



REQUEST FOR QUALIFICATIONS

RFQ 15-141

**Ashford Dunwoody Road & Dresden Drive
ITS System Expansion
GDOT PI# 0013138**

Table of Contents

Introduction	3
Background	5
Scope of Work	5
Proposal Contents	6
Evaluation of Qualifications	6
Required Forms	7
Instructions to Proposers	9

REQUEST FOR QUALIFICATIONS (RFQ)

Ashford Dunwoody & Dresden Drive ITS System Expansion

Introduction

Sealed Qualifications for Purchasing RFQ 15-141 Ashford Dunwoody & Dresden Drive ITS System Expansion (hereinafter referred to as “Request for Qualifications” or “proposals”). Procurement will be received by the City of Brookhaven, hereinafter called “City.” Service providers whose qualifications meet the criteria established in the Request for Qualifications, at the sole discretion of the City, may be considered for Contract award. The City may, by direct negotiation, finalize terms with the service provider who is selected for award based on proposals. The City reserves the right to reject any or all responses for any reason. Clarification of information may be requested by the City.

The City, at its sole discretion, may short-list firms that are deemed to best meet the City’s requirements, taking into consideration all criteria listed in the RFQ. The City may, at its sole discretion, ask for formal presentations from all of the responsive and responsible proposers, or only from those firms that are short-listed, if short-listing is determined to be in the best interest of the City. Negotiations will be conducted and may take place in person or via telephone with the most qualified firm as identified by the City or, if short-listing occurs, with all of the short-listed proposers. Proposers that participate in the negotiations may be given an opportunity to submit their best and final offers. The City of Brookhaven requires pricing to remain firm for the duration of the contract. Failure to hold firm pricing for the duration of the contract will be sufficient cause for the City to declare a proposal non-responsive.

A proposal must be submitted in a sealed envelope which shall be clearly marked Purchasing RFQ 15-141 One (1) printed and signed original, and two (2) paper copies, and one (1) electronic copy in PDF of the **proposals shall be submitted no later than 2:00pm, May 21, 2015.** Proposals will not be submitted by facsimile or e-mail. Any proposal received after the time and date specified for the opening of the proposals will not be considered, but will be returned unopened.

Proposers are expected to be familiar with the proposal documents and to provide the City with any questions regarding the proposal documents by the deadline for questions to be submitted.

Questions regarding proposals should be directed to purchasing@brookhavenga.gov no later than May 15, 2015 at 5:00 pm. Proposals are legal and binding when submitted.

Proposal must be addressed as follows: Purchasing Department
City of Brookhaven
4362 Peachtree Rd.
Brookhaven, GA 30319

No Proposal may be withdrawn for a period of ninety (90) days after the time and date scheduled (or subsequently rescheduled) for proposal opening.

The City's staff will review all proposals submitted. After reviewing the proposals, staff may, at its discretion, request formal presentations from one or more of the proposers (at proposer's expense at the City's site) whose proposals appear to best meet the City's requirements.

The proposer awarded the Contract must provide proof of professional liability insurance in the amount of one million dollars (\$1,000,000.00), along with any other required insurance coverage and evidence of business or occupational license, as outlined in the Proposal Documents.

The City reserves the right to waive any informalities or irregularities of proposals, to request clarification or information submitted in any proposal, to request additional information from any proposer, or to reject any or all proposals, and to re-advertise for proposals. The City also reserves the right to extend the date or time scheduled for the opening of proposals.

Award, if made, will be to the responsible and responsive proposer submitting the proposal which is deemed by the City, in the sole discretion, to be the most advantageous to the City, price and other factors being considered.

To ensure the proper and fair evaluation of proposals, the City highly discourages any communication initiated by a proposer or its agent to a representative of the City evaluating or considering the proposal during the period of time following the issuance of the RFQ, the opening of proposals and prior to the time a decision has been made with respect to the Contract award. Persons seeking an award of a City contract may not initiate or continue any verbal or written communications regarding a solicitation with any Official, Employee or other City representative other than an appropriate Purchasing employee of the City between the date of solicitation and the date of the final contract. An appropriate Purchasing employee of the City may initiate communication with a proposer in order to obtain information or clarification needed to develop a proper and accurate evaluation of the proposal. Any communication initiated by proposer during evaluation should be submitted in writing and delivered to the City of Brookhaven, Purchasing Office, 4362 Peachtree Rd., Brookhaven, Georgia 30319, or by e-mail to purchasing@brookhavenga.gov or facsimile to (404) 637-0481. **Unauthorized communication by the proposer shall disqualify the proposer from consideration.**

The Proposer must adhere to a high standard of ethics, as articulated in Subsection A of Section IV of the City of Brookhaven's Financial Management Policies and Purchasing Policy. The Proposer must adhere to the prohibition against Gratuities, Rebates, or Kickbacks as articulated in Section B of Section IV of the City of Brookhaven's Financial Management and Purchasing Policy.

PART ONE – SPECIFICATIONS

1.1 BACKGROUND:

The **Ashford Dunwoody & Dresden Drive ITS System Expansion** project consists of traffic signal and ITS system upgrades and installation to approximately thirteen (13) traffic signals on the following two corridors:

- Ashford Dunwoody Road from Perimeter Summit Blvd to Peachtree Road
- Dresden Drive from Apple Valley Road to Clairmont Drive

The upgrades will include, not be limited to, the upgrade of traffic signals, pedestrian improvements, installation of fiber optic or equivalent communications, CCTV surveillance, and corridor system vehicle detection. It is anticipated that all work will be constructed within the existing state or city Rights of Way.

The City of Brookhaven requests proposals from firms with signal design and ATMS design experience. The successful Consultant shall be pre-qualified with the Georgia Department of Transportation (GDOT) in relevant area classes and have experience with and knowledge of the various technical aspects of signal design, ATMS, topographic surveying, identifying land ownership, cost analysis, identifying and coordinating with impacted utility agencies, obtaining utility clearance or relocation plans from each owner, and developing construction plans and specifications for let by the City of Brookhaven.

The City has been granted federal funds to aid in design and construction; therefore, the project is subject to federal rules and regulations and must adhere to the GDOT Plan Development Process (PDP), applicable guidelines of the American Association of State Highway and Transportation Officials (AASHTO), GDOT Standard Specifications for Construction of Transportation Systems, and applicable GDOT design guidelines.

1.2 SCOPE OF WORK

The City of Brookhaven is seeking proposals for consideration to accomplish the following:

1. Data Collection
 - a. City will provide traffic counts within the study area(s) that are available. Additional traffic counts may be required.
 - b. City will provide Geographic Information System (GIS) data and latest aerial photography.
2. Preliminary Design and Engineering per GDOT PDP
 - a. Project Concept Report and Design Data Book
 - i. Prepare Traffic Study that includes Average Daily Traffic volumes for the base year and design year (base year plus 20 years) along with design hour volumes for morning and evening peaks.
 - ii. Prepare environmental studies, documentation reports, and complete Environmental Document in compliance with the provisions of the National Environmental Policy Act (NEPA). It is anticipated the project will be eligible for a Categorical Exclusion (CE).
 - iii. Prepare all public hearing and public information displays. Two public meetings are required.

- iv. Perform surveys and mapping needed for the project. Field verification of existing right-of-way may be required; however, no right of way acquisition is anticipated.
 - v. Prepare utility relocation plans and coordination and conflict resolution of existing and proposed utility facilities.
 - vi. Prepare preliminary construction plans, right of way plans and final construction plans per GDOT Electronic Data Guidelines.
 - vii. Prepare project cost estimates for construction, right of way, and utility relocation for the following phases: Concept, Preliminary Field Plan Review (PFPR), Right of Way Plan approval, Final Field Plan Review (FFPR), and Final Plans.
 - viii. Provide certification by a Georgia Registered Professional Engineer for design and construction plans.
- b. Brookhaven / GDOT Coordination (RTOP/ PTOPT)
3. Project Management
- a. Conduct semimonthly project coordination meetings
 - b. Invoice monthly per Brookhaven and GDOT requirements

1.3 Deliverables

Project deliverables include:

1. Final Design Plans, CADD files, and supporting documentation to meet GDOT PDP requirements, including but not limited to:
 - a. Concept Report
 - b. NEPA Documentation
 - c. Surveys, as needed
 - d. Public Information Meeting materials, as needed
 - e. Preliminary Plans
 - f. Final Plans
 - g. Specifications

All documentation shall be compatible with MS Office products. All concept drawings shall be compatible with Microstation or AutoCAD. All GIS files shall be in ESRI format (Version 10.0 or below, file geodatabase), projected to NAD83 Georgia State Plane Coordinate System West Zone (feet).

1.4 Schedule

The Consultant shall acknowledge that Time is of the Essence and shall adhere to the schedule of activities as agreed to by GDOT and the City of Brookhaven in the Project Framework Agreement (PFA). The consultant shall provide a schedule as part of their response. The current proposed Let date for the project is February 2017.

1.5 Information to be provided in the Proposal

Offerors shall explain and justify how they propose to deliver the services required by this RFP and to outline their qualifications and relevant experience for undertaking this Project. This information will be evaluated and assigned points as determined by the committee evaluating proposals (“Evaluation Committee”) against requirements stated in the RFP. Evaluations will be documented on evaluation worksheets. Evaluation worksheets are not available during the solicitation process, but are available after award under the Georgia Open Records Act, as are all other solicitation documentation.

All Offerors responding to this RFP shall submit a non-price proposal (“Technical Proposal”), sealed and clearly marked in an envelope as outlined below:

Sealed Envelope to include: Technical Proposal meeting the requirements as set forth in the section of this RFP entitled “Technical Proposal Contents.”

A proposal submitted for consideration must bear the endorsement of the Offeror by signature of a principal of the firm or corporation submitting the proposal.

A proposal must include, at a minimum, the following components:

Technical Proposal Contents

a) Describe qualifications, including:

1. Firms must meet the minimum qualifications in order to be fully considered. The Consultant (either the prime or one or more of the sub-consultants) shall be prequalified in the following GDOT area classes.
 - a. 1.06 (a) NEPA Documentation
 - b. 1.06 (b) History
 - c. 1.06 (c) Air Studies
 - d. 1.06 (d) Noise Studies
 - e. 1.06 (e) Ecology
 - f. 1.06 (f) Archaeology
 - g. 1.06 (g) Freshwater Aquatic Survey
 - h. 1.10 Traffic Analysis
 - i. 3.06 Traffic Operations Studies
 - j. 3.07 Traffic Operations Design
 - k. 3.09 Traffic Control Systems Analysis, Design and Implementation
2. Submit the GDOT “Notice of Professional Consultant Qualifications” for the prime consultant and all sub-consultants or joint venture of consultants on the presented team listed in the Proposal.
3. Complete the Proposal Form and provide a signed original within the firm’s SOQ.
4. Complete the Georgia Security and Immigration Compliance Act Affidavit form and provide a notarized original within the firm’s SOQ.
5. Complete the O.C.G.A. § 50-36-1(e)(2) Affidavit Verifying Status Public Benefit (SAVE), and provide a notarized original within the firm’s SOQ.

- b) Describe experience on similar projects. The size and overall experience of the Proposer with similar sized governmental entities should be described with references provided. Capabilities and experience in applying technology should be included. Also, experience with other should be described.
- c) Describe qualifications of the Proposer and available resources including:
 - 1. Legal structure of the Proposer and/or consortium of Proposers, if applicable
 - 2. Organizational structure of the Proposer, including roles. Describe the role of each entity comprising a partnership or consortium presenting a proposal with respect to carrying out the specifications and requirements of this RFP.
 - 3. Resources available to perform the work for this Project. Discuss how this Project would impact current and anticipated workload.
 - 4. Notable expertise or other special capabilities of members of the Project team that uniquely qualify the Proposer to accomplish the requirements and specifications of the RFP.
- d) Provide contact information for projects identified in Item b. Contact information shall include: name of contact, address of contact, telephone number or numbers of contact, and current e-mail address of contact.
- e) Provide project schedule.

1.6 Cost Proposal

The City will negotiate the cost with the awarded vendor. **DO NOT SUBMIT A COST PROPOSAL**

PART TWO – PROPOSAL CONTENTS

To aid in thorough and consistent review, the proposal shall be organized and numbered to correspond to Section I through Section VI, with particular emphasis given to Section II:

SECTION I: COVER LETTER - Each proposal shall include a cover letter with the Proposer's address, telephone number, e-mail address. The cover letter should be signed by the Proposer or an authorized representative of the Proposer.

SECTION II: PROJECT APPROACH AND UNDERSTANDING – Firms shall demonstrate an understanding of the project objectives. The firm must also demonstrate an understanding of the City's goals, the project issues and challenges and how they may affect project delivery.

SECTION III: PROJECT EXPERIENCE AND REFERENCES- Please provide a description of a minimum of three (3) projects completed in the past five (5) years that involve requirements similar to the requirements specified in the Scope of Work for this project. For each of the representative projects, provide a client contact. Proposers failing to provide a contact for each project will be deemed non-responsive.

SECTION IV: PROJECT TEAM - Each proposer shall provide an organization chart of the project and resumes of the key personnel.

SECTION V: PROJECT SCHEDULE - Each proposer shall submit a proposed project schedule.

SECTION VI: REQUIRED FORMS - Each proposer shall submit the following completed and executed forms:

- Proposal Form
- E-Verify Form
- Affidavit Verifying Status for City Public Benefit Application

Proposals shall be limited to twenty-five (25) single sided 8 ½" x 11" (One 11" x 17" Organizational Chart or Schedule will be allowed as part of the 25 pages). Required forms will not be counted as part of the page limit.

PART THREE- EVALUATION OF QUALIFICATIONS

Based on the proposals submitted in response to this RFQ, the Selection Committee will identify the most qualified firm. The Committee will evaluate all submittals deemed responsive and each evaluator will assign points using the criteria identified as follows:

- Project Approach and Understanding (40%)
- Project Experience and References (25%)
- Project Team (25%)
- Project Schedule (10%)

The points assigned to each criterion will be totaled for each evaluator and a rank will be

determined. The firm(s) with the highest rankings determined by using the sum of scores will be determined to be the most qualified firm(s).

After reviewing the qualifications, staff may, at its discretion, invite to interview (at proposer's expense at the City's site) one or more of the top ranked firms. Interview responses along with the written proposal, will become part of proposer's submission to be evaluated pursuant to the evaluation criteria.

* * * * * END OF SPECIFICATIONS * * * * *

PROPOSAL FORM

CITY OF BROOKHAVEN

**RFQ 15-141 Ashford Dunwoody Rd & Dresden Drive
ITS System Expansion**

The undersigned, as Proposer, hereby declares that this Proposal of Qualifications is in all respects fair and submitted in good faith without collusion or fraud. Proposer represents and warrants to the City that: (i) except as may be disclosed in writing to the City with its Proposal, no officer, employee or agent of the City has any interest, either directly or indirectly, in the business of the Proposer, and that no such person shall have any such interest at any time during the term of the Contract should it be awarded the Contract; and (ii) no gift, gratuity, promise, favor or anything else of value has been given or will be given to any employee or official of the City in connection with the submission of this Proposal or the City’s evaluation or consideration thereof.

The Proposer further represents that it has examined or investigated the site conditions if necessary, and informed itself fully in regard to all conditions pertaining to the place where the work is to be done; that it has examined the Contract Documents and has read all Addendum(s) furnished by the City prior to the opening of the Proposals, as acknowledged below, and that it has otherwise fully informed itself regarding the nature, extent, scope and details of the services to be furnished under the Contract.

The Proposer agrees, if this Proposal of Qualifications is accepted, to negotiate in good faith with the City in order to enter into the Contract (properly completed in accordance with said Proposal Documents), and the Contract Documents for RFQ 15-141 Ashford Dunwoody Rd & Dresden Dr ATMS System Expansion at the City of Brookhaven, and to furnish the prescribed evidence of a valid business license, insurance, and all other documents required by these Contract Documents. The Proposer further agrees to commence work and to perform the work specified herein within the time limits set forth in the Contract Documents, which time limits Proposer acknowledges are reasonable.

The undersigned further agrees that, in the case of failure or refusal on its part to execute the said contract, provide evidence of specified insurance, a copy of a valid business or occupational license and all other documents required by these Contract Documents within ten (10) business days after being provided with Notice of Intent to Award the contract (or such earlier time as may be stated elsewhere in these Proposal Documents), the Proposal award may be offered by the City to the next ranked Proposer, or the city may re-advertise for Proposals, and in either case the City shall have the right to recover from the Proposer the City’s costs and damages including, without limitation, attorney’s fees, to the same extent that the City could recover its costs and expenses from the Proposer under section 10 of the Instructions to Proposers if the Proposer withdrew or attempted to withdraw its Proposal.

The Proposer further agrees, if it fails to complete the work according to the Specification within the scheduled time or any authorized extension thereof, that damages may be deducted from the Contract price otherwise payable to the Proposer.

The Proposer agrees to abide with the City of Brookhaven’s Financial Management Policies and Purchasing Policy.

Acknowledgement is hereby made of the following Addendum(s) received since issuance of the Contract Documents (identified by number)

Addendum No.	Date	Addendum No.	Date	Addendum No.	Date
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

It shall be the responsibility of each Proposer to visit the City Purchasing Department’s website to determine if addendum(s) were issued and, if so, to obtain such addendum(s). Failure to acknowledge an addendum above shall not relieve the Proposer from its obligation to comply with the provisions of the addendum(s) not acknowledged above.

The City of Brookhaven requires pricing to remain firm for the duration of the initial term of the contract. Failure to hold firm pricing for the initial term of the contract will be sufficient cause for the City to declare bid non-responsive.

Termination for Cause: The City may terminate this agreement for cause upon ten days prior written notice to the Consultant of the Consultant's default in the performance of any term of this agreement. Such termination shall be without prejudice to any of the City's rights or remedies by law.

Termination for Convenience: The City may terminate this agreement for its convenience at any time upon 30 days written notice to the Consultant. In the event of the City's termination of this agreement for convenience, the Consultant will be paid for those services actually performed. Partially completed performance of the agreement will be compensated based upon a signed statement of completion to be submitted by the Consultant, which shall itemize each element of performance.

Termination for fund appropriation: The City may unilaterally terminate this Agreement due to a lack of funding at any time by written notice to the Consultant. In the event of the City's termination of this Agreement for fund appropriation, the Consultant will be paid for those services actually performed. Partially completed performance of the Agreement will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

The contractor agrees to provide all work to complete the project described in this document for the amount listed below.

Legal Business Name _____

Federal Tax ID _____

Address _____

Does your company currently have a location within the City of Brookhaven? Yes ___ No ___

Representative Signature _____

Printed Name _____

Telephone Number _____

Fax Number _____

Email Address _____

INSTRUCTIONS TO PROPOSERS

1. INTENT

It is the intent of these Instructions to establish guidelines for the proper completion of the Proposal Forms. These Instructions to Proposers provide guidance and explanation for subsequent Proposal Forms and Contract Documents. Please read all Instruction paragraphs.

2. GENERAL

- 2.1 The City's goal is that all the terms and conditions stated in the Proposal Documents and Appendix B Sample Contract will constitute the terms of the final Contract between the City and the successful Proposer. Notwithstanding, the City will engage in good faith negotiation over the price and terms prior to awarding the contract.
- 2.2 The Contract work shall not be divisible, and shall be awarded, if an award is made, to a single Proposer. The City will award only one contract for the services required under this Request for Qualifications.
- 2.3 [Intentionally Omitted].
- 2.4 The Contract, if awarded, shall not be construed to create unto the Contractor any exclusive rights with respect to any of the City's branding requirements. The City may in its sole discretion award any additional or similar services to any third party, or if the Contract is for the provision of services, the City may elect to perform all or a portion of the services by its own employees.
- 2.5 There shall be no reimbursements or travel expenses associated with this project regarding any category or term.
- 2.6 [Intentionally omitted].
- 2.7 The City will negotiate with the successful Proposer to provide services indicated in the Specifications throughout the duration of the Contract.

3. [Intentionally Omitted].

4. EXAMINATION OF PROPOSAL/CONTRACT DOCUMENTS

All prospective Proposers shall thoroughly examine and become familiar with the Proposal package and carefully note the items which must be submitted with the Proposal. (These Instructions to Proposers, the Request for Qualifications, the Proposal Forms, the Contract, the General Conditions, and all attached Appendixes are referred to herein as the "Proposal Documents" or the "Contract Documents.") Submission of a Proposal shall constitute an acknowledgment that the Proposer has read and understands the Proposal Documents. The failure or neglect of a Proposer to receive or examine any Proposal Document shall in no way relieve it from any obligations under its Proposal or the Contract. No claim for additional compensation will be allowed which is based upon a lack of knowledge or understanding of any of the Contract Documents or the scope of work.

5. ADDENDUM(S)-CHANGES WHILE PROPOSING

Other than during the Pre-Proposal Conference, the City shall not be required to provide to any Proposer verbal interpretations as to the meaning of any portion of the Proposal Documents. Requests for interpretation, clarification or correction of Proposal Documents, forms or other material in this Proposal Package should be made in writing and delivered to the City, Purchasing Office, 4362 Peachtree Rd., Brookhaven, Georgia 30319, or by e-mail to purchasing@brookhavenga.gov or facsimile to (404) 637-0481 at least five (5) business days before the date and time announced for the Proposal opening. Any response by City to a request by a Proposer for clarification or correction will be made in the form of a written Addendum. All parties to whom the Proposal packages have been issued will be sent a notification of the issuance of an Addendum either by e-mail and/or by facsimile. The Addendum may be electronically downloaded by visiting either the City Purchasing Department's web site at <http://brookhavenga.gov/city-departments/purchasing/open-rfps> or by visiting Georgia's Department of Administrative Services (DOAS) web site at http://ssl.doas.state.ga.us/PRsapp/GPR_P_start.jsp. However, prior to submitting its response, it shall be the responsibility of each Proposer to visit the City Purchasing Department's website to determine if addendum(s) were issued and, if so, to obtain such addendum(s).

6. PROPOSAL GUARANTY

A Proposal Guaranty shall not be required for this Contract.

7. DELIVERY OF PROPOSALS

- 7.1 All Proposals shall be submitted pursuant to the terms outlined in these Instructions to Proposers and the Request for Qualifications. Any Proposals received after the time and date specified in the Request for Qualifications for the opening of the Proposals will not be considered, but will be returned unopened.
- 7.2 Each Proposer's response to the Request for Qualifications shall be at the sole cost and expense of the Proposer and such Proposer shall have no right or claim against the City for costs, damages, loss of profits, or to recover such costs, damages, or expenses in the event the City exercises its right to reject any or all Proposals or to cancel an award pursuant to a provision hereof for any reason.
- 7.3 Submission of a Proposal shall constitute authorization for the City and its representatives and agents to make such copies of the Proposal or portions thereof and to distribute such copies as may be necessary or desirable to carry out the City's objectives or requirements.

8. DISQUALIFICATION OF PROPOSERS

- 8.1 Any of the following causes may be considered as sufficient for the disqualification of a Proposer and the rejection of its Proposal:
 - 8.1.1 Submission of more than one Proposal for the same work, or participation in more than one Proposal for the same work as a partner or principal of the Proposer, by an individual, firm, partnership or corporation, under the same or different names, or by Proposers which are affiliates, either at the time of submittal, or at the time of award. For purposes of this section, the term "affiliates" means firms, partnerships, corporations or other entities under common control;
 - 8.1.2 Evidence of collusion between or among Proposers;
 - 8.1.3 Evidence, in the opinion of the City, of Proposer(s) attempting to manipulate the Proposal pricing for its own benefit (e.g. pricing resulting in a failure of the City's ability to enforce the Contract or impose the remedies intended following breach by Contractor);
 - 8.1.4 Being in arrears on any of its existing contracts with the City or in litigation with the City or having defaulted on a previous contract with the City;
 - 8.1.5 Poor, defective or otherwise unsatisfactory performance of work for the City or any other party on prior projects which, in the City's judgment and sole discretion, raises doubts as to Proposer's ability to properly perform the work; or
 - 8.1.6 Any other cause which, in the City's judgment and sole discretion, is sufficient to justify disqualification of Proposer or the rejection of its Proposal.
 - 8.1.7 Evidence of improper communication.
- 8.2 The City has adopted a policy which addresses, among other things, the obligations of the City's employees with respect to interest in business entities, unauthorized compensation and acceptance of gifts. Please be aware that any act by a Proposer that could cause a City employee to violate the policy is sufficient cause for the denial of the right of the Proposer to propose on any contract or sell any materials, supplies, equipment, or services to the City for a period of time that is determined by the City Manager.

9. RESPONSIBILITY OF PROPOSERS

- 9.1 City reserves the right, to aid it in determining a Proposer's responsibility, to require a Proposer to submit additional evidence of Proposer's qualifications as the City may deem necessary, and may consider any evidence available to the City of the financial, technical, and other qualifications and abilities of a Proposer, including past performance (experience) with the City and others. The City shall be the final authority in the award of any and all Proposals.
- 9.2 For a Proposer to meet the minimum responsibility criteria for this Contract, the Proposer must provide verifiable evidence, through references or otherwise, that the Proposer is an individual, a firm, a corporation, or other entity that is currently employed or otherwise engaged in providing branding services and, taking into account the activities of a related predecessor, affiliate, or principal of Proposer, has been actively engaged in such activity for at least three (3) years immediately preceding the date of the Proposer's response to this request.

10. GUARANTY OF FAITHFUL PERFORMANCE

A Performance Bond shall not be required for this Contract.

11. POWER OF ATTORNEY AND COUNTERSIGNATURE

Not applicable.

12. MINORITY AND WOMEN BUSINESS ENTERPRISE ("MWBE") PARTICIPATION

An MWBE participation goal has not been established for this Contract. Such participation is encouraged, but will not be considered during the evaluation process for award of this Contract.

13. LOCAL DEVELOPING BUSINESS ("LDB") PARTICIPATION

An LDB participation goal has not been established for this Contract. Such participation is encouraged, but will not be considered during the evaluation process for award of this Contract.

14. NO RESPONSE

In the event a potential Proposer elects not to submit qualifications, such potential Proposer is nonetheless requested to respond by advising the City of the reason for not submitting qualifications.

15. PUBLIC RECORDS/PUBLIC MEETINGS

Please be aware that all meetings of the City's Council are duly noticed public meetings and all documents submitted to the City as a part of or in connection with a Proposal may constitute public records under Georgia law regardless of any person's claim that proprietary or trade secret information is contained therein. By submission to the City, Proposers waive any declaration that their entire response to be proprietary information. Proposals and all related correspondence are subject to the Georgia Open Records Act and may be provided to anyone properly requesting same, after contract award. The City cannot protect proprietary data submitted in vendor proposals unless provided for under the open records law. In the event, the proposer deems certain information to be exempt from the disclosure requirements, the proposal must specify what content is considered exempt and cite the applicable provision of the law to support that assessment. In the event such information is requested under the open records law, the proposer's assessment will be examined by the City Attorney who will make a determination. The decision to withhold or release the information will be at the City's sole discretion.

* * * * * END OF INSTRUCTIONS TO PROPOSERS * * * * *

CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the City of Brookhaven has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Brookhaven at the time the subcontractor(s) is retained to perform such service.

E-Verify * User Identification Number

Company Name

BY: Authorized Officer or Agent Date
(Contractor Signature)

Title of Authorized Officer or Agent of Contractor

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

_____ DAY OF _____, 200__

Notary Public

My Commission Expires:

* As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is "E-Verify" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).

**Affidavit Verifying Status
for City Public Benefit Application**

By executing this affidavit under oath, as an applicant for a City of Brookhaven, Georgia Business License or Occupation Tax Certificate, Alcohol License, Taxi Permit or other public benefit as referenced in O.C.G.A. Section 50-36-1, I am stating the following with respect to my application for a City of Brookhaven, Business License or Georgia Occupational Tax Certificate, Alcohol License, Taxi Permit or other public benefit (circle one) for _____.

[Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity]

1) _____ I am a United States citizen

OR

2) _____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant: Date

Printed Name:

SUBSCRIBED AND SWORN

BEFORE ME ON THIS THE

____ DAY OF _____, 20__

*

Alien Registration number for non-citizens

Notary Public

My Commission Expires:

*Note: O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of “alien”, legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:
