



City of Billings

# **Request for Proposals**

**For**

## **East Billings Urban Renewal District Form Based Code Development**

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



City of Billings

## **Request For Proposals Table of Contents**

**SECTION 1: GENERAL INFORMATION**

**SECTION 2: OBJECTIVES**

**SECTION 3: INFORMATION FOR CONSULTANTS**

**SECTION 4: RFP EVALUATION AND SELECTION PROCESS**

**SECTION 5: SCOPE OF WORK**

**ATTACHMENT A – VALIDATION QUESTIONS FOR CONSULTANT**

**ATTACHMENT B – STANDARD TERMS AND CONDITIONS**

**ATTACHMENT C – BUDGET**

**ATTACHMENT D – CONDITIONS AND NON-COLLUSION FORM**

**ATTACHMENT E – MASTER Q & A FORM**

**ATTACHMENT F – INTENT TO RESPOND FORM**

**ATTACHMENT G – CONSULTANT CONTACT INFORMATION**



City of Billings

**Section 1: General Information**

**Request For Proposals (RFP)** - Development of Form Based Code for the East Billings Urban Renewal District – CB11032010

THE ABOVE DESCRIPTION AND NUMBER MUST APPEAR ON ALL PROPOSALS AND RELATED CORRESPONDENCE.

**THIS IS NOT AN ORDER**

<p>RESPOND NO LATER THAN <b>December 22, 2010</b> <b>5:00 p.m.</b></p>	<p>RFP INITIATIVE: <b>East Billings Urban Renewal District Form Based Code Development</b></p>	<p>All consultants must respond in detail to each element of this RFP in order to be considered for contract award. <b>Five copies of the proposal should be mailed to contact person at the address below with the budget in a separate sealed envelope.</b></p>
<p>Proposer Name:</p>		<p>SEND ALL CORRESPONDENCE TO THE CONTACT BELOW</p> <p>City Of Billings City/County Planning Division 4<sup>th</sup> Floor Parmly Billings Library 510 N. Broadway Billings, MT 59101</p> <p>Candi Beaudry, AICP, Director Email: beaudryc@ci.billings.mt.us PHONE: (406) 657-8249 FAX: (406) 657-8327</p>



City of Billings

## **Section 2: Objectives**

### Introduction and Objectives

This RFP is issued by City of Billings for the purpose of obtaining information and pricing regarding the development of a Form Based Code for the East Billings Urban Renewal District. A Form Based Code addresses urban form (bulk, scale, setbacks, and heights) and elements of the “public realm” (signage, street furniture, pedestrian environment). A well crafted Form Based Code is the most effective form of development regulation for shaping pedestrian-scaled, mixed-use, and fine-grained urbanism. Stakeholder input into proposed standards is very important to ensure that it reflects specific community intentions. It is the intent of the City of Billings to review and assess the RFP responses to determine if the response from solicited consultants can meet the needs of the City of Billings.

Consultants are expected to provide their best and most competitive proposal.

**Attachment F, the Intent to Respond form, must be completed and faxed at least two (2) days prior to the advertised RFP due date.**

## **Section 3: Information for Consultants**

### Disclaimer

This RFP does not form or constitute a contractual document. The City of Billings shall not be liable for any loss, expense, damage or claim arising out of the advice given or not given or statements made or omitted to be made in connection with this RFP. The City also will not be responsible for any expenses which may be incurred in the preparation of this RFP.

A professional consulting contract will be required of the selected consultant and if the contract fails to be negotiated, the City reserves the right to contract with another consultant.

### Instructions to Proposers

#### EXAMINATION OF DOCUMENTS

Before submitting the proposals, the proposer shall:

- (a) Carefully review the terms of this request as well as the attachments;
- (b) Fully inform yourself of the existing conditions and limitations;
- (c) Include with the proposal sufficient information to cover all items required in the specifications.



## City of Billings

### PROPOSAL MODIFICATIONS

In addition to any other information and documentation requested in this RFP, any forms provided herein shall be included in the submitted proposal. Modifications, additions or changes to the terms and conditions of this request for proposals may be cause for rejection of the proposal. Proposals submitted without required forms may be rejected. No oral, telephone, email, fax or telegraphic proposals or modifications will be considered.

### CERTIFICATION OF ALTERATION OR ERASURE

A proposal shall be rejected should it contain any material alteration or erasure, unless, before the proposal is submitted each such alteration or erasure has been initialed in INK by the authorized agent signing the proposal.

### SIGNATURE

All proposals shall be typewritten or prepared in ink and must be signed in longhand by the proposer or proposer's agent or designee, with his/her usual signature. A proposal submitted by a partnership must be signed with the partnership name to be followed by the signature and designation of the partner signing. Proposals by corporations must be signed with the legal name of the corporation, followed by the name and signature of an authorized agent or officer of the corporation. Proposals submitted by a proprietorship must be signed by the owner and the name of each person signing shall be typed or printed legibly below the signature.

### WITHDRAWAL OF PROPOSALS

Proposers may withdraw their proposal either personally or by written request at any time prior to the due date set for receiving proposals. No proposal may be withdrawn or modified after the due date and time, unless and until the award of the contract is delayed for a period exceeding ninety (90) days.

### QUOTE VALID

The proposer must honor their quote for a period of ninety (90) days after the RFP due date.

### CERTIFICATION

The proposer certifies that the proposal has been arrived at independently and has been submitted without any collusion designed to limit competition. The proposer further certifies that the materials, products, services and/or goods offered herein meet all requirements of the stated specifications and are equal in quality, value and performance with highest quality, nationally advertised brand and/or trade names.

### INSURANCE REQUIREMENTS

The proposer certifies that it/they shall maintain in good standing the insurance described in this Section. Before rendering any services, the proposer shall furnish the City with proof of insurance in accordance with this Section.

1. Workers' compensation and employer's liability coverage as required by Montana law.



City of Billings

- 2. Commercial general liability, including contractual and personal injury coverage's -- \$750,000 per claim and \$1,500,000 per occurrence.
- 3. Commercial automobile liability -- \$1,500,000 per accident.
- 4. Professional liability in the amount of \$1,500,000 per claim.

Each policy of insurance required by this Section shall provide for no less than 30 days' advance written notice to the City prior to cancellation.

The City shall be listed as an additional insured on all policies except Professional Liability and Worker's Compensation Policies.

DISPOSITION OF PROPOSALS

All materials submitted in response to this RFP become the property of the City of Billings. One copy of each proposal submitted shall be retained for the official files of the Division and will become public record after award of the Contract. Price proposals submitted, but not reviewed by the City, do not become a public record and shall only be retained for official files.

QUESTIONS

Questions regarding the Request for Proposals contents may be sent to the contact person listed in Section 1 via email no later than 2 business days prior to due date for proposals. The City Of Billings will make every effort to provide a written response within 2 business days. Whenever responses to inquiries would constitute a modification or addition to the original RFP, the reply will be made in the form of an addendum to the Request for Proposals, a copy of which will be forwarded to all Consultants who have submitted an "Intent to Respond" form (Attachment F).

Consultants must submit their questions using the "Master Q & A" form found in **Attachment E**, and provide, at a minimum, the following:

- Supplier's name, requester, and appropriate contact information
- The question, clearly stated
- Specific reference to the applicable Request for Proposals section(s)

RFP Submission

Upon the submission of the RFP response, the consultants acknowledges that all information is accurate and complete. In addition, please send five (5) hard copies via mail to the point of contact listed in Section I.

RFP Process Timeline

Dates

RFP/legal advertisement done:	November 23, 2010
Advertise:	November 28, 2010
Proposals due by 5:00PM:	December 22, 2010
Evaluate and choose:	January 10, 2011
Preliminary Council memo due:	January 27, 2011
Finalized Council memo and contract due:	February 3, 2011
Council meeting:	February 14, 2011

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



City of Billings

## **Section 4: RFP Evaluation and Selection Processes**

### Initial Evaluation

Proposals received will undergo an initial review to determine:

- Compliance with instructions stated in the RFP
- Compliance with proposal submittal date

### Phase II Evaluation

The evaluation of consultant's proposals may include, but is not limited to, the following criteria:

- Consultant's experience with developing Form Based Code
- Capacity to assume new business on an ongoing basis for at least one calendar year
- Perceived ability to meet the City of Billings requirements
- Availability (timetable) for providing goods and/or services
- Breadth of services available
- Reporting capability (i.e. monthly or weekly written or oral reports)
- Training and professional development history
- Compliance with the City of Billings terms and conditions

### Evaluation Criteria

The proposals being requested will be scored on the following criteria:

Qualifications and ability to perform requested services (50 points total):

- |  |           |
|--|-----------|
| A. Past experience with developing Form Based Codes            | 20 points |
| B. Location as it relates to provision of services to the City | 15 points |
| C. Firm/personnel qualifications                               | 10 points |
| D. References from other communities                           | 5 points  |

Execution of the scope of work (50 points total):

- |   |                  |
|---|------------------|
| A. Description of proposed scope of work        | 20 points        |
| B. Description of public outreach process       | 10 points        |
| C. Process timeline                             | 10 points        |
| D. Deliverables, budget and completion schedule | <u>10 points</u> |

100 points

## **Section 5: Scope of Work**

### **1. District Form Development**

- Identify, contrast, and compare three to five Form Based Codes adopted by communities of similar size and character as Billings, Montana
- Map and evaluate the existing land uses, motorized and non-motorized transportation network, and building form in the East Billings Urban Renewal District



## City of Billings

- Conduct a public meeting(s) to familiarize public with Form Based Code concept and vocabulary and obtain public input on preferred form and character of development in the EBURD
- Summarize public input and 2009 EBURD Master Plan recommendations into a series of images, plans, sketches, etc. that address:
  - Public realm (streets, alleys, sidewalks, public gathering spaces)
  - Landscape (boulevard, on-site, stormwater management systems)
  - Buildings (typologies and architectural styles)
- Provide a written report on results of research, data compilation, public input, and proposed District forms
- Present results to the project Steering Committee

### **2. Draft Code Development**

- Draft Form Based Code regulations that incorporate, map and illustrate building form, street, landscape and open space standards, and use requirements. The regulations shall also establish a procedure for building permit reviews, map changes, Special Reviews (if needed), and text amendments.
- Provide a draft Form Based Code document to project Steering Committee for review and comment
- Hold a public meeting to present edited draft Form Based Code to the public
- Revise, if necessary, Form Based Code document for final adoption

The City-County Planning Division will integrate the Form Based Code into the Unified Zoning Regulations as instructed by the City Council.

### **3. Deliverables, Budget and Completion**

#### A. Deliverables:

- Five copies of the progress report required at the end of District Form Development phase and five copies of the Draft Form Based Code delivered to the project Steering Committee
- Fifteen complete sets of the final revised Code and associated maps and graphics
- One electronic data submission of all of the Code documents, maps, and graphics

#### B. Completion Date

- December 2011



City of Billings

## ATTACHMENT A

### VALIDATION QUESTIONS FOR CONSULTANT

#### GENERAL INFORMATION

- 1) Company Name  
Address:  
Contact Name:  
Contact Phone:  
Contact Email:  
Website/URL:
- 2) How many years has your company been doing business in the code development/community planning field?
- 3) Total full-time employees.
- 4) Do you have a City of Billings' Business License? If yes, can you provide documentation?
- 5) What are your standard payment terms?
- 6) References - Please attach a word document with all contact information for at least the following three references:
  - a) Communities you have worked for in the last three years
  - b) Former clients you have performed code development or community planning services for in the last two years
- 7) Can you provide documentation that your firm can meet the City of Billings' minimum insurance requirements?

#### FUNCTIONALITY

- 1) A certificate of insurance must be provided prior to signing the contract, commencing on the day contract begins. Are you willing to comply with these requirements?
- 2) You must instruct your insurance broker/carrier to notify the City of Billings should your coverage change. Are you willing to do this?

#### QUALITY AND SERVICE

- 1) Do you have a quality assurance program? If yes, please attach a copy.
- 2) Are your employees required to take a mandatory drug test?

#### LEGAL ISSUES

- 1) Are there any pending lawsuits against your company? If yes, please explain.



City of Billings

## **ATTACHMENT B**

### **STANDARD TERMS AND CONDITIONS**

In case of default by the successful proposer or failure to deliver the goods or services within the time specified, the City Purchasing Agent, after written notice, may procure them from other sources and hold contractor responsible for excess costs occasioned thereby.

The specifications attached to the instructions to proposers establish a standard of quality desired by the City of Billings. Any proposer may submit quotations on any article-which substantially complies with these specifications as to quality, workmanship and service. The City of Billings reserves the right to make its selections of materials or services purchased, based on its best judgment as to which articles substantially comply with the requirements of the specifications.

No alteration in any of the terms, conditions, delivery, quality, or specifications will be effective without prior written consent of the City of Billings.

No exception to delivery or service dates shall be allowed unless prior written approval is first obtained from the City of Billings.

The contractor warrants all articles supplied under this contract to conform to specifications herein. The contractor will deliver a warranty stating that all articles supplied under the contract are fit and sufficient for the purpose manufactured, merchantable, and free from defects.

The contractor agrees not to be discriminate against any client, employee or applicant for employment or for services, because of race, creed, color, national origin, sex or age with regard to, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or recruitment advertising; layoffs and termination; rates of pay or other forms of compensation; selection for training; rendition of services. It is further understood that any contractor who is in violation of this shall be barred forthwith from receiving awards of any purchase order for the City unless a satisfactory showing is made that discriminatory practices have terminated and that a reoccurrence of such acts are unlikely.

The City reserves the right to cancel and terminate this contract forthwith upon giving 10 days written notice to the contractor. (This provision does not apply to the purchase of materials and equipment. A purchase order for materials and equipment is a binding contract.)

Should either party employ an attorney or attorneys or utilize the services of in-house attorneys to enforce any of the provisions hereof or to protect its interest in any manner arising under this contract, the non-prevailing party in any action pursued in a court of competent jurisdiction agrees to pay to the prevailing party all reasonable costs, damages, expenses, and attorneys' fees, including fees for in-house attorneys, expended or incurred in connection therewith.

Where applicable, possible or required, the proposer is required to submit descriptive literature, sample material, design sketches and detailed shop drawings. Failure to submit required items may result in rejection of the proposal or termination of contract.

The successful proposer may not make any advertising or sale use of the fact that contract items are being used by purchaser and other approved agencies, under penalty of contract termination. News releases pertaining to the award resulting from the RFPs shall not be made without prior written approval of the City of Billings.

210 North 27<sup>th</sup> Street P.O. Box 1178, Billings, MT 59101



## City of Billings

This Agreement shall be construed and enforced in accordance with the laws of the State of Montana. Venue for any suit between the parties arising out of this Agreement shall be the State of Montana Thirteenth Judicial District Court, Yellowstone County.

The contractor may not assign or subcontract the agreement, or the right to receive reasonable performance of any act called for by the contract, shall be deemed waived by a waiver by City of a breach thereof as to any particular transaction or occurrence.

Regardless of FOB point, contractor agrees to bear all risks of loss, injury, or destruction of goods and materials ordered herein and such loss, injury, or destruction shall not release contractor from any obligation hereunder.



City of Billings

## ATTACHMENT C

### BUDGET

(to be sent with proposal in a separate, sealed envelope)

<b>Project Element</b>	<b>Price</b>
District Form Development	
Form Based Code Development	
TOTAL	



City of Billings

**ATTACHMENT D**

**CONDITIONS AND NON-COLLUSION FORM**

To receive consideration, this form must be signed in full by a responsible, authorized agent, officer, employee or representative of your firm.

CONDITIONS AND NON-COLLUSION AGREEMENT

We have read and agree to the conditions and stipulations contained herein and to the Standard Terms and Conditions contained on the attached.

We further agree to furnish the services specified at the prices stated herein, to be delivered to the location and on that date set forth herein.

In signing this proposal, you also certify that you have not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the due date and time to any other proposer or competitor; that the above statement is accurate under penalty of perjury.

\_\_\_\_\_  
Legal Name of Firm/Corporation

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date



City of Billings

**ATTACHMENT E**

**MASTER Q & A FORM**

**PROJECT: EBURD Form Based Code Development**

<b>Master Q&amp;A</b>	Any questions regarding this Request for Proposals should be submitted according to the process outlined below. The City will make every effort to answer within two (2) days of receiving the questions.
<b>Q&amp;A Process</b>	<ol style="list-style-type: none"> <li>1. Prepare questions or concerns on the template provided.</li> <li>2. Complete the table in full, providing a date for each question and a section of the RFP to reference (if applicable).</li> <li>3. Submit the completed form via email to Candi Beaudry, <a href="mailto:beaudryc@ci.billings.mt.us">beaudryc@ci.billings.mt.us</a> Attach associated documents as necessary.</li> </ol> <p>Please contact Candi Beaudry at (406) 657-8249 with any questions regarding this process.</p>

**Questions from:** \_\_\_\_\_ **Company:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

#	Date	Reference Section	Question or Comment	City Response
1				
2				
3				
4				



City of Billings

**ATTACHMENT F**

**INTENT TO RESPOND FORM**

**RFP: EBURD Form Based Code Development      Dated \_\_\_\_\_**

Fax the following Intent to Respond form to Candi Beaudry at (406) 657-8327 within two (2) days of RFP date even if your company chooses NOT to participate in the RFP.

**To:                    City of Billings**  
Attn:                Candi Beaudry  
Fax:                 (406) 657-8327

From: _____	Contact Name
_____	Company Name
_____	Company Address
_____	
_____	Phone Number
_____	Fax Number
_____	Email Address

We intend to respond to this RFP by the specified due date:

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contact Name (please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature of Contact Person

By signing the above, I certify that I am authorized by the Company named above to respond to this request.



City of Billings

## ATTACHMENT G

### CONSULTANT CONTACT INFORMATION

#### **A. Company Contacts**

Primary Contact Person (Name):	
Title/Function:	
Address	
Business Hours Phone:	
Fax:	
Internet E-mail Address:	
Name of Person Responding to Request:	
Title/Function:	
Address:	
Phone:	
Fax:	
Internet E-mail Address:	

#### **B. General Company and Financial Information**

Company Name:	
Headquarters Address:	
City, State, ZIP	
Headquarters Phone:	
Headquarters FAX:	
Company Owned By:	
Percent % Ownership:	
Years In Business	
Name of CIO	
Name of CEO/President:	