant will conduct a comprehensive assessment of Downtown's existing transportation network and land use to establish baseline conditions and better understand transportation needs and opportunities. Using the data collected in Task 1, the Consultant will analyze Downtown traffic operations; roadway geometry; its connectivity and accessibility; the pedestrian, bicycle, and transit networks; freight/delivery access; and parking factors. Existing crash data will be examined to identify locations with potential safety needs. Existing pedestrian and bike facilities will be assessed based on current design standards, connectivity, and safety. The Consultant will also review existing Downtown transit operations to identify service gaps and operational issues.

##### ***5b. Future Conditions (2017 and 2045)***

The Consultant will forecast future travel demand, travel patterns, and volumes by mode using TRM-V6. This forecasting should be developed in consultation with DCHC MPO and ITR-Service bureau to ensure assumptions and methodology are acceptable. The future year forecasts will be developed using the corresponding future year socioeconomic data, proposed development project information (as available/relevant) and transportation network. The Consultant will also compile programmed projects included in MTP, TIP and the City's CIP and incorporate the committed projects into the appropriate future year transportation forecast. The Consultant will then analyze Downtown traffic operations using the future year volumes (2027 and 2045).

**Task 5 Deliverables:** The Consultant will summarize the results of the existing and future year analyses in a succinct technical memo (including maps, tables, graphs) that documents the

performance of Downtown's transportation network. The report will address general traffic circulation, traffic safety issues, connectivity and accessibility issues, transit, bicycling, and other specific transportation elements. Opportunities and deficiencies/constraints will be identified along with high-level, preliminary alternatives/recommendations. Appendices will be provided to include all data inputs, and the Consultant will provide these data sets and results in digital and source-file formats (as applicable), including the analysis tool(s)/model. The Technical Memo shall include articulation of problems (or hot spots) and possible mitigation measures and issues and innovative strategies to address them.

#### **Task 5 Alternate Deliverable: Micro-simulation Survey (Optional)**

The City requests that respondents consider the merits (if any) and scope for the development of a micro-simulation for the Downtown core. This is an optional task, yet should be approached as a task that fits within the anticipated existing Project budget. Because this Task 5 Alternate is optional, the micro-simulation proposed *should not* take the place of the deliverables expected to be part of Task 5 activities and deliverables.

#### **Task 6 Identify & Evaluate Project/Program Alternatives**

A primary deliverable of this task is the development of a draft list of potential projects, policies, and programs that address current and future transportation challenges. The existing and future conditions information of Task 5 will provide context for the list's definition, in parallel with the anticipated and coordinated plan development steps for the broader Downtown master plan effort. The Consultant will include the following type(s) of proposed projects/concepts, among others:

- New street connections / extensions / freeway capping & connections
- Intersection modifications
- One-way to two-way conversions
- Bicycle facilities, including lanes and separated facilities
- Transit corridors including potential future Streetcars
- Bus and rail facilities / station investments and impacts and integration
- Locations for new / additional on-street parking
- Parking management applications
- Augmented and new pedestrian corridors and pedestrian improvements
- Shared streets
- Complete Streets
- Green streets / alleys
- Vertical circulation elements
- Transportation systems improvements
- Connected vehicles
- "Smart" / digital technology applications and projects
- Other

When identifying potential projects/policies or programs, the Consultant is encouraged to reference and apply best practices, and current and potential future transportation innovations such as car and bike-sharing and "Smart City" technologies that may impact future scenarios as appropriate. The Consultant will also develop congestion management strategies appropriate for the study area including additional demand-side strategies to reduce peak period congestion and opportunities for utilizing access management to protect or enhance the performance of the street system.

Note: While "complete streets" are ultimately desired for all Downtown facilities, it is acknowledged that within the urban environment a single street cannot always meet everyone's desired needs in full. This task and related tasks must acknowledge such, and with the City's input, incorporate into the plan's development process methods by which Downtown stakeholders may prioritize applications and decisions.

**Task 6 Deliverables:** The Consultant will define a list of projects/programs/policies that address identified needs and opportunities in a succinct technical memo.

### **Task 7 Evaluate and Prioritize Projects/Programs/Policies**

The Consultant will develop project evaluation criteria and performance measures that address the goals and objectives of this Plan and also reflect consistency with the principles and objectives of the broader, concurrent Downtown master plan. The evaluation criteria will be used to vet and prioritize the list of projects/programs/policies developed in Task 6. Criteria to be considered include typical transportation measures, however, criteria can also be expected to include non-transportation measures such as economic development, benefit to cost ratio, livability, health, and sustainability. Projects identified in Task 6 and others identified with City and through community engagement should be evaluated to determine their impact on the Downtown transportation system (today and in the future) but also non-transportation factors influencing Downtown's vibrancy and place-making objectives.

**Task 7 Deliverables:** The Consultant will develop and apply evaluation and prioritization criteria and methodology, and conduct and document a thorough evaluation and prioritization of proposed projects, policies and programs to address identified needs. Short-term, Mid-term and/or Long-term projects will be identified and recommended. Public engagement support is expected as part of or in coordination with this task. The Consultant will provide a succinct technical memo documenting the work products of this task.

### **Task 8 Vision & Plan Development/Implementation Framework**

The purpose of this task is to finalize materials of the Downtown Transportation Plan in the form of a Final Report and Implementation Framework outlining the Plan's recommendations. Formulate Implementation Strategy and draft report. The implementation strategy should include specific policy and infrastructure implementation guidance that can be used locally and regionally to implement the recommendations. The final report should be made available in both print and digital format. In addition, the consultant should prepare at a minimum, three power point presentations: 1) purpose of study, project management and procedures, scope/deliverables and public outreach strategy; 2) summary of existing/ future conditions analysis and downtown profile; 3) final recommendations. The digital format should be searchable and web-ready. The final report should contain or incorporate the following:

- a. All the deliverables and documentation for each task, including maps, graphics, conceptual designs, renderings, visualization, visually realistic traffic modeling, etc. The report should essentially be the Blueprint for the downtown subarea/study area that will encompass a multimodal long range vision plan that builds upon short term actions and recommendations.
- b. A vision that harmonizes multimodal transportation improvements (including capacity and operational improvements, system connectivity, access management and safety) with land use plans as embodied in the concepts of density, design, and diversity (mix).
- c. A Blueprint that address existing congestion, future mobility and accommodate future travel demand by including need highway improvements, ITS/CMP improvements, other infrastructure improvements (park-and-ride), access management strategies, public transit, bicycle and pedestrian strategies. A recommended improvements that are responsive to local, regional and statewide problems and goals. Also, a Blueprint that recognizes environmental concerns and the need for context-sensitive solutions.
- d. An Executive Summary (< 20 pages including maps)

#### **Task 8 Deliverables:**

- I. The Consultant will deliver a Final Report consisting of a compilation of finalized deliverables from Tasks 1-7 in this RFP. This Final Report compendium will also:
  - a) Summarize findings in an Executive Summary
  - b) Provide supporting PowerPoint presentations and related materials
  - c) Summarize community engagement
  - d) Document the comments/discussions generated by the stakeholders, project steering committee, Durham City Council/BOCC, MPO Board, etc.

2. In addition the Consultant will develop a comprehensive Implementation Framework for project programming and delivery. The Framework will:
  - a) Establish a final prioritized list of specific projects, program, and policies for two to three distinct timeframes: short-term, midterm, and long-term. Long-term improvements shall align with planning year 2045. Maps will be created to identify short-term, mid-term and long-term transportation improvements as well as the full transportation improvement framework proposed.
  - b) Include a review and inventory of current and potential funding sources for recommended improvements, including but not limited to, federal, state, city, private, and other funding sources.
  - c) Outline a specific Project Implementation Framework to guide project development and implementation activities. For each recommended project, policy or strategy (“project”), this will include a summary to indicate the project’s a) characteristics / description, b) its extent / logical termini, c) need for the project, d) anticipated improvement resulting from the project, e) estimated cost (including engineering/design and construction costs in current dollars), and f) potential funding source(s), and g) a map showing the project location.

**The Consultant will provide all deliverables for all tasks in digital format including a) the editable source files with necessary internal reference files (e.g. \*.JPG, \*.TIF, etc.); b) print-ready and web-ready PDFs; and c) ESRI GIS, TransCad file, Synchro and other technical software.**

GENERAL PROJECT ACTIVITIES The consultant will be requested to bill the MPO on a quarterly basis, and invoices should be accompanied by detailed progress reports. Staff responsibilities include assistance with presentations and meeting facilitation. Adjustments to responsibilities may be made depending on budgetary constraints. The MPO and consultant will prepare a detailed work program at the beginning of the project that notes the consultant’s and supporting agencies’ responsibilities. The consultant or team of consultants should propose a detailed timeline of activities associated with the planning process and deliverables.

**50. Compensation Amount and Schedule.** This study is being jointly funded by the Durham-Chapel Hill-Carrboro MPO and NCDOT. The maximum project budget is \$400,000. All proposals should consist only of work that can be completed within the established timeframe and budget. No cost proposals should be included with the proposal packets due to the Mini-Brooks Act; all proposals will be evaluated on criteria outlined in the *Evaluation Criteria* section. The proposal should include level of effort and schedule/time in the format shown below.

Schedule/Timeline						
Tasks	Estimated Person hours	Month1	Month2	Month3	...	Month n
1						
2						
3						
...						
N						

No payment will be made until the contract is approved by the Durham City Council and has been fully executed by all parties. The proposed method of payment for this contract is lump sum. The City will make payments based on a negotiated payment schedule. Each billing must consist of an invoice and progress report. No payment will be made until the Project Manager has approved the progress report and invoice. Under no condition will the City be liable for the payment of any interest charges associated with the cost of the contract

**60. Definitions in this RFP: City, RFP, Proposal, Candidate, Contractor, Should.** Unless the context indicates otherwise – (a) The expressions “RFP,” “this RFP,” and “the RFP” refer to this document as it may be amended or updated. (b) “City” and “city” mean the City of Durham. (c) The “proposal” is the response of a person, firm, or corporation proposing to provide the services sought by this RFP. (d) The word “Candidate” or “candidate” is the person, firm, or corporation that submits a proposal or that is considering submitting a proposal. (e) The word “Contractor” or “contractor” is the person, firm, or corporation with which the City enters into a contract to provide the services sought by this RFP. That is, “contractor” generally refers to a successful candidate that has obtained a fully executed contract with the City, while “candidate” is generally reserved to the stage before a contract has been signed. (f) The word “should” is used to tell candidates what the City thinks it wants and/or what the project manager thinks is best. Candidates that want to increase the likelihood of being selected will, in general, do what the RFP says candidates “should” do, but failure to comply with all “shoulds” will not necessarily and automatically result in rejection.

**70. Contract.** The City anticipates that the conclusion of the RFP process will be a contract between the City and the successful candidate under which the successful candidate will provide the goods and services generally described in this RFP. It is the City’s intention to use the contract that is attached as Exhibit A, modified and filled in to reflect the RFP and the proposal. If a candidate objects to any of the contract, it should state the objections in its proposal.

**80. Trade Secrets and Confidentiality.**

As a general rule, all submissions to the City are available to any member of the public. However, if materials qualify as provided in this section, the City will take reasonable steps to keep trade secrets confidential.

**Definitions.**

In this section (Trade Secrets and Confidentiality) –

The term “candidate” includes the candidate as contractor (that is, after it is a party to a contract with the City).

The term “trade secret” means business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:

- a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
  - b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
- The existence of a trade secret shall not be negated merely because the information comprising the trade secret has also been developed, used, or owned independently by more than one person, or licensed to other persons.

The term “record” means all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, received by the City of Durham in connection with the candidate’s proposal.

**(a) Designation of Confidential Records.** To the extent that the candidate wishes to maintain the confidentiality of trade secrets contained in materials provided to the City, the candidate shall prominently designate the material with the words “trade secrets” at the time of its initial disclosure to the City. The candidate shall not designate any material provided to the City as trade secrets unless the candidate has a reasonable and good-faith belief that the material contains a trade secret. When requested by the City, the candidate shall promptly disclose to the City the candidate’s reasoning for designating material as trade secrets; the candidate may need to label parts of that reasoning as trade secrets. In providing materials to the City, the candidate shall make reasonable efforts to separate those designated as trade secrets from those not so designated, both to facilitate the City’s use of the materials and to minimize the opportunity for accidental disclosure. For instance, if only a sentence or paragraph on a page is a trade secret, the page must be marked clearly to communicate that distinction. To avoid mistake or confusion, it is generally best to have only trade secret information on a page and nothing else on that page.

To the extent authorized by applicable state and federal law, the City shall maintain the confidentiality of records designated “trade secrets” in accordance with this section. Whenever

the candidate ceases to have a good-faith belief that a particular record contains a trade secret, it shall promptly notify the City.

**(b) Request by Public for Access to Record.** When any person requests the City to provide access to a record designated as a trade secret in accordance with subsection (a) above, the City may

- (1) decline the request for access,
- (2) notify the candidate of the request and that the City has provided, or intends to provide, the person access to the record because applicable law requires that the access be granted, or
- (3) notify the candidate of the request and that the City intends to decline the request.

Before declining the request, the City may require the candidate to give further assurances so that the City can be certain that the candidate will comply with subsection (c) below.

**(c) Defense of City.** If the City declines the request for access to a record designated as trade secrets in accordance with subsection (a), then, in consideration of the promises in (b) above and for considering the candidate's proposal, the candidate agrees that it shall defend, indemnify, and save harmless Indemnitees from and against all Charges that arise in any manner from, in connection with, or out of the City's non-disclosure of the records. In providing that defense, the candidate shall at its sole expense defend Indemnitees with legal counsel. The legal counsel shall be limited to attorneys reasonably acceptable to the City Attorney.

Definitions. As used in this subsection (c), "Charges" means claims, judgments, costs, damages, losses, demands, liabilities, fines, penalties, settlements, expenses, attorneys' fees, and interest. "Indemnitees" means the City, and officers, officials, independent contractors, agents, and employees, of the City. "Indemnitees" does not include the candidate. The City may require the candidate to provide proof of the candidate's ability to pay the amounts that may reasonably be expected to become monetary obligations of the candidate pursuant to this section. If the candidate fails to provide that proof in a timely manner, the City shall not be required to keep confidential the records whose non-disclosure gives rise to the potential monetary obligation. Nothing in this agreement shall require the City to require any person (including the City itself) to be placed in substantial risk of imprisonment, of being found by a court to be in contempt, or of being in violation of a court order. This subsection (c) is separate from and is to be construed separately from any other indemnification and warranty provisions in the contract between the City and the candidate.

**85. Reserved.**

**90. Bonds.**

No performance bond or payment bond is required for this contract.

**100. Insurance.**

The contractor to whom this contract is awarded shall maintain commercial general liability insurance applicable to the work of this contract. Contractor shall also maintain workers' compensation insurance providing statutory benefits. Consultant shall also provide and maintain professional liability insurance coverage to protect the City of Durham from liability arising out of the performance of professional services. An insurer that is approved to do business in North Carolina shall write coverage. Insurer shall agree to provide notice to City not less than 30 days before any change in coverage. A certificate is required to evidence this insurance and shall be addressed to City of Durham, Attention Finance Department, 101 City Hall Plaza, Durham, NC 27701.

**110. Discretion of the City.**

A. The City of Durham reserves the right to reject any or all proposals.

B. NOTWITHSTANDING anything to the contrary in this document or in any addendums to this document, unless the contrary provision refers specifically to this provision, the City reserves the right (i) to negotiate changes of any nature with any candidate with respect to any term, condition, or provision in this document and/or in any proposals, whether or not something is stated to be mandatory and whether or not it is said that a proposal will be rejected if certain information or documentation is not submitted with it, and (ii) to enter into an agreement for some or all of the work with one or more persons, firms, or corporations that do not submit proposals. For example, all deadlines are for the administrative convenience or needs of the City and may be waived by the City in its discretion. This subparagraph B

applies to the entire RFP.

C. Where the City asks or tells candidates to do stated things, such as that a proposal should follow a stated format or that the candidate should do stated things in seeking the contract, the City may reject a proposal because it does not comply with those requests, so the candidate is adding to its risk of rejection by non-compliance. Still, the City may, in its discretion, waive non-compliance. This subsection (C) does not limit subsections (A) and (B).

D. Of course, once a contract is signed, the parties to the contract may enforce the contract according to its terms as allowed by applicable law.

## **SCHEDULE**

**120. Schedule.** The contract term and work schedule set out herein represent the City's best estimate of the schedule that will be followed. If a component of this schedule, such as the opening date, is delayed, the rest of the schedule will be shifted by the same number of days.

The City expects the length of the contract will be from the date of award, approximately January 2018 for 18 months, approximately July 2019. While the City has allowed up to 18 months for the study, the city encourages comments on how the schedule can be compressed to ensure recommendations are ready for SPOT Prioritization that begins in the summer of 2019 and to ensure coordination with other projects and studies along the corridor as mentioned previously.

The approximate contract schedule is as follows:

- a. Issue (Advertised date): **November 13, 2017**
- b. Pre-proposal meeting: **November 28, 2017 at 9 a.m. in the City of Durham Committee Room 2<sup>nd</sup> Floor, 101 City Hall Plaza, Durham, NC 27701.**
- c. Questions regarding this RFP are due no later than **3:00 pm on November 22, 2017.**
- d. Responses to questions will be posted by **December 4, 2017.**
- e. Proposals due on: **December 22, 2017 at 3:00 pm in the City of Durham Transportation Department, 101 City Hall Plaza, Fourth Floor (Suite 4200), Durham, NC 27701**
- f. Proposal Evaluation Committee completes evaluation by: **January 4, 2018**
- g. Interviews, if needed: **January 16-17, 2018** - times and locations to be determined.
- h. Council approves the contract: **February 19, 2018**
- i. City issues contract: **March 2018**
- j. Anticipated contract starts: **March 28, 2018** (on date of receipt)

**130. Keeping Proposals Open.** All proposals will remain open and valid for the City to accept for a period of 90 days after the deadline for submission of proposals. The Project Manager may release candidates from this obligation by a written letter that specifically refers to this paragraph if he or she determines that the candidate and/or the proposal will not meet the City's needs.

**140. Deadline to Submit Proposals.** Fax, oral, or email proposals are not acceptable. Candidates should see that their proposals are received at the following address by December 22, 2017 at 3:00 pm.

**City of Durham**  
Attention: **Ellen Beckmann**  
**DCHC MPO/City of Durham Transportation Department**



## **GETTING MORE INFORMATION ON THE PROJECT AND RFP PROCESS**

**150. Questions.** Questions about the RFP and the RFP process should be submitted to the Project Manager identified at the beginning of this RFP.

**160. Pre-submittal conferences, meetings, and site visits.** The City will conduct a pre-proposal meeting on **the date, time, and location specified in Section 120 - Schedule**. The questions about the RFP should be submitted via email to the project manager at least 5 business days prior to the meeting. Every effort will be made to answer the questions submitted. If time permits, additional questions/discussion will be allowed at the end of the meeting. Attendees should already be familiar with this RFP.

**170. Updates and revisions to RFP.** If you have supplied the Project Manager with your preferred method of contact (email, fax, etc.), updates to this RFP (“addendums” or “addenda”) will be sent to you in that manner. This RFP and addendums are normally posted on the City’s website, on the Purchasing Division’s webpage <http://durhamnc.gov/bids.aspx>. Check that webpage to see that you have received all addenda.

## **EVALUATION CRITERIA**

**180. Evaluation Criteria.** If an award is made, it is expected that the City’s award will be to the candidate that agrees to meet the needs of the City. A number of relevant matters will be considered, including qualifications. The Evaluation Criteria are intended to be used to make a recommendation to the entity or person (the City Manager or the City Council) who will award the contract, but who are not bound to use these criteria or to award on the basis of the recommendation. The City reserves the right to change the criteria and to otherwise vary from this procedure as it determines to be in the City’s interest.

Proposals submitted will be evaluated by a Project Selection Committee. The committee will review proposals to determine which, if any, candidate(s) will be invited to interview with the committee. A response to this Request for Proposals does NOT constitute any obligation on the part of the funding partners to conduct an interview with the proposer(s). The Project Selection Committee maintains the right to select proposer(s) for interviews as they feel appropriate and necessary. When determining which proposer(s) will be invited to interview or selected as the preferred candidate without an interview, the committee will consider the following criteria:

### **180.10 Qualifications and Experience of the Proposed Team**

- Previous experience of proposed Project Manager with regional and/or multi-jurisdictional studies
- Technical skills and expertise of key team members
- References from former clients on similar projects.
- Relevant prior experience of key team members in dealing with transportation issues
- Demonstrated ability to successfully conduct thorough analysis on complex transportation mobility and safety issues, and objectively present feasible options and recommendations on associated issues
- Demonstrated understanding of interrelationships between transportation and land use.

### **180.20 Public Involvement and Stakeholder Engagement Approach**

- Demonstrated ability to implement a successful public engagement strategy with various stakeholder interests that provides meaningful input into project outcomes

### **180.30 Understanding of the Project Study Area, Goals and Objectives**

- General familiarity with the study area, including local issues within the regional context
- General understanding of the project objectives. Demonstrated understanding and insight related to project scope.

- Understanding of local policies affecting regional transportation efforts
- Proposed Approach to the Project, Innovative and “out-of-the-box approaches
- Technical analysis tools and techniques proposed
- Proposed project timeline/schedule, including appropriate order of described tasks to achieve meaningful recommendations
- Availability and ability of team members to engage with various groups and levels of stakeholders throughout the duration of the project.

#### **180.40 Quality of the Proposal**

- Concise description of tasks, staff, and process proposed neatness, organization, and detail-oriented proposal. Responsiveness of RFP and submittals
- Clarity of roles and responsibilities of key team members

#### **180.50 In-person Interviews**

After the initial review of proposals, the committee will select an appropriate number of proposer(s) to interview.

Once a preferred candidate is chosen, the MPO will work with the project team to develop a more detailed scope of services to be included in the project contract. The MPO reserves the right to select the most competitive proposals for this project. During the selection process, the MPO will ensure that all answers or clarifications to questions posed by any particular respondent are provided as noted above.

The MPO reserves the right to negotiate a contract, including the final scope of work and contract price, with any respondent or other qualified party

### **CONTENTS OF PROPOSAL**

#### **240. Contents of Proposal.**

The proposal should not exceed 25 numbered pages and no less than 11 point font. The page limit does not include covers, cover letter, table of contents, dividers, forms, the affidavit or the team’s abbreviated resumes (Section 240.5), which can be included in an appendix if desired. It should include the following sections, numbered as follows:

**1. Contact information.** Include the candidate’s name and address, and the contact information (name, mailing address, email address, fax number, and telephone number) of the person whom the City should contact regarding the proposal.

**2. Legal Status of the Candidate and Signers.** State the full, exact name of the candidate. State whether the candidate is an individual, corporation, limited partnership, general partnership, limited liability company, professional corporation, professional association, etc. If it is anything other than an individual or a general partnership, specify the State under which the entity is organized. If the State under which the entity is organized is not North Carolina, specify whether the candidate has received a certificate of authority from the N. C. Secretary of State to transact business in North Carolina. State whether the entity is in existence at the time the proposal is submitted, and if not, whether and when the candidate intends to officially form the entity. State the names and titles of the individuals who will sign the contract with the City.

**3 Project Understanding and Proposed Approach:** This section of the proposal should include an outline of the understanding of the project goals, scope and important issues associated with the study area and an approach proposed to address those issues. This section should include a proposed approach to addressing the desired tasks outlined in this document, including proposed software, analysis tools and techniques, and public engagement strategies. This section should also include proposed management and project oversight efforts, as well as hours estimated for each task. A detailed project timeline, including estimated hours, anticipated meetings and deliverables, should be included in the proposal.

**4. Qualifications, References, and Licenses.** This part should include the candidate’s experience on similar projects and include references and how to contact them. References

should include a brief project description, contact name, address, telephone number, email address, and provide evidence of similar work completed within the last five (5) years conducted by the proposing firm(s).

**5. Project Team, Location of Work, and Subcontracting.** State the names, locations and qualifications of the individuals who will have responsibility for this project. Include a table of hours that shows the proposed hours assigned by each staff to each task and the total hours for each task. Provide resumes, abbreviated if necessary, for specific personnel that will be assigned to the project, including verification that they have experience with similar projects and will be available to complete the project within the allotted time frame, including availability to begin the project in March 2018. Include proposed organizational chart.

**6. General Experience Summary:** The summary will need to emphasize the team's experience with conducting successful multi-modal transportation planning efforts, land use policy analysis, community impacts assessment, and meaningful public engagement. This section should include an overview of directly related project experience of key project personnel.

**7. Firm Overview:** General description of lead consultant and any proposed sub-consultant(s), including relevant project experience, firm profile, and description of current projects. General discussion of any history of successful collaboration between proposed lead and sub-consultant team members, if applicable.

**8. Assumptions regarding City of Durham Actions and Participation.** If your proposal assumes that the City will take certain actions, provide facilities, or do anything else, you should state these assumptions explicitly.

**9. Small Professional Service Firm Participation.** The City of Durham and the N.C. Department of Transportation encourage the use of Small Professional Services Firms (SPSF) for this project. Small businesses determined to be eligible for participation in the SPSF program are those meeting size standards defined by Small Business Administration (SBA) regulations, 13 CFR Part 121 in Sector 54 under the North American Industrial Classification System (NAICS). The SPSF program is a race, ethnicity, and gender neutral program designed to increase the availability of contracting opportunities for small businesses on federal, state or locally funded contracts. SPSF participation is not contingent upon the funding source.

The Firm, at the time the Letter of Interest is submitted, shall submit a listing of all known SPSF firms that will participate in the performance of the identified work. The participation shall be submitted on the NCDOT's Prime Form RS 2 and/or Subconsultant Form RS 2.

Form RS-2 forms may be accessed on the NCDOT website at <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

The SPSF must be qualified with the Department to perform the work for which they are listed.

Real-time information about firms doing business with the NCDOT and firms that are SPSF certified through North Carolina's Unified Certification Program is available in the Directory of Transportation Firms. The Directory can be accessed by the link on the NCDOT homepage or by entering <https://partner.ncdot.gov/VendorDirectory/default.html> in the address bar of your web browser.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firm.

**NCDOT Assurance:** Even though specific DBE/MBE/WBE goals are not required for this project, the Department of Transportation is committed to providing opportunity for small and disadvantaged businesses to perform on its contracts through established Department goals. The City of Durham desires a good faith effort for DBE/MBE/WBE participation up to 20%. The Firm, subconsultant and subfirm shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract.

**Title VI Assurance:** The City of Durham, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4), and the

Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

#### 10. **Prequalification with NCDOT**

The N.C. Department of Transportation prefers that any firm (Prime) working on this project be prequalified through NCDOT's process. NCDOT maintains on file the qualifications and key personnel for each approved discipline, as well as any required samples of work. Each year on the anniversary date of the company, the firm shall renew their prequalified disciplines. If your firm has not renewed its application as required by your anniversary date or if your firm is not currently prequalified, please submit an application to NCDOT prior to submittal of your proposal. An application may be accessed at <https://connect.ncdot.gov/business/Prequal/Pages/Private-Consulting-Firm.aspx>. Having this data on file with the Department eliminates the need to resubmit this data with each proposal.

All primary -consultants shall be pre-qualified to perform work in the area that they are providing services. Applicable areas of pre-qualification based on the NCDOT – TRANSPORTATION PLANNING BRANCH are:

- 27 Capacity Analysis – Freeways and Interchanges
- 45 Corridor Planning
- 140 Travel Demand Model Development
- 141 Multimodal Transportation Planning
- 171 Public Involvement
- 256 Traffic Simulations
- 261 Long Range Planning
- 276 Visualization
- 309 Traffic Data Collection
- 315 Municipal and Regional Planning Studies
- 363 Travel Demand Model Application
- 458 Crash Analysis

11. **Financial Condition, Insurance, and Bonds.** Contractor agrees to maintain, on a primary basis and at its sole expense, at all times during the life of this Contract the following applicable coverage's and limits. The requirements contained herein, as well as City's review or acceptance of insurance maintained by Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Contractor under this Contract.

**Automobile Liability** – Limits of no less than \$1,000,000 Combined Single Limit. Coverage shall include liability for Owned, Non-Owned and Hired automobiles. In the event Contractor does not own automobiles, Contractor agrees to maintain coverage for Hired and Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Auto Liability policy. Automobile coverage is only necessary if vehicles are used in the provision of services under this Contract and/or are brought on a City of Durham site.

**Umbrella or Excess Liability** – Contractor may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability, however, the Annual Aggregate limits shall not be less than the highest 'Each Occurrence' limit for required policies. Contractor agrees to endorse City of Durham as an 'Additional Insured' on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a 'Follow-Form' basis.

**Worker's Compensation & Employers Liability** – Contractor agrees to maintain Worker's Compensation Insurance in accordance with North Carolina General Statute Chapter 97 and with Employer Liability limits of no less than \$1,000,000 each accident, each employee and policy limit. This policy must include a Waiver of Subrogation.

**Additional Insured** – Contractor agrees to endorse the City as an Additional Insured on the Commercial General Liability. The Additional Insured shall read 'City of Durham as its interest may appear'.

**Certificate of Insurance** – As part of the proposal, the Contractor should include a statement of insurance only. If selected, the Contractor agrees to provide the City of Durham a Certificate of Insurance evidencing that all coverage's, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by Contractor's insurer. If Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Contractor agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The Certificate Holder address should read:

City of Durham, North Carolina  
Attention: Finance Director  
101 City Hall Plaza  
Durham, NC 27701

All insurance companies must be authorized to do business in North Carolina and be acceptable to the City of Durham's Risk Manager.

12. **Conflict of Interest.** If the candidate has any grounds to believe there could be a conflict of interest, such as that a City employee who is involved in awarding the contract has a connection with the candidate, please explain. The N.C. Department of Transportation's Conflict of Interest policy generally applies to this project as well.

13. **Non-collusion** Sign the following and include it with your response:

**NON-COLLUSION AFFIDAVIT**

By executing this proposal, I certify that this proposal is submitted to the City of Durham competitively and without collusion. I am authorized to represent the candidate both in submitting this bid and in making this Non-collusion Affidavit. To the best of my knowledge and belief, (1) the candidate has not violated N. C. General Statute section 133-24 in connection with the proposal, (2) the candidate has not entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with its proposal, and (3) the candidate intends to do the work with its own bonafide employees or subcontractors and is not bidding for the benefit of another contractor. The neuter includes the masculine and the feminine. The candidate to which this Non-Collusion Affidavit refers is:

\_\_\_\_\_  
*(insert name of candidate)*

\_\_\_\_\_  
*(signature of individual)*

**ACKNOWLEDGMENT**

Type or print name of the individual who signed the affidavit:

\_\_\_\_\_  
Type or print the name of Notary Public signing this acknowledgment:

Place where acknowledgment occurred: County of \_\_\_\_\_, State of \_\_\_\_\_

Notary's residence: County of \_\_\_\_\_, State of \_\_\_\_\_

I, the Notary Public named above, certify (1) the individual named above personally appeared before me this day, (2) I have personal knowledge, or satisfactory evidence, of the individual's identity; and (3) the individual acknowledged signing the foregoing affidavit.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

## **COVER LETTER WITH PROPOSAL**

### **250. Cover letter.**

The proposal should contain a cover letter, signed by a principal of the candidate. The cover letter should contain the following statement:

The undersigned, whose title and position with the candidate are stated next to, or beneath his or her signature, has the authority to submit this proposal (including this cover letter) on behalf of the candidate in response to the City of Durham's Request for Proposals.

Unless otherwise clearly stated in this response to the RFP, our proposal accepts the terms and conditions stated in the RFP, including the description of services to be performed and the provisions of the contract to be signed.

The cover letter should contain one of the following two paragraphs A or B. If (i) the cover letter lacks both paragraph A and paragraph B, or (ii) the cover letter contains paragraph A but fails to comply with the instructions in the section of the RFP titled "Trade Secrets and Confidentiality," the City may treat everything it receives from the candidate as NOT trade secret or confidential, and the City may disclose to the public everything it receives from the candidate.

A. With respect to all trade secrets that the candidate may submit to the City in connection with this proposal or the contract, if the contract is awarded to the candidate, the candidate shall comply with the section of the RFP titled "Trade Secrets and Confidentiality," including all of its subsections, including the subsection titled "Defense of City." The candidate acknowledges that the City will rely on the preceding sentence.

**-or-**

B. The candidate is not submitting any trade secrets to the City in connection with this proposal or the contract; if the contract is awarded to the candidate, the candidate will not submit any trade secrets to the City in connection with this proposal or the contract. The candidate acknowledges that the City will rely on the preceding sentence.

### **260. Addendums.**

The cover letter should list the last addendum that the City issues for this RFP, with a statement such as *The undersigned candidate has read all the addendums issued by the City for this RFP, through and including Addendum No. \_\_\_\_*. In that blank the candidate should list the number of the last addendum.

## **HOW TO SUBMIT A PROPOSAL**

### **270. How to submit a proposal.**

Candidates should submit their proposals in a sealed envelope. The envelope should be addressed for delivery to the Project Manager at the address shown in the "Project Manager and Contact with City" section at the beginning of this RFP.

Write the following prominently on the outside of the envelope:

### **Downtown Durham Transportation Study RFP #17-MPO2.**

Proposals are to be received no later than December 22, 2017. Proposals should not be made by email or fax.

**280. Format.** Provide one original that must contain original signatures and marked as “original”, ten additional paper copies, and two electronic copy in the form of a pdf file on a CD/DVD or USB flash drive.

**290. Alternative Proposals.** Offerors may submit only one proposal for evaluation. No alternative proposals will be accepted in response to this RFP.

**300. Candidate to Bear Expense; No Claims against City.** No candidate will have any claims or rights against the City arising out of the participation by a candidate in the proposal process. No candidate will have any claims or rights against the City for the City’s failure to award a contract to it or for awarding a contract to another person, firm, or corporation, regardless of whether the other person, firm, or corporation participated in the RFP process or did not submit a proposal that complied with the RFP. A notice of award will not constitute acceptance by the City; the City’s only method of acceptance is the City’s execution of a formal contract in accordance with law.

**310. State Treasurer's lists regarding Iran and Boycott of Israel.** If the candidate or the City signs the contract on October 1, 2017 or afterwards, and the value of the contract is \$1,000 or more, the following applies unless the candidate otherwise states in its proposal: the candidate affirms (by submitting a proposal) that (1) its name does not appear on the list of companies that are engaged in a boycott of Israel developed by the N. C. State Treasurer under N.C.G.S. 147-86.81(a)(1) or on a list created by the Treasurer pursuant to N.C.G.S. 147-86.58 as a company engaging in investment activities in Iran, and (2) it has no reason to expect that its name will appear on either of those lists. Take notice that a contract between a company named on either list and the City may be void.

**320. Notice under the Americans with Disabilities Act.** A person with a disability may receive an auxiliary aid or service to effectively participate in city government activities by contacting the ADA Coordinator, voice (919) 560-4197, fax 560-4196, TTY (919) 560-1200, or [ADA@durhamnc.gov](mailto:ADA@durhamnc.gov), as soon as possible but no later than 48 hours before the event or deadline date.

**Aviso bajo el Acto de Americanos Discapacitados** – Una persona con una discapacidad puede recibir asistencia o servicio auxiliar para participar efectivamente en actividades del gobierno de la ciudad con ponerse en contacto con el Coordinador de ADA, buzón de voz (919) 560-4197, fax (919) 560-4196, TTY (919) 560-1200, o [ADA@durhamnc.gov](mailto:ADA@durhamnc.gov), lo más antes posible pero no menos de 48 horas antes del evento o fecha indicada.

**330. Values of City of Durham regarding Treatment of Employees of Contractors**

A. Statement of City EEO Policy. The City of Durham opposes discrimination in employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Therefore, it desires that firms doing business with the City:

- not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
- take affirmative action to insure that applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. This action includes employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- state, in solicitations or advertisement for employees, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
- include this Statement of City EEO Policy in every purchase order for goods to be used in performing City contracts and in every subcontract related to City contracts.

B. Livable Wage. The City of Durham desires that firms doing business with the City pay their workers a livable wage rate while working on City contracts. The livable wage rate is \$14.15 per hour through June 30, 2018, and \$15.00 per hour for July 1, 2018 – June 30, 2019. The City will re-set the rate for the period after June 30, 2019.