



**BOARD OF CONTRACT AND SUPPLY
CITY OF PROVIDENCE, RHODE ISLAND**

REQUEST FOR PROPOSALS

Item Description: **Design-Build-Operate-Maintain for Kennedy Plaza Food Pavilion**
(# 36986)

Date to be Opened: **September 26, 2022**

Issuing Department: **Department of Planning and Development**

QUESTIONS

- Please direct questions relative to the bidding process, how to fill out forms, and how to submit a bid (Pages 1-8) to Purchasing Agent Patti Jordan.
 - Phone: (401) 680-5264
 - Email: pjordan@providenceri.gov
 - Please use the subject line **"RFP Question"**
- Please direct questions relative to the Minority and Women's Business Enterprise Program and the corresponding forms (Pages 9-13) to the MBE/WBE Outreach Director for the City of Providence, Grace Diaz
 - Phone: (401) 680-5766
 - Email: gdiaz@providenceri.gov
 - Please use subject line **"MBE WBE Forms"**
- Please direct questions relative to the specifications outlined (beginning on page 14) to the issuing department's subject matter expert via email only prior to June 28, 2022, at 11:59 PM.
 - Chris Martin, Principal Planner
 - Email: crmartin@providenceri.gov
 - Please use subject line **"Kennedy Plaza RFP"**

PRE-BID CONFERENCE

No pre-bid conference will be held.



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INSTRUCTIONS FOR SUBMISSION

Bids may be submitted up to 2:15 P.M. on the above meeting date at the Department of the City Clerk. Room 311, City Hall. 25 Dorrance Street, Providence. At 2:15 P.M. all bids will be publicly opened and read at the Board of Contract Meeting in the City Council Chambers, on the 3rd floor of City Hall.

Bidders must submit 3 (three) copies of their bid in sealed envelopes or packages labeled with the captioned Item Description and the City Department to which the RFP and bid are related and must include the company name and address on the envelope as well. (On page 1). *Bidders must also submit a USB drive containing a single PDF of all documents and forms associated with their bid.***** No CDs or emailed documents will be accepted.

If required by the Department, please keep the original bid bond and check in only one of the envelopes.

Communications to the Board of Contract and Supply that are not competitive sealed bids (i.e. product information/samples) should have "NOT A BID" written on the envelope or wrapper.

Only use form versions and templates included in this RFP. If you have an old version of a form do not recycle it for use in this bid.

The bid envelope and information relative to the bid must be addressed to:

Board of Contract and Supply
Department of the City Clerk – City Hall, Room 311
25 Dorrance Street
Providence, RI 02903

PLEASE NOTE: This bid may include details regarding information that you will need to provide (such as proof of licenses) to the issuing department before the formalization of an award. This information is NOT requested to be provided in your initial bid by design. All bids submitted to the City Clerk become public record. Failure to follow instructions could result in information considered private being posted to the city's Open Meetings Portal and made available as a public record. The City has made a conscious effort to avoid the posting of sensitive information on the City's Open Meetings Portal, by requesting that such sensitive information be submitted to the issuing department only at their request.



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BID PACKAGE CHECKLIST

Digital forms are available in the City of Providence Purchasing Department Office or online at <http://www.providenceri.gov/purchasing/how-to-submit-a-bid/>

The bid package **MUST** include the following, in this order:

- **Bid Forms:**
 - **Bid Form 1:** Bidder's Blank as the cover page/ 1st page (see page 6 of this document)
 - **Bid Form 2:** Certification of Bidder as 2nd page (see page 7 of this document)
 - **Bid Form 3:** Certificate Regarding Public Records (see page 8 of this document)
 - **Bid Bond** (See Appendix A)
 - **Certificate as to Corporate Principal** (See Appendix A)
 - **Non-Collusion Affidavit of Prime Bidder** (See Appendix A)
 - **Non-Collusion Affidavit of Subcontractor** (See Appendix A)
 - **Certification of Non-Segregated Facilities** (See Appendix A)
 - **Bidder's Certification of Equal Employment Opportunity** (See Appendix A)
 - **Special Requirements for Out-of-State Contractors and Firms** (See Appendix A)
 - **Certification with Regard to Performance of Previous Contracts and Subcontracts** (See Appendix A)
 - **Affidavit of Non-Discrimination** (See Appendix A)
 - **Certification of Non-Discrimination in Equal Employment Opportunity** (See Appendix A)
 - **Statement of Bidder's Qualifications** (See Appendix A)
- **Forms from the Minority and Women Business Enterprise Program:** Based on Bidder Category. See forms and instructions enclosed (pages 9-13) or on: <https://www.providenceri.gov/purchasing/minority-women-owned-business-mbewbe-procurement-program/>. *Please note: MBE/WBE forms must be completed for EVERY bid submitted and must be inclusive of ALL required signatures. Forms without all required signatures may be considered incomplete.
- **Submission Form: Hourly Breakdown of Lump-Sum Fixed Fee**
- **Submission Form: Supplemental Pricing Information**
- **Bidder's Proposal/Package:** Formal response to the specifications outlined in this RFP, including pricing information and details related to the good(s) or service(s) being provided. Please be mindful of formatting responses as requested to ensure clarity. **Please see RFP Bid Specifications Section for a detailed list of all requirements for proposals submitted in response to this RFP.**
- **Financial Assurance, if requested** (as indicated on page 5 of this document under "Bid Terms")

All of the above listed documents are REQUIRED. (With the exception of financial assurances, which are only required if specified on page 5.)

*****Failure to meet specified deadlines, follow specific submission instructions, or enclose all required documents with all applicable signatures may result in disqualification at the sole discretion of the City.**



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NOTICE TO VENDORS

1. The Board of Contract and Supply will make the award to the lowest qualified and responsible bidder.
2. In determining the lowest responsible bidder, cash discounts based on preferable payment terms will not be considered.
3. Where prices are the same, the Board of Contract and Supply reserves the right to award to one bidder, or to split the award.
4. No proposal will be accepted if the bid is made in collusion with any other bidder.
5. Bids may be submitted on an "equal in quality" basis. The City reserves the right to decide equality. Bidders must indicate brand or the make being offered and submit detailed specifications if other than brand requested.
6. A bidder who is an out-of-state corporation shall qualify or register to transact business in this State, in accordance with the Rhode Island Business Corporation Act, RIGL Sec. 7-1.2-1401, et seq.
7. The Board of Contract and Supply reserves the right to reject any and all bids.
8. Competing bids may be viewed in person at the Department of the City Clerk, City Hall, Providence, immediately upon the conclusion of the formal Board of Contract and Supply meeting during which the bids were unsealed/opened. Bids may also be accessed electronically on the internet via the City's Open Meetings Portal.
9. As the City of Providence is exempt from the payment of Federal Excise Taxes and Rhode Island Sales Tax, prices quoted are not to include these taxes.
10. In case of error in the extension of prices quoted, the unit price will govern. All costs shall be provided in written form as well as numeric. In the event of a discrepancy between numeric and written form the written form shall prevail.
11. The contractor will **NOT** be permitted to: a) assign or underlet the contract, or b) assign either legally or equitably any monies or any claim thereto without the previous written consent of the City Purchasing Director.
12. Delivery dates must be shown in the bid. If no delivery date is specified, it will be assumed that an immediate delivery from stock will be made.
13. A certificate of insurance will normally be required of a successful vendor.
14. For many contracts involving construction, alteration and/or repair work, State law provisions concerning payment of prevailing wage rates apply (RIGL Sec. 37-13-1 et seq.)
15. No goods should be delivered or work started without a Purchase Order.
16. **Submit 3 (three) copies of the bid to the City Clerk, unless the specification section of this document indicates otherwise.**
17. Bidder must certify that it does not unlawfully discriminate on the basis of race, color, national origin, gender, gender identity or expression, sexual orientation and/or religion in its business and hiring practices and that all of its employees are lawfully employed under all applicable federal, state and local laws, rules and regulations. (See Bid Form 2.)
18. Proposers and Proposers Sub-Consultants shall have Rhode Island Professional Licenses and Certifications in place and current at the time of the bid is made.



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BID TERMS

1. Financial assurances may be required in order to be a successful bidder for Commodity or Construction and Service contracts. If either of the first two checkboxes below is checked, the specified assurance **must accompany** a bid, or the bid will not be considered by the Board of Contract and Supply. The third checkbox indicates the lowest responsible bidder will be contacted and required to post a bond to be awarded the contract.
 - a) ☐ A certified check for \$_____ must be deposited with the City Clerk as a guarantee that the Contract will be signed and delivered by the bidder.
 - b) ☒ A bid bond in the amount of **5 (five)** per centum (%) of the proposed total price, must be deposited with the City Clerk as a guarantee that the contract will be signed and delivered by the bidder; and the amount of such bid bond shall be retained for the use of the City as liquidated damages in case of default.
 - c) ☒ A performance and payment bond with a satisfactory surety company will be posted by the bidder in a sum equal to one hundred per centum (100%) of the awarded contract.
 - d) ☐ No financial assurance is necessary for this item.
2. Awards will be made within **sixty (60) days of bid opening**. All bid prices will be considered firm, unless qualified otherwise. Requests for price increases will not be honored.
3. Failure to deliver within the time quoted or failure to meet specifications may result in default in accordance with the general specifications. It is agreed that deliveries and/or completion are subject to strikes, lockouts, accidents and Acts of God.

The following entry applies only for COMMODITY BID TERMS:

4. Payment for partial delivery will not be allowed except when provided for in blanket or term contracts.

The following entries apply only for CONSTRUCTION AND SERVICE BID TERMS:

5. Only one shipping charge will be applied in the event of partial deliveries for blanket or term contracts.
6. Prior to commencing performance under the contract, the successful bidder shall attest to compliance with the provisions of the Rhode Island Worker's Compensation Act, RIGL 28-29-1, et seq. If exempt from compliance, the successful bidder shall submit a sworn Affidavit by a corporate officer to that effect, which shall accompany the signed contract.
7. Prior to commencing performance under the contract, the successful bidder shall, submit a certificate of insurance, in a form and in an amount satisfactory to the City.



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BID FORM 1: Bidders Blank

1. Bids must meet the attached specifications. Any exceptions or modifications must be noted and fully explained.
2. Bidder's responses must be in ink or typewritten, and all blanks on the bid form should be completed.
3. The price or prices proposed should be stated both in **WRITING** and in **FIGURES**, and any proposal not so stated may be rejected. **Contracts exceeding twelve months must specify annual costs for each year.**
4. Bids **SHOULD BE TOTALED** so that the final cost is clearly stated (unless submitting a unit price bid), however **each item should be priced individually**. Do not group items. Awards may be made on the basis of *total* bid or by *individual items*.
5. All bids **MUST BE SIGNED IN INK.**

Name of Bidder (Firm or Individual): _____

Contact Name: _____

Business Address: _____

Business Phone #: _____

Contact Email Address: _____

Agrees to bid on (Write the "Item Description" here): _____

If the bidder's company is based in a state *other than Rhode Island*, list name and contact information for a local agent for service of process that *is located within Rhode Island* _____

Delivery Date (if applicable): _____

Name of Surety Company (if applicable): _____

Total Amount in Writing*: _____

Total Amount in Figures*: _____

** If you are submitting a unit price bid, please insert "Unit Price Bid"*

Use additional pages if necessary for additional bidding details.

Signature of Representation

Title



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BID FORM 2: Certification of Bidder

(Non-Discrimination/Hiring)

Upon behalf of _____ (Firm or Individual Bidding),

I, _____ (Name of Person Making Certification),

being its _____ (Title or "Self"), hereby certify that:

1. Bidder does not unlawfully discriminate on the basis of race, color, national origin, gender, sexual orientation and/or religion in its business and hiring practices.
2. All of Bidder's employees have been hired in compliance with all applicable federal, state and local laws, rules and regulations.

I affirm by signing below that I am duly authorized on behalf of Bidder, on

this _____ day of _____ 20____.

Signature of Representation

Printed Name



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BID FORM 3: Certificate Regarding Public Records

Upon behalf of _____ (Firm or Individual Bidding),

I, _____ (Name of Person Making Certification),

being its _____ (Title or "Self"), hereby certify an

understanding that:

1. All bids submitted in response to Requests for Proposals (RFP's) and Requests for Qualification (RFQ's), documents contained within, and the details outlined on those documents become public record upon receipt by the City Clerk's office and opening at the corresponding Board of Contract and Supply (BOCS) meeting.
2. The Purchasing Department and the issuing department for this RFP/RFQ have made a conscious effort to request that sensitive/personal information be submitted directly to the issuing department and only at request if verification of specific details is critical the evaluation of a vendor's bid.
3. The requested supplemental information may be crucial to evaluating bids. Failure to provide such details may result in disqualification, or an inability to appropriately evaluate bids.
4. If sensitive information that has not been requested is enclosed or if a bidder opts to enclose the defined supplemental information prior to the issuing department's request in the bidding packet submitted to the City Clerk, the City of Providence has no obligation to redact those details and bears no liability associated with the information becoming public record.
5. The City of Providence observes a public and transparent bidding process. Information required in the bidding packet may not be submitted directly to the issuing department at the discretion of the bidder in order to protect other information, such as pricing terms, from becoming public. Bidders who make such an attempt will be disqualified.

I affirm by signing below that I am duly authorized on behalf of Bidder, on

this _____ day of _____, 20____.

Signature of Representation

Printed Name



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WBE/MBE Form Instructions

The City of Providence actively seeks Minority and Women business enterprises to participate in bids to meet the City's procurement needs. Pursuant to the City of Providence Code of Ordinances, Chapter 21, Article II, Sec. 21-52 (Minority and Women's Business Enterprise) and Rhode Island General Laws (as amended), Chapter 31-14, et seq. (Minority Business Enterprise), Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) participation goals apply to contracts.

The goal for Minority Business Enterprise (MBE) participation is **10%** of the total bid value.

The goal for Women's Business Enterprise (WBE) participation is **10%** of the total bid value.

The goal for combined MBE/WBE participation is **20%** of the total bid value.

Only businesses certified with the State of Rhode Island as minority and/or women business enterprises are counted towards the City's goals. Eligible minority or women-owned businesses are encouraged to seek certification from the State of Rhode Island Minority Business Enterprise Compliance Office at: <http://odeo.ri.gov/offices/mbeco/>

Note: MBE certification with the State of Rhode Island on the basis of Portuguese heritage is not currently recognized by the City of Providence's MBE program.

Bid Requirements:

All Bidders: All bidders must complete and submit the **MBE/WBE Participation Affidavit** indicating whether or not they are a state-certified MBE/WBE and acknowledging the City's participation goals. Submission of this form is required with **every bid**. Your bid will not be accepted without an affidavit.

Bidders who will be subcontracting: Bidders who will be subcontracting must submit the **Subcontractor Disclosure Form** as part of their bid submission. All subcontractors, regardless of MBE/WBE status, must be listed on this form. Business NAICS codes can be found at <https://www.naics.com/search/>. Awarded bidders are required to submit **Subcontractor Utilization and Payment Reports** with each invoice.

Waiver Requests:

If the percentage of the total amount of the bid being awarded to MBE or WBE vendors is less than 20% (Box F on the Subcontractor Disclosure Form) and the prime contractor is not a Rhode Island State-certified MBE or WBE, the Bidder must complete the **MBE/WBE Waiver Request Form** for review. Waivers will be considered on a case by case basis.

No waiver will be granted unless the waiver request includes documentation that demonstrates that the Bidder has made good faith efforts to achieve the City's stated participation goals. Waivers must be reviewed and signed by the City of Providence's MBE/WBE Outreach Director, Grace Diaz, or her designee. Department Directors cannot recommend a bidder for award if this form is applicable and absent. If the bid does not meet the participation goals of the City of Providence and a waiver is not filed with the signature of the MBE/WBE Outreach Director or her designee, the bid will not be accepted.

Verifying MBE/WBE Certification

It is the responsibility of the bidder to confirm that every MBE/WBE named in a proposal and included in a contract is certified by the Rhode Island Minority Business Enterprise Compliance office. The current MBE/WBE directory is available at the State of RI MBE Office, One Capitol Hill, 2nd Floor, Providence, RI, or online at <http://odeo.ri.gov/offices/mbeco/mbe-wbe.php>. You can also call (401) 574-8670 to verify certification, expiration dates, and services that the MBE/WBE is certified to provide. Note: MBE certification with the State of Rhode Island on the basis of Portuguese heritage is not currently recognized by the City of Providence's MBE program.



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Form Instructions:

Access all bid forms from <http://www.providenceri.gov/oeo/> or <http://www.providenceri.gov/purchasing/minority-women-owned-business-mbewbe-procurement-program/>. **Download** the forms as blank PDFs. Once saved on your computer, fill them out using the Adobe program. The fillable PDFs must be completed in Adobe in order to be saved properly. Google Chrome and similar platforms do not allow for the forms to be saved as filled PDFs. Therefore, please download the blank forms to your computer, then fill them out and save.

Assistance with Form Requirements

Examples of completed forms can be found on the City of Providence website at <http://www.providenceri.gov/oeo/> or <http://www.providenceri.gov/purchasing/minority-women-owned-business-mbewbe-procurement-program/>.

Contract Requirements:

Prime contractors engaging subcontractors must submit the *Subcontractor Utilization and Payment Report* to the City Department's Fiscal Agent with every invoice and with request for final payment. This form is not submitted as a part of the initial bid package.

For contracts with duration of less than 3 months, this form must be submitted along with the contractor's request for final payment. The form must include all subcontractors utilized on the contract, both MBE/WBE and non- MBE/WBE, the total amount paid to each subcontractor for the given period and to date. During the term of the contract, any unjustified failure to comply with the MBE/WBE participation requirements is a material breach of contract.

Questions?

For more information or for assistance with MBE/WBE Forms, contact the City of Providence MBE/WBE Outreach Director, Grace Diaz, at mbwbe@providenceri.com or (401) 680-5766.



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MBE/WBE PARTICIPATION AFFIDAVIT

Item Discussion (as seen on RFP):

Prime Bidder: _____

Prime Bidder (Company) Phone Number: _____

Which one of the following describes your business' status in terms of Minority and/or Woman-Owned Business Enterprise certification with the State of Rhode Island? _____ MBE _____ WBE _____ Neither MBE nor WBE

By initialing the following sections and signing the bottom of this document in my capacity as the contractor or an authorized representative of contractor, I make this Affidavit:

It is the policy of the City of Providence that minority business enterprises (MBEs) and women business enterprises (WBEs) should have the maximum opportunity to participate in procurements and projects as prime contractors and vendors. Pursuant to Sec. 21-52 of the Providence Code of Ordinances and Chapter 31-14 *et seq.* of the Rhode Island General Laws (as amended), MBE and WBE participation goals apply to contracts.

The goal for Minority Business Enterprise (MBE) participation is 10% of the total bid value.

The goal for Women's Business Enterprise (WBE) participation is 10% of the total bid value.

The goal for combined MBE/WBE participation is 20% of the total bid value.

I acknowledge the City of Providence's goals of supporting MBE/WBE certified businesses. Initial _____

If awarded the contract, I understand that my company must submit to the Minority and Women's Business Coordinator at the City of Providence (MBE/WBE Office), copies of all executed agreements with the subcontractor(s) being utilized to achieve the participation goals and other requirements of the RI General Laws. **I understand that these documents must be submitted prior to the issuance of a notice to proceed.** Initial _____

I understand that, if awarded the contract, my firm must submit to the MBE/WBE Office canceled checks and reports required by the MBE/WBE Office on a quarterly basis verifying payments to the subcontractors(s) utilized on the contract. Initial _____

If I am awarded this contract and find that I am unable to utilize the subcontractor(s) identified in my Statement of Intent, I understand that I must substitute another certified MBE and WBE firm(s) to meet the participation goals. **I understand that I may not make a substitution until I have obtained the written approval of the MBE/WBE Office.**

Initial _____

If awarded this contract, I understand that authorized representatives of the City of Providence may examine the books, records and files of my firm from time to time, to the extent that such material is relevant to a determination of whether my firm is complying with the City's MBE/WBE participation requirements.

Initial _____

I do solemnly declare and affirm under the penalty of perjury that the contents of the foregoing Affidavit are true and correct to the best of my knowledge, information and belief.

Signature of Bidder

Printed Name

Company Name

Date



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SUBCONTRACTOR DISCLOSURE FORM

Fill out this form only if you **WILL SUBCONTRACT** with other parties. If you will not subcontract any portion of the proposed bid, do not fill out this form.

Prime Bidder: _____ Primary NAICS Code: _____

Item Description (as seen on RFP): _____

Please list all Subcontractors below. Include the total dollar value that you propose to share with each subcontractor and the dollar amount to be subcontracted. Please check off MBE and WBE where applicable. The directory of all state-certified MBE/WBE firms is located at www.mbe.ri.gov. Business NAICS codes can be found at <https://www.naics.com/search/>

Proposed Subcontractor	MBE	WBE	Primary NAICS Code	Date of Mobilization	\$ Value of Subcontract
					\$
					\$
					\$
					\$
					\$
					\$
A. MBE SUBCONTRACTED AMOUNT:					\$
B. WBE SUBCONTRACTED AMOUNT:					\$
C. NON MBE WBE SUBCONTRACTED AMOUNT:					\$
D. DOLLAR AMOUNT OF WORK DONE BY THE PRIME CONTRACTOR:					\$
E. TOTAL AMOUNT OF BID (SUM OF A, B, C, & D):					\$
F. PERCENTAGE OF BID SUBCONTRACTED TO MBEs AND WBEs. (Divide the sum of A and B by E and multiply result by 100).					

Please read and initial the following statement acknowledging you understand. If the percentage of the total amount of the bid being awarded to MBE or WBE vendors is less than 20% (Box F) and the prime contractor is NOT a Rhode Island State-certified MBE or WBE, you must fill out the MBE/WBE WAIVER REQUEST FORM for consideration by City of Providence MBE/WBE Outreach Director. Initial _____

Signature of Bidder

Printed Name



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MBE/WBE Waiver Request Form

Fill out this form only if you are subcontracting and did not meet the 20% MBE/WBE participation goal.

State-certified MBE or WBE Prime Bidders are NOT REQUIRED to fill out this form.

Submit this form to the City of Providence MBE/WBE Outreach Director, Grace Diaz, at mbe-wbe@providenceri.gov, for review **prior to bid submission**. This waiver applies only to the current bid which you are submitting to the City of Providence and does not apply to other bids your company may submit in the future.

Prime Bidder: _____

Company Trade: _____

Item Discussion (as seen on RFP): _____

To receive a waiver, you must list the certified MBE and/or WBE companies you contacted, the name of the primary individual with whom you interacted, and the reason the MBE/WBE company could not participate on this project.

MBE/WBE Company Name	Individual's Name	Company Trade	Why did you choose not to work with this company?

I acknowledge the City of Providence's goal of a combined MBE/WBE participation is 20% of the total bid value. I am requesting a waiver of _____ % MBE/WBE (20% minus the value of **Box F** on the Subcontractor Disclosure Form). If an opportunity is identified to subcontract any task associated with the fulfillment of this contract, a good faith effort will be made to select MBE/WBE certified businesses as partners.

Signature of Prime Contractor

Printed Name

Date Signed

Signature of City of Providence
MBE/WBE Outreach Director

Printed Name of City of Providence
MBE/WBE Outreach Director

Date Signed



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BID PACKAGE SPECIFICATIONS

Introduction

The City of Providence seeks a partner here fore known as the “Consultant” to enter into a **Design-Build-Operate-Maintain (DBOM) contract** to develop architectural/ engineering design services, conduct pre-construction consulting services, construct, operate, and maintain:

- A 2,000 to 4,000 square foot building in Kennedy Plaza that houses a food pavilion/food vendor space(s) and supporting amenities (location within the plaza is flexible and to be determined through an initial phase of this work);
- An approximately 8,300 square foot shaded outdoor seating/dining and event area attached/adjacent to the new building; and
- Associated landscaping improvements in the Plaza to make the area more sustainable, resilient, and inviting for visitors of all ages.

The successful bidder, if awarded a contract, will be expected to operate and maintain the food pavilion and adjacent outdoor shaded seating area/event space for a period of not less than four years after completion of the construction project.

The food pavilion and associated landscaping improvements to Kennedy Plaza are envisioned to function as a destination by attracting people to Downtown Providence and serve as an amenity that supports Kennedy Plaza programming and surrounding residential and commercial investments. The building should include year-round restaurant space, including necessary kitchen/back of house space and a fully air-conditioned and heated area connected to the outdoor dining, with the potential for adaptable indoor/outdoor spaces. The pavilion operator(s) have not yet been selected and may include multiple operators or one operator, potentially with more than one concept within the space. The Consultant will also be expected to have a qualified restaurant/food service operations consultant on their team to inform the programming, location, and design of the food pavilion.

These improvements should further the following goals:

- Activate Kennedy Plaza with positive uses during all times of year and days/evenings.
- Attract people of all ages to Kennedy Plaza.
- Make Kennedy Plaza a more comfortable space that is more sustainable and resilient to sun, heat island impacts, and wind.
- Complement existing assets and planned investments in surrounding buildings and spaces including the: playground at Burnside Park, skating rink, surrounding hotels and restaurants such as the 30,000 square foot food hall being constructed on the lower level of the Union Station building across Exchange Terrace and the new restaurant and hotel recently opened at One Financial Plaza across Fulton Street, and redevelopment of 111 Westminster into mixed-income housing.
- Break up the expansiveness of the Plaza into an interconnected series of more comfortable and welcoming spaces.
- Create flexible space that can be used for events such as farmers markets, concerts and public gatherings.

The inspiration for these improvements emerged from the City’s Imagine Downtown Providence project, which occurred between 2020 and 2021. Through that effort, the City engaged community members in a public process to reimagine Greater Kennedy Plaza, the Riverwalk, and Waterplace Park to make them more sustainable, resilient, welcoming, safe,



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and to better connect these important public spaces. The resulting vision included the creation of “Big Shade”— a cafe building and large shaded outdoor seating area and event space where people could enjoy food and beverages and the City could host events to activate the area like farmers markets and concerts. The anticipated move of RIPTA’s central bus hub out of Kennedy Plaza will create a void that should be enlivened and filled with more amenities for the residents, workers, and visitors of the area. Investments in Kennedy Plaza will increase the health and safety of people Downtown by providing a clean and safe space for recreational and cultural activities.

The City is now prepared to engage a consultant to develop site, landscape, architectural, and construction plans and documents for the Big Shade (also referred to as the food pavilion in this RFP), associated large shaded outdoor seating/event area, and additional landscaping to activate the plaza and make it a welcoming, beautiful space. In the months since the conclusion of the Imagine Downtown Providence project, the City’s vision for the Big Shade area has evolved in collaboration with stakeholders. Originally envisioned to be located at the northeastern end of the Plaza, closest to Exchange Terrace, the City and stakeholders now seek to have the Consultant develop several alternative site plans for siting of the food pavilion and shaded area within the Plaza prior to advancing a preferred alternative through the rest of the design process. (The original vision also included relocation of the skating rink from its current location to the center of the Plaza. That will no longer be pursued by the City and the skating rink will remain in its current location, freeing up more of the Plaza for the new cafe building, shade area, and landscaping.) **The Consultant (with input and final approval from the City) will be responsible for selecting the specific siting of the food pavilion, shaded seating area, and landscape amenities within the Plaza as well as the architectural design style and materials. The team shall not be beholden to the siting or conceptual design style presented as part of the Imagine Downtown Providence project.** The City is seeking fresh ideas for the siting, look, and feel of these features through this process.

As RIPTA works toward relocating most bus berths from Kennedy Plaza, it is important that the food pavilion and associated improvements work with the current layout of buses in Kennedy Plaza (which includes the existing bus lanes and berths on both sides of the Plaza) as well as the long-term plan for the area.

In the future, the non-historic portion of the existing RIPTA building in Kennedy Plaza may be considered for demolition to allow the City to construct a more flexible and functional addition to the historic RIPTA building that better meets the needs of today. To advance this concept, the Consultant will develop conceptual alternatives for a future Phase 2 of this project that will involve demolition of the existing addition to the historic trolley building in Kennedy Plaza and construction of a new building or shaded seating/event area that complements the other work outlined above. Phase 2 will not be constructed as part of this scope of work. The City only seeks conceptual design alternatives and cost estimates for Phase 2 at this time.

If awarded the DBOM contract, the successful vendor will enter into a right-of-way use agreement with the City of Providence for ongoing maintenance and operations of the food pavilion and associated outdoor area.



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Context Map

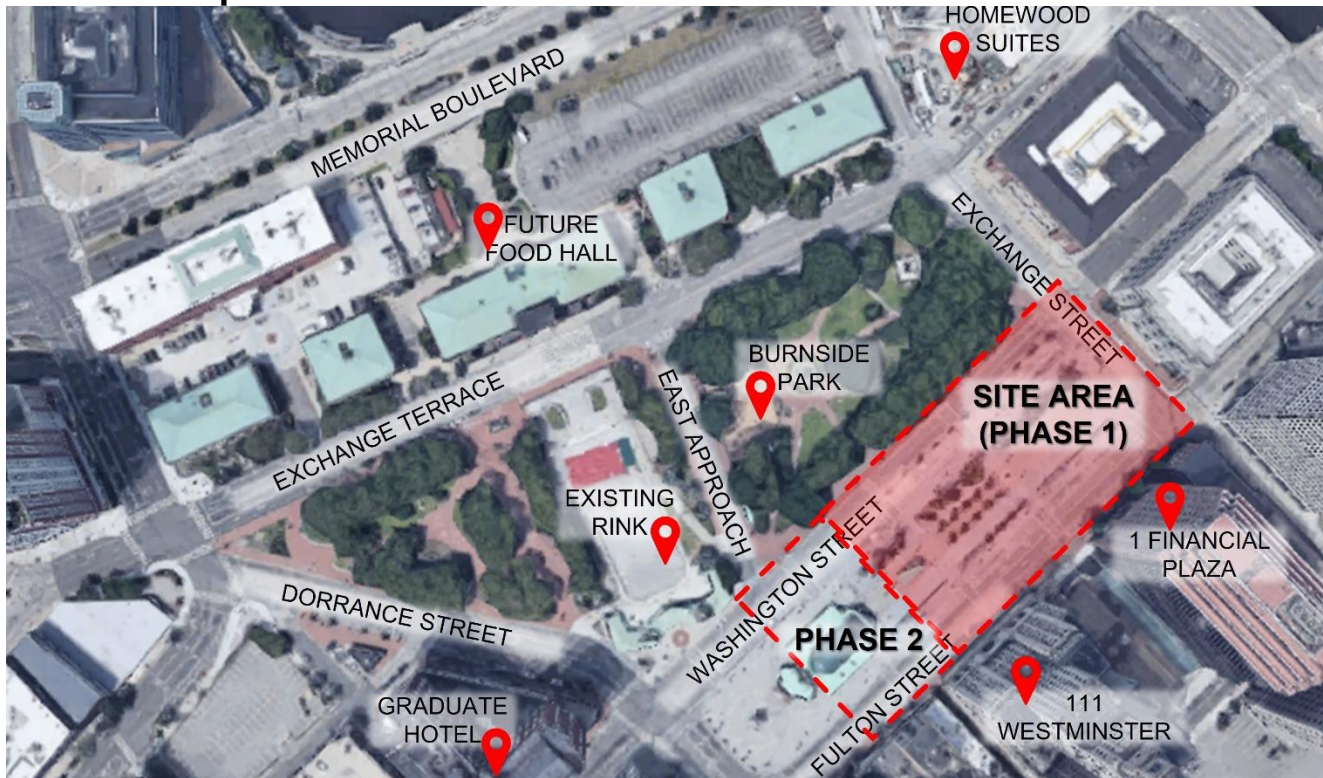


Figure 1: Site Area & Locations of Interest



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Project Area Map

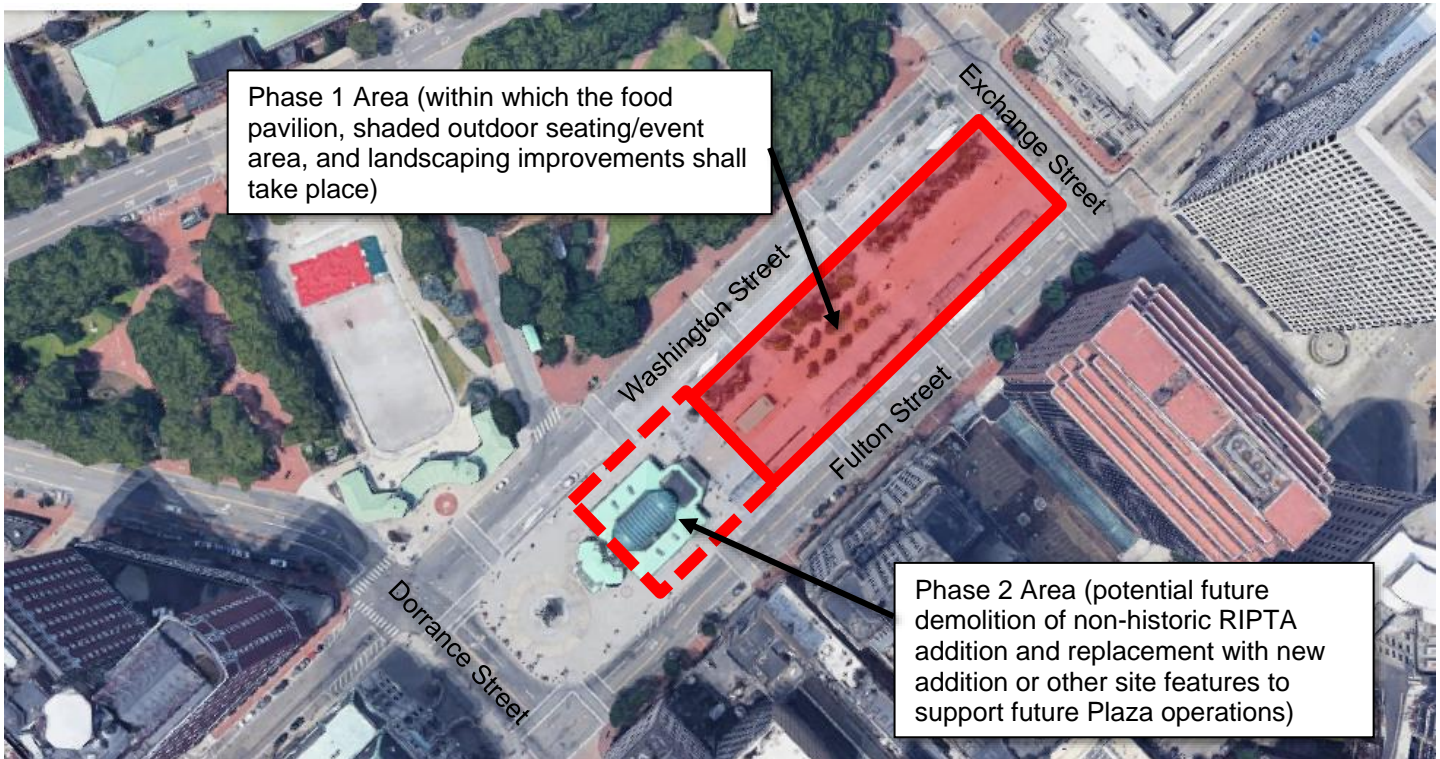


Figure 2: Project Area Map



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Precedent Images

Below are several precedent projects that the City is interested in having the Consultant use as inspiration for these improvements.



Figure 3: Occidental Park Pavilion, Seattle, WA (Olson Kundig)



Figure 4: McAllister Pavilion Concept, San Francisco, CA (Kennerly Architecture)



Figure 5: Boston Harbor Islands Pavilion, Boston, MA (Utile Designs)



Figure 6: Parks at Walter Reed Concept, Washington, DC (Hickok Cole and Oehme van Sweden)



Figure 7: Moore Square, Raleigh, NC (Sasaki)



Figure 8: Sister Cities Cafe & Visitor Center, Philadelphia, PA (DIGSAU)



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Figure 9: Madison Sq Park Shake Shack, NYC (SITE Environmental)



Figure 10: Cleveland Café Pavilion, Cleveland, OH (nArchitects)



Figure 11: Klyde Warren Park, Dallas, TX (James Burnett)



Figure 12: Mary Elizabeth Branch Park, Austin, TX (Design Workshop)



Figure 13: Midtown Park, Houston, TX (Design Workshop)



Figure 14: South Park, San Francisco, CA (Fletcher Studio)



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Figure 15: Persia Triangle, San Francisco, CA (Fletcher Studio)



Figure 16: Beekman Plaza, NYC (James Corner Field Operations)



Figure 17: Domino Park, Brooklyn, NY (James Corner Field Operations)



Figure 18: First Ave Water Plaza, NYC (SCAPE Studio)

Project Oversight

Design and construction services under this selection will be coordinated and managed under the direction of the City of Providence Department of Planning and Development. The selected Consultant shall work with the City of Providence Department of Planning and Development in coordination with other agencies and partners as required for coordination, approvals, and permitting. Operations and maintenance services under this selection will be coordinated and managed under the direction of the City of Providence Parks Department in coordination with other agencies and partners as required.



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Project Budget

\$8,200,000 (eight million and two hundred thousand dollars) in funding is available from the City of Providence's American Rescue Plan Act (ARPA) budget for the services associated with the improvements included in this scope of work (inclusive of design and construction). No more than \$5M of the anticipated budget may be used for the food pavilion itself. This project will be subject to ARPA reporting. After construction, the food pavilion and associated outdoor area shall become self-sustaining with ongoing revenue from food and beverage sales, rent, and events run by the operator funding ongoing operations and maintenance for the time period agreed upon in the agreement.

Anticipated Project Schedule

Release of Request for Proposals:	June 21, 2022
Proposals Due:	September 26 2022
Anticipated Contract Signing and Notice to Proceed:	December 2022
Anticipated Construction of Phase 1:	Spring 2024-Fall 2024

The selected DBOM team must achieve substantial completion of the project by **October 1, 2024**. Bidders are encouraged to propose an expedited schedule that includes earlier construction and completion of the project. Any changes to the anticipated schedule outlined above shall be clearly identified by the proposal team within the proposal.

Scope of Services

To ensure this project is completed on-time, on budget and constructed as designed, the City would like to procure the services of an experienced DBOM team. This is where the selected vendor, either through in-house staff or outside consultants/contractors, will serve as project and construction manager and provide all construction activities and services necessary for the design and construction of the project. The selected vendor will also be responsible for operations and maintenance of the food pavilion and associated outdoor space for a period of not less than four years from construction completion.

The City is requesting proposals using the scope of work outlined in the bid solicitation documents (included herein) for DBOM services to design and construct a new-build project on Kennedy Plaza in Downtown Providence. Design-build methodology shall be utilized to develop and construct the space(s). The Project shall include but not be limited to:

Phase 1 (Design, build, operate, maintain):

- Design and construct:
 - a 2,000 – 4,000 square foot building in Kennedy Plaza that houses a food pavilion/ food vendor space(s) and bathrooms (location within the plaza is flexible and to be determined through an initial phase of this work);
 - an approximately 8,000 square foot shaded outdoor seating and event area attached/ adjacent to the new building; and
 - green infrastructure and landscaping improvements in the Plaza to make the area more sustainable, resilient, and inviting for visitors of all ages and abilities.



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- Evaluate options for site layouts in collaboration with the City and stakeholders and identify pros and cons for various configurations of the food pavilion, shaded seating/event area, and landscaping improvements throughout Kennedy Plaza.
- Produce computer generated site plans, building plans, sections, elevations, and renderings/perspectives as needed to communicate schematic design options and final design selections to the City and stakeholders.
- Review plans and schedules with permitting and approval agencies and departments including but not limited to the Providence Department of Inspection and Standards, Providence Fire Department, Providence Downtown Design Review Committee, Rhode Island Historical Preservation & Heritage Commission, and procure all required permits and approvals. The Consultant shall be responsible for all costs associated with permits and approvals.
- Develop project budget(s) and provide control budget and estimates at schematic design, design development, and construction documents.
- Provide Guaranteed Maximum Price (GMP) at issuance of construction documents or earlier.
- Include identifying and procurement of long lead items and the early procurement of selected trades as part of preconstruction services.
- Develop logistics planning and budgeting/value engineering for the Project.
- Produce "as built" plans for the project once completed as unlocked AutoCAD and PDF files.
- Operate and maintain the food pavilion and associated outdoor space in a self-sustaining manner for at least four years after completion of construction.

Phase 2 (Concept design only; no advanced architectural design or construction):

- Develop three draft conceptual alternatives for a future Phase 2 of this project that will involve demolition of the existing addition to the historic trolley building in Kennedy Plaza and construction of a new, more contemporary building addition, shaded outdoor seating/event area, or combination of the two that complements the other work outlined in Phase 1. ***NOTE: Phase 2 will not be constructed as part of this scope of work. The City only seeks conceptual design alternatives and cost estimates for Phase 2 at this time.***
- Develop draft cost estimates for three conceptual alternatives for a future Phase 2 as described above.
- Produce three revised conceptual alternatives and cost estimates as described above incorporating edits in response to comments from the City. Cost estimates shall be provided as unlocked PDF and Excel files.

Form of Agreement

The City of Providence, Rhode Island will award the project under a "Cost of the Work Plus Design- Builder's Fee with a Guaranteed Maximum Price" contract as prescribed in AIA Document A141-2004 Entitled "Standard Form of Agreement



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Between Owner and Design-Builder” as may be mutually agreed upon to be modified by the Consultant and City to include responsibilities related to operations and maintenance.

Submission Requirements

Please be sure to read this list thoroughly and include all items listed below or your proposal may be considered incomplete and disqualified. The following items are required to be part of your submission:

- **Bid Form 1: Bidder's Blank as the cover page/ 1st page** (see page 6 of this document)
- **Bid Form 2: Certification of Bidder as 2nd page** (see page 7 of this document)
- **Bid Form 3: Certificate Regarding Public Records** (see page 8 of this document)
- **Forms from the Minority and Women Business Enterprise Program:** Based on Bidder Category. See forms and instructions enclosed (pages 9-13) or on: <https://www.providenceri.gov/purchasing/minority-women-owned-business-mbewbe-procurement-program/>. *Please note: MBE/WBE forms must be completed for EVERY bid submitted and must be inclusive of ALL required signatures. Forms without all required signatures may be considered incomplete.
- **Submission Form: Hourly Breakdown of Lump-Sum Fixed Fee**
- **Submission Form: Supplemental Pricing Information**
- **Financial Assurance**” if requested (as indicated on page 5 of this document under “Bid Terms”)
- **Letter of Transmittal:** A Letter of Transmittal must accompany each response signed by an owner, officer, or other authorized agent of the DBOM Team. The Letter of Transmittal must acknowledge that the respondent has fully reviewed, understands and agrees to all provisions of this RFP, and must further state that: (i) all information submitted with the response is true, accurate, and is not misleading; (ii) no material information has been omitted; (iii) the response is provided fairly and without collusion or fraud; and (iv) the respondent will, if selected, perform the scope of work and all other services as set forth in this RFP.
- **Fee Proposal** clearly broken down by task
- **Narrative:** The respondent shall provide a detailed and organized narrative explanation summarizing its understanding of the Project, including each of the following items: the scope of this Project; the City’s goals, objectives, and requirements; and the key issues, constraints, challenges, and opportunities.
- **Detailed Scope of Work** with deliverables, tasks, and subtasks clearly outlined
- **Organizational Chart:** Provide an organizational chart that clearly identifies the name of each company and company structure comprising the DBOM Team, including Sub-Consultants, any MBE or WBE Firms, key personnel by name and affiliation, identifying the indicated role of each participant included in the DBOM Team. Include the identity of the Project Manager, who shall be responsible for guaranteeing the delivery of the Project on time and within the Guaranteed Maximum Cost in accordance with the contract provisions. The chart shall identify the critical support elements of overall project management of the DBOM Team, Project Management of each firm participating as part of the Team, project administration, construction management, design quality control and design quality assurance, construction quality control and construction quality assurance, subcontractor administration, and construction administration and shall clearly identify the subconsultant(s) responsible for:
 - Architectural Design



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- Landscape Architecture and Green Infrastructure
 - Food Service Design
 - Restaurant/Food Service Operations to inform programming, location, and design of the food pavilion and associated outdoor seating area
 - Long-term Operations and Maintenance for the Duration of the four-year Operate-Maintain Agreement
 - Civil and Site Design
 - Building and Fire Code
 - Acoustical Engineering
 - Structural Engineering
 - Electrical, FA/ Data & Telcom Mechanical (HVAC) Engineering
 - Plumbing Engineering
 - Fire Protection Engineering
 - Interior Finishes
 - Interior Furnishings
 - Exterior Furnishings
 - Geotechnical Acoustician
- **Contact Information:** Provide the name, title, address, telephone numbers, and email address of the DBOM Team primary contacts. **NOTE:** *The DBOM Team principal contact(s) must remain constant throughout the life of the Project. The City of Providence must be informed of any changes in personnel at any time during the contract term. The City of Providence reserves the right to reject personnel and/or if in the event key personnel are no longer available, the City of Providence reserves the right to terminate the agreement.* Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed accordingly. An affiliate shall be considered as any business entity which is closely associated with another business entity so that one entity controls or has power to control the other entity either directly or indirectly; or, when a third party has the power to control or controls both; or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in Joint Ventures, etc. as to cause a public perception that the two firms are one entity. Firms which are owned by a holding company or a third party, but otherwise meet the above conditions and do not have interlocking directorships or joint officers serving, are not considered to be affiliates. *If a DBOM Team has no affiliated and/or subsidiary companies other than the Respondent's legal business entity, the Respondent should include a statement in the submittal indicating the same.*
 - **Financial Responsibilities:** Identify the team members who will undertake financial responsibility for the Project and describe any liability limitations. If the DBOM Team is a Joint Venture, Limited Liability Company, Corporation or partnership, describe the design liability approach that will be used and the members of such organizations who will have joint and several liabilities for the performance of the work required for the Project. If the Design Build Team is a limited liability company, joint venture, corporation or any form of partnership, provide complete copies of the organizational documents that allow, or would allow by the time of contract award, the Respondent to do business in the State of Rhode Island.



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- **Resumes:** Provide resumes for each DBOM Team Member that describes their experience and qualifications, that identify their background, qualifications, and experience, particularly with respect to:
 - Public Plaza Amenity Design and Landscape Design for similar projects that HAVE BEEN OR ARE CURRENTLY BEING CONSTRUCTED that reflects a contemporary style similar to the precedent images provided in this RFP
 - Public Plaza Amenity and Landscape Construction for similar projects
 - Indoor/Outdoor Food Pavilion Design for similar projects that HAVE BEEN OR ARE CURRENTLY BEING CONSTRUCTED that reflects a contemporary architectural style similar to the precedent images provided in this RFP
 - Indoor/Outdoor Food Pavilion Construction for similar projects
 - Operations and maintenance of similar restaurant/food pavilion spaces
 - Related work with a particular focus on the ability to deliver such projects on time and on budget
 - Experienced architecture and landscape architecture teams who have successfully constructed similar contemporary, world-class buildings and structures with civic importance
 - Relevant projects with a construction value of a minimum of \$2 million completed in the past TEN (10) YEARS which demonstrates adequate experience in DBOM team projects, indoor/outdoor food pavilion design and construction, and public plaza amenity design and construction, similar in scope and/or complexity to the Project

Resumes should be provided for all key staff of the DBOM Team, including the Principal in Charge, Design Project Manager, Project Executive, Project Manager, Superintendent, Restaurant/Food Service Operations Consultant, Operator, and all other key individuals.

Respondent should provide relevant and verifiable evidence of good performance or lessons learned from previous experience and give convincing ways in which lessons learned or past good performance will be used for the benefit of the Project defined herein.

Include the approximate percentage of each employee's time to be expended on this project.

- **AIA Document B305 - 1993 Entitled "Architects Qualification Statement"** shall be completed by the Lead Designer and included in the RFP response.
- **Past Projects:** The respondent shall provide a list and description of all similar projects for which it has provided services within the last ten (10) years like any of those to be provided in connection with the Project. The respondent shall provide a description of each such project, including:
 - A description of the respondent's specific involvement and duties performed;
 - Relevance of the project to the Scope of Work called for by the Project;
 - A description of facilities designed/constructed, including design concept, size, and capacity;
 - A history of construction, including number of months for design, construction, and commissioning;
 - A history of operating and maintaining similar facilities;
 - Contract value and cost of designing and constructing each facility; and
 - A summary of significant accomplishments.

Projects included in this section shall demonstrate strong experience in the following areas of expertise:



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- Public Plaza Amenity Design for similar projects
- Public Plaza Amenity Construction for similar projects
- Stormwater and Green Infrastructure Landscape Design for similar projects
- Stormwater and Green Infrastructure Landscape Construction for similar projects
- Indoor/Outdoor Food Pavilion Design for similar projects
- Indoor/Outdoor Food Pavilion Construction for similar projects
- Operations and maintenance of similar restaurant/food pavilion spaces
- Related work with a particular focus on the ability to deliver such projects on time and on budget
- Experienced architecture and landscape architecture teams who have successfully constructed similar contemporary, world-class buildings and structures with civic importance
- Relevant projects with a construction value of a minimum of \$2 million completed in the past TEN (10) YEARS which demonstrates adequate experience in Design-Build team projects, indoor/outdoor food pavilion design and construction, and public plaza amenity design and construction, similar in scope and/or complexity to the Project

Please note the reference requirements related to all projects included as reference projects below.

• **References:**

- Provide at least three references for key personnel including the Project Director or Executive, Project Manager, Key Designers, Restaurant/Food Operations Consultant, Superintendent, Operator, and other key team members. References should include the name, email address, phone number, and association with the person for whom the reference is provided. References shall be previous owners or clients with whom the key personnel have worked within the past FIVE (5) YEARS and should include the name, position, company or agency, current phone number, and email address for each reference.
- Provide at least one reference **for each project listed** as part of the DBOM Team's Past Projects section. Projects shall not be included in the Past Projects section if no reference is provided. The reference should be the owner, client, or other person with direct oversight of the project. Project references shall be provided for all sub-consultants as well and should include the name, position, company or agency, current phone number, and e-mail address for each reference. References may overlap with project team members' references.

NOTE: *By submission of its Bid, the respondent authorizes the City and any of its subdivisions and its/their respective employees and agents to contact all references and other persons mentioned in the Bid and to visit and inspect any project or site mentioned in the Bid, which includes contacting any person who is or was associated with any such project or site, all for purposes of evaluating the respondent's performance and validating the information provided in the Bid. By submission of its Bid, the respondent represents and warrants that it has the fully authority to so authorize the City.*

- **Detailed Project Schedule** with key milestones, tasks, and deliverables clearly broken down on a monthly basis. The Project Schedule shall identify all federal, state and local permits and other approvals needed for completion of the Project, including time required for obtaining such approvals, key issues to be addressed, and the approach that will be taken to satisfy all such requirements. The DBOM Team will be responsible for preparing applications and obtaining and paying the cost for all necessary and advisable permits, approvals and authorizations to complete the Project. The DBOM TEAM will obtain all of the same in a timely manner in accordance with the Project



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schedule.

- **Statement Regarding Resources & Financials:** The DBOM Team shall possess sufficient resources, staff, and operational personnel necessary to provide all services associated with completion of the Project. The respondent shall provide a detailed summary of its financial strength and the availability of resources to support permitting, design, construction, and all other obligations of the DBOM Team in completion of the Project, including a discussion of accessibility of resources. The respondent shall provide independently audited financial statements for itself and any and all of its subsidiaries and affiliates prepared in accordance with generally accepted accounting principles, including, at a minimum, income statements, balance sheets and statements of cash flow for at least the last three fiscal years. Neither the DBOM Team, nor any predecessor entity, nor any of its subsidiaries, affiliates or principals shall have been subject to any voluntary or involuntary bankruptcy or other insolvency proceedings in the last five (5) years.
- **Operations and Maintenance Plan:** The respondent shall prepare a detailed Operations and Maintenance Plan describing how the DBOM Team will operate and maintain the food pavilion and associated outdoor space for a period of not less than four years after construction completion in a way that is self-funding after construction completion.
- **Logistics Plan:** The respondent shall prepare a detailed Logistics Plan describing how the construction of the Project will be performed with minimal impact to surrounding RIPTA operations. The Logistics Plan should address traffic impacts, accessibility, security of the site, etc.
- **Statement Regarding Limitations and Liabilities:** The DBOM Team's ability to undertake or perform the obligations required by the Project shall not be limited in any way by any pending, threatened, or current litigation, merger, acquisitions, corporate restructuring, or financial oversight which could materially affect the DBOM Team's resources, staff and/or personnel or otherwise limit the DBOM Team's ability to design, construct, operate, and maintain the facility. The respondent shall provide a statement itemizing any liabilities, financial commitments, contractual commitments, guarantees, and other limitations that will or may affect its ability to meet its obligations to the City in connection with the Project. Please confirm whether or not your firm or any member of the DBOM Team is involved in any threatened, pending, or current litigation or other proceedings which may impact your ability to meet the City's requirements under this RFP.
- **Statement Regarding Safety Record:** Respondents shall discuss their overall safety program including any violations cited by governmental safety agencies or Occupational Safety and Health Administration (OSHA), recognized safety awards, and the respondent's lost-time accident record compared with industry standards, all within the past three (3) years.

Additional Information. *The Bid shall contain all information which may be of importance to the Board of Contract and Supply in selecting a contractor, including all information specifically requested by this RFP and any information not specifically requested by this RFP, including favorable and unfavorable information which may have a reasonable bearing on the Board of Contract and Supply's selection. Without limiting the generality of this paragraph, as the same relates to the DBOM entity, any subsidiaries and affiliates, any subcontractor, any key management staff of the Design Build Team, the Principal in Charge, the Design Project Manager, Project Executive, Project Manager, Superintendent and/or any other key individual, the respondent will submit any and all information relating to criminal conviction, debarment from entering into contracts, regulatory violations, bankruptcies and other forms of insolvency, and contract disputes. Provide any additional qualifications and other information that could further assist the Board of Contract and Supply in evaluating qualifications, including any additional information related to design and/or construction similar to that required in connection with the Project.*



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Supplemental Information

If the issuing department for this RFP determines that your firm's bid is best suited to accommodate their need, you will be asked to provide proof of the following prior to formalizing an award. An inability to provide the outlined items at the request of the department may lead to the disqualification of your bid.

This information is NOT requested to be provided in your initial bid that you will submit to the City Clerk's office by the "date to be opened" noted on page 1. This list only serves as a list of items that your firm should be ready to provide on request.

All bids submitted to the City Clerk become public record. Failure to follow instructions could result in information considered private being posted to the city's Open Meetings Portal and made available as a public record.

You must be able to provide (requested after an award is approved by the Board of Contract and Supply):

- **Business Tax ID**
- **Safety and COVID Plan:** The Consultant must provide the City with a copy of its Health and Safety Program, as required per OSHA, and must include current COVID-19 testing and screening procedures for the Consultant's employees.
- **Proof of Insurance:** The Consultant shall maintain the following insurance until termination of this Agreement and require the same insurance coverage for all of their subcontractors or consultants:
 - Commercial General Liability with policy limits of not less than One Million Dollars (\$1,000,000) for each occurrence and One Million Dollars (\$1,000,000) in the aggregate for bodily injury and property damage.
 - Automobile Liability covering vehicles owned, hired and non-owned vehicles used, by the Consultant with policy limits of not less than One Million Dollars (\$1,000,000) per accident for bodily injury, death of any person, and property damage arising out of the ownership, maintenance and use of those motor vehicles, along with any other statutorily required automobile coverage.
 - The Consultant may achieve the required limits and coverage for Commercial General Liability and Automobile Liability through a combination of primary and excess or umbrella liability insurance, provided such primary and excess or umbrella liability insurance policies result in the same or greater coverage as the coverages required under Commercial General Liability and Automobile Liability, and in no event shall any excess or umbrella liability insurance provide narrower coverage than the primary policy. The excess policy shall not require the exhaustion of the underlying limits only through the actual payment by the underlying insurers.
 - Workers' Compensation at statutory limits.
 - Employers' Liability with policy limits not less than One Million Dollars (\$1,000,000) each accident, Five Hundred Thousand Dollars (\$500,000) each employee, and One Million Dollars (\$1,000,000) policy limit.
 - Professional Liability covering negligent acts, errors and omissions in the performance of professional services with policy limits of not less than Two Million Dollars (\$2,000,000) per claim and in the aggregate.
 - Additional Insured Obligations: To the fullest extent permitted by law, the Consultant shall cause the primary and excess or umbrella policies for Commercial General Liability and Automobile Liability to include the City of Providence and Providence Public Building Authority as an additional insured for claims caused in whole or in part by the Consultant's negligent acts or omissions. The additional insured coverage shall be primary and non-contributory to any of the City's or Providence Public Building Authority's insurance policies and shall apply to both ongoing and completed operations.



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- The Consultant shall provide certificates of insurance to the City that evidence compliance with the requirements listed herein. All insurance coverages shall be approved in advance by the City and all carriers shall be admitted to do business in the State in which the Project is located and shall have a rating of A-VII or better by A.M. Best Company. All insurance, except professional liability coverage, should name the City of Providence and Providence Public Building Authority as an additional insured, include waiver of subrogation in favor of City, and provide that coverage is primary and non-contributory to any other valid and collectible insurance available to the City. As to professional liability coverage, that coverage shall provide to compensate the City for all negligent acts, errors or omissions by the Consultant, its firms, its agents, employees and consultants arising out of this agreement. Said professional liability coverage shall have a deductible not exceeding \$100,000 per occurrence. Professional liability coverage shall remain in effect for at least three (3) years from date of Substantial Completion.

Additional Terms and Conditions

The City reserves, holds without limitation, and may exercise, at its sole discretion, the following rights and conditions with regard to this RFP. By responding to this RFP, the respondent acknowledges, consents and agrees to the following terms and conditions:

1. **Location of Staff.** The selected vendor will perform a majority of the work in the City of Providence, Rhode Island. The selected vendor must have a physical office within 50 miles of Providence and manage the program from that location during the entire period of performance. Furthermore, the selected vendor will meet weekly at a designated time with applicable City officials to provide an in-progress review (IPR) of the program's execution. The City will arrange for meeting space within its facilities for all required in person meetings. At the City's sole discretion, some weekly meetings shall be held via remote meeting technology such as Zoom or Microsoft Teams. The Proposers must provide a summary of how it will meet the requirements set forth in this Location of Staff paragraph.
2. **Qualifications & Disclosures.** Respondent and each member of the DBOM Team shall complete the Respondent Qualifications & Disclosures form attached hereto in Appendix A and shall provide the same, fully executed and notarized, with Respondent's submission.
3. **Prevailing Wage Rates and all Applicable Standards** shall apply.
4. **Termination/Violation.** The DBOM shall not have been terminated for cause on any contract for design or construction unless the City determines, in its sole discretion, that the reason for termination is not material to obligations under this RFP. The DBOM team shall not be in violation of any Consent Order, Consent Decree or other judgement arising out of its design or construction of any facility or system.
5. **Warranties.** The DBOM will be required to deliver to the City certain warranties to the City in connection with the Project, which warranties will be expressly set forth in the contract to be appended hereto by way of addendum to this RFP and shall be in addition to (and are not exclusive of) any applicable implied warranties.
6. **Labor Relations.** The DBOM will be responsible for handling all labor relations for the Project, including any issues arising during the Project, in compliance with applicable laws.
7. **Bond/Surety.** As of the effective date of the contract and throughout the term thereof, the DBOM shall



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furnish to the City, with the City as beneficiary, a bond for the faithful performance of the DBOM's obligations under the contract, as well as a payment bond, effective for the full duration of the performance period of the contract. Each such bond shall be in an amount equal to 100% of the awarded contract price, securing the performance of all contract services, in a form acceptable to the City. Such bonds shall be issued by a surety company or companies rated 'A' or better per current A.M. Best Company ratings and properly registered and licensed to conduct business in the State of Rhode Island. The City reserves the right to approve, prior to issuance, the form and substance of all bonds required in connection with the Project.

8. Guaranty. The City may require all or some, at its discretion, of the principals of the DBOM to execute a Guaranty Agreement pursuant to which such principals will irrevocably, absolutely and unconditionally guarantee all of the DBOM's obligations under the contract, which Guaranty Agreement shall be appended to the contract and issued along therewith as an addendum to this RFP. For all such principals, independently audited financial statements prepared in accordance with generally accepted accounting principles will be required and satisfaction with such principals' financial strength will be determined by the City in its sole discretion. The liability of all guarantors shall be joint and several.
9. This document is not, nor is it intended as, an offering for the award of a contract or for participation in any future solicitation. The contents of and information provided in this RFP is meant to provide general information to interested parties and to request proposals from responders interested in the Project described herein. This document is not intended as a formal offering for the award of a contract. The City may or may not enter into negotiations with the respondents or a party that has not submitted a response to this RFP. **THE TERMS AND PROVISIONS SET FORTH IN THIS RFP DO NOT CONSTITUTE ANY CONTRACT OR OFFER OF CONTRACT BETWEEN THE CITY AND ANY OTHER PARTY. THE CITY ACCEPTS NO LIABILITY WHATSOEVER FOR ANY MATERIAL OR INFORMATION SUBMITTED BY RESPONDENTS BEING DISCLOSED OR BECOMING PUBLIC INFORMATION, WHETHER INADVERTENTLY OR OTHERWISE.**
10. The City reserves the right, at its sole discretion, to withdraw this RFP; to choose to discuss various approaches with one or more parties; to split the award among more than one party; to use the ideas submitted in any manner deemed to be in the best interests of the City, including, but not limited to, soliciting competitive submissions relating to such ideas; and/or to undertake the prescribed Work in a manner other than that which is set forth in this RFP.
11. The City reserves the right, at any time, to change any components, concepts, or approaches of this RFP and to modify or terminate this RFP at any point if it determines any such action is in its best interest.
12. The City reserves the right to approve all subcontractors engaged by the DBOM. The City further reserves the right to withdraw approval of subcontractors at any time during the course of the Project if the City determines it is in its best interest to do so.
13. All costs associated with responding to this RFP and any subsequent procurement are the sole responsibility of the respondents, and the City shall not reimburse respondents for any such costs.
14. The receipt of submissions during this RFP process will not obligate the City to enter into any contract at any time with any party.



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15. The City may reject non-compliant submissions without evaluation but also has the right, in its sole discretion, to waive any noncompliance.
16. The City may conduct broad investigations with respect to the qualifications of respondents.
17. The City may conduct discussions, at any time, with one or more respondents, request additional information, receive questions from respondents, and provide answers as it deems appropriate.
18. They City may modify the schedule set forth herein in the City's sole discretion.
19. The City reserves the right to revise this RFP by issuing addenda to this RFP at any time before the deadline for submissions.
20. No contract awarded by the City shall be binding nor valid until fully executed by the parties and subject to any require legislative or other approval(s).
21. Late proposals will not be accepted.
22. A W-9 Federal Tax Form and Certificate of Insurance will be requested from the awarded vendor.
23. **FIRST SOURCE ORDINANCE:** The attention of prospective bidders is called to the fact this project is to be bid upon and executed under the City of Providence, Code of Ordinances Chapter 21 Art. III 1/2 First Source Agreements Sec. 21-91 through 21-96. This ordinance outlines requirements for hiring employees to work on this project. The attention of prospective bidders is called to the fact that reporting the efforts undertaken and progress towards achieving the requirements in this ordinance is a condition for payment. Compliance reporting shall be submitted with any contract payment requisition, in the format to be provided. This demonstration of compliance through such reports shall be a condition of the requisition for payment to be processed. Upon the contract being awarded to the successful bidder, a mandatory meeting will be scheduled to review the project requirements relative to the First Source Agreements and the process and protocols by which these goals will be achieved. At this meeting, specific forms and procedures for the documentation and achievement of these requirements by the successful bidder will be provided, discussed, and agreed upon for the execution of the contract.
24. **APPRENTICE REQUIREMENTS:** Attention of prospective bidders is called to the fact this project is to be bid upon and executed under the City of Providence, Code of Ordinances Chapter 21 Art. II Section 21-28.1 c (1) and (2) relating to utilizing apprentices in the contract. This ordinance outlines requirements for utilizing not less than 15% of total hours worked by apprentices. The attention of prospective bidders is called to the fact that reporting the efforts undertaken and progress towards achieving the requirements in this ordinance is a condition for payment. Compliance reporting shall be submitted with any contract payment requisition, in the format to be provided. This demonstration of compliance through such reports shall be a condition of the requisition for payment to be processed. Upon the contract being awarded to the successful bidder, a mandatory meeting will be scheduled to review the project requirements relative to apprenticeship requirements and the process and protocols by which these goals will be achieved. At this meeting, specific forms and procedures for the documentation and achievement of these requirements by the successful bidder will be provided, discussed and agreed upon for the execution of the contract.



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25. **AMERICANS WITH DISABILITIES ACT REQUIREMENTS:** The Project shall be designed and constructed to comply with the ADA (Americans with Disabilities Act) requirements. A minimum clearance of thirty-six (36) inches of width at a point of narrowing, excluding curb width, and forty-eight (48) inches of continuous width elsewhere is required. Prior to construction, the contractor must verify, by field review with the Architect or Engineer, that these requirements have been met. Construction shall not commence without prior approval of the Architect or Engineer in circumstances where these requirements cannot be attained.

Evaluation Process and Scoring Criteria

The City may reject any and/or all proposals and reserves the right to waive any informalities relating to the bids if it is in the public interest to do so. Any award is subject to entering into a contract acceptable to the City and its legal counsel. All proposals delivered to the City shall be initially reviewed to determine whether they are responsive or nonresponsive to the requisites of this RFP. All responsive proposals will be evaluated and rated based on the proposal submittal requirements and evaluation criteria outlined in this RFP. **Proposals may be deemed to be non-responsive if they are missing any of the required forms or documents outlined as required in this RFP. Please read information regarding each requirement and the criteria for each carefully.** The City reserves the right to award the full contract to one proposer, split the award among more than one proposer, award a partial contract for specific tasks outlined in this RFP, award no contract, and/or to re-release this RFP as it deems in the best interest of the City

1. Qualifications and Relevant Experience: (30 possible points)

Non-Responsive (0 pts): Resumes and/or past project information sheets are either not included or do not provide any evidence to demonstrate past success in the areas of expertise required by the Project.

Poor (6 points): Resumes and past project information sheets provide little evidence to demonstrate past success in the stated areas of expertise required by the Project.

Below Average (12 pts): Resumes and past project information sheets reflect experience and background in some, but not all, of the stated areas of expertise required by the Project.

Average (18 points) : Resumes and past project information sheets reflect experience and background in all of the stated areas of expertise required by the Project.

Above Average (24 pts): Resumes and past project information sheets very clearly reflect strong experience and background bringing successful projects to fruition in all of the stated areas of expertise required by the Project.

Excellent (30 points): Resumes and past project information sheets very clearly reflect extremely strong experience and background in all of the required by the Project in a way that exceeds other proposals and is very beneficial to the City of Providence and to the success of this project.

2. Project Approach and Understanding: (20 possible points)

Non-Responsive (0 pts): The proposal does not identify a clear **or** proper approach, understanding, or explanation of how the consultant will meet the requirements, purpose, objectives, and specific needs of this project and the City of Providence.

Poor (4 points): The proposal provides poor understanding of the Project and lacks detailed enough evidence to demonstrate that they will be able to meet the requirements, purpose, objectives, and specific needs of this project and the City of Providence.



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Below Average (8 pts): The proposal reflects some understanding, but serious concerns remain regarding consultant's understanding of and approach to the requirements, purpose, objectives, and specific needs of this project and the City of Providence.

Average (12 points): The proposal reflects a basic understanding of the requirements, purpose, objectives, and specific needs of this project and the City of Providence. No major concerns regarding consultant's understanding of and approach to the requirements, purpose, objectives, and specific needs of this project and the City of Providence. If there are concerns, they are only minor.

Above Average (16 pts): The proposal very clearly reflects strong understanding of the requirements, purpose, objectives, and specific needs of this project and the City of Providence. No concerns regarding consultant's understanding of and approach to requirements, purpose, objectives, and specific needs of this project and the City of Providence.

Excellent (20 points): The proposal very clearly reflects extremely strong understanding of the requirements, purpose, objectives, and specific needs of this project and the City of Providence in an innovative way that exceeds other proposals and is beneficial to the City of Providence. No concerns regarding consultant's understanding of and approach to the requirements, purpose, objectives, and specific needs of this project and the City of Providence.

3. Operations and Maintenance Plan (20 possible points)

Non-Responsive (0 pts): The proposal does not identify a clear or proper operations and maintenance plan that meets the needs of this project and the City of Providence.

Poor (4 points): The proposal provides poor understanding of the required operations and maintenance in a way that meets the needs of this project and the City of Providence.

Below Average (8 pts): The proposal reflects some understanding, but serious concerns remain regarding consultant's operations and maintenance plan's ability to meet the needs of this project and the City of Providence.

Average (12 points): The proposal reflects a basic understanding of the operations and maintenance needs of this project and the City of Providence. No major concerns regarding consultant's understanding of and approach to the operations and maintenance plan or it's ability to meet the needs of this project and the City of Providence. If there are concerns, they are only minor.

Above Average (16 pts): The proposal very clearly reflects strong a strong operations and maintenance plan that meets or exceeds the needs of this project and the City of Providence. No concerns regarding consultant's operations and maintenance plan

Excellent (20 points): The proposal very clearly reflects and extremely strong operations and maintenance plan in an innovative way that exceeds other proposals and is beneficial to the City of Providence. No concerns regarding consultant's operations and maintenance plan.

4. Architecture and Design Team: (20 possible points)

Non-Responsive (0 pts): The proposal does not identify an architecture and design team that meets the needs of this project and the City of Providence.

Poor (4 points): The proposal provides an architecture and design team that indicates a poor understanding of the needs of this project and the City of Providence.

Below Average (8 pts): The proposal reflects some understanding of the architecture and design needs of the project and City of Providence, but serious concerns remain regarding quality or experience of the architecture and design team.



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Average (12 points): The proposal reflects a basic understanding of the architecture and design needs of this project and the City of Providence. No major concerns regarding the architecture and design team or its ability to meet the needs of this project and the City of Providence. If there are concerns, they are only minor.

Above Average (16 pts): The proposal very clearly reflects strong a strong architecture and design team that meets or exceeds the needs of this project and the City of Providence. No concerns regarding consultant's architecture and design team.

Excellent (20 points): The proposal very clearly reflects and extremely strong architecture and design team in an innovative way that exceeds other proposals and is beneficial to the City of Providence. No concerns regarding consultant's architecture and design team.

5. References: (10 possible points)

Non-Responsive (0 pts)

- At least three relevant references were not provided for lead Consultant; **and/or**
- At least three relevant references were not provided for each subconsultant proposed to be a part of project team; **and/or**
- No references were provided for each project listed as part of each firm's qualifications.

Poor (2 pts)

- At least three relevant references were provided for key team members as required in the RFP, however, one or more reference did not recommend working with a key team member or expressed serious concerns regarding quality of their work; and/or
- References were provided for each project, but one or more did not recommend working with consultant or expressed serious concerns regarding quality of consultant's work.

Average (5 points)

- At least three relevant references were provided for key team members as required in the RFP. No serious concerns regarding quality of any team members' work.
- References were provided for each project listed. No serious concerns were expressed by references regarding quality of work.

Above Average (7 pts)

- At least three relevant references were provided for key team members as required in the RFP. No serious concerns regarding quality of any key team members' work and majority of references enthusiastically recommended working with key team members.
- References were provided for each project listed. No serious concerns were expressed regarding quality of consultant's or subconsultants' work and majority of references enthusiastically recommended working with consultants and subconsultants.

Excellent (10 points)

- At least three relevant references were provided for key team members as required in the RFP. No concerns expressed regarding quality of any key team members' work and all references enthusiastically recommended working with key team members.
- References were provided for each project listed. No concerns were expressed regarding quality of consultant's or subconsultants' work and all references enthusiastically recommended working with consultants and subconsultants.

6. Cost Proposal:



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Once all proposals have been scored on the technical evaluation criteria listed above, only proposals receiving scores of 75 or greater out of 100 possible points shall be scored on the cost proposal, which shall have a maximum score of 30 points to be added to the total score of the proposals.

Cost Proposals will be scored and ranked as follows: the Respondent submitting the lowest Cost Proposal will be awarded the maximum number of points, which shall be the number of points the City chooses as part of the overall weighting of criteria; the next-lowest Cost Proposal will be awarded points based on the product of: (a) the ratio of the lowest Cost Proposal divided by the next-lowest Cost Proposal; and (b) the amount of points awarded for the lowest Cost Proposal, with such product rounded up to the nearest one hundredth (0.01) of a point; the process will continue for each of the remaining Cost Proposals, with points being awarded based on the product of: (a) the ratio of the lowest Cost Proposal divided by the respective Respondent's Cost Proposal; and the points awarded for the lowest Cost Proposal with such product rounded up to the nearest one hundredth (0.01) of a point.

(30 total possible points)

Lowest Cost Proposal: 30 points

Next Lowest Cost Proposal: (Lowest Cost Proposal/Next Lowest Cost Proposal) x 30 pts

3rd Lowest Cost Proposal: (Lowest Cost Proposal/Third Lowest Cost Proposal) x 30 pts

4th Lowest Cost Proposal: (Lowest Cost Proposal/Fourth Lowest Cost Proposal) x 30 pts

Non-Responsive: 0 points (No Cost Proposal provided)

7. **Interviews:** The City may reach out for clarification, up to and including interviews, from teams who **received scores of 75 or greater out of 100 possible points (on the technical evaluation criteria listed in this RFP)**, which shall (if interviews are conducted) have a maximum score of 20 points to be added to the total score of the proposals. If the City chooses to conduct interviews, all teams with technical evaluation scores of 75 or greater will be invited for separate interviews with the City. The City may choose to proceed with final scoring without conducting interviews, in which case no points will be awarded to any team for the interview criteria.

Non-Responsive (0 pts): Proposer declined opportunity for interview.

Poor (4 pts): Proposer was not well prepared for interview and/or interview team raised major concerns about proposer's understanding, approach, and/or experience.

Average (12 pts): Proposer was prepared for interview and no major concerns were raised by the interview team regarding proposer's understanding, approach, and/or experience.

Excellent (20 pts): Proposer was extremely well prepared for interview and no concerns were raised by the interview team regarding proposer's understanding, approach, and/or experience. Proposer demonstrated an approach and understanding during the interview that exceeds other interviews and is beneficial to the City of Providence.



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Scoring Sheet *(to be completed by City Evaluation Team)*

Lead Consultant or Team Name:					
Subconsultant Firm Names:					
Technical Evaluation Criteria	Responsive (Y/N)				
	Qualifications and Relevant Experience				
	Project Approach and Understanding				
	Operations and Maintenance Plan				
	Architecture and Design Team				
	References				
Technical Evaluation Score (subtotal of above)					
Cost Proposal Score					
Interview Score					
Total Score (Technical Evaluation Score + Cost Proposal Score + Interview Score)					



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Submission Form: Hourly Breakdown of Lump-Sum Fixed Fee

Team Name/Primary Vendor: _____

To aid with analysis of proposals, provide hourly breakdown of the above lump-sum fixed fee for all personnel roles associated with the project (including primary and secondary). *****Hourly rates may only increase by the inflation rate associated with Core CPI (Consumer Price Index), which is calculated and published by the United States Bureau of Labor Statistics.**

Personnel	Hourly Rate	Number of Hours



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Submission Form: Supplemental Pricing Information

Team Name/Primary Vendor: _____

Supplemental Pricing Information (**Rates for services performed outside the scope of the aforementioned Project.
Include any consultants in the section below **)

<u>Title</u>	<u>Hourly Rate</u>	<u>Daily Rate</u>	<u>Weekly Rate</u>	<u>Yearly Rate</u>	<u>Overtime Rate Hour</u>