

REQUEST FOR PROPOSALS
FOR
FARQUHAR PARK MASTER SITE PLAN



CITY OF YORK, PA

101 South George Street, York, PA 17401
www.yorkcity.org

RESPONSES DUE BY:

FRIDAY, MAY 26, 2023

Contents

OVERVIEW.....	3
FACILITY.....	3
PROPOSALS.....	3
TIMETABLE.....	3
SELECTION AND AWARD OF CONTRACT.....	4
PROPOSAL.....	5
SCOPE OF WORK.....	5
FIRM INFORMATION.....	9
Organizational Information.....	7
Service History and Performance.....	8
Facilities under Management.....	8
Firm Personnel.....	10
Management and Operating Philosophy.....	10
Governance.....	10
Compliance.....	10
Firm Reputation.....	10
Technology.....	10
Third Party Relations and Fee Arrangements.....	11
References.....	11
Independence & Conflicts of Interest.....	11
A. NON-DISCRIMINATION STATEMENT.....	11
B. NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE.....	11
C. AMERICANS WITH DISABILITIES ACT COMPLIANCE STATEMENT.....	11
D. ANTI-COLLUSION AFFIDAVIT.....	11
E. BUSINESS RELATIONSHIP AFFIDAVIT.....	11
F. PROPOSED ADMINISTRATION AGREEMENT.....	11
G. SIGNATURE OF AUTHORIZED REPRESENTATIVE.....	11
H. SEALED COST PROPOSAL.....	11
PROPOSED FEES AND FEE STRUCTURE.....	12
APPENDIX I: NON-DISCRIMINATION STATEMENT.....	13
APPENDIX II:.....	14
APPENDIX III: AMERICANS WITH DISABILITIES ACT COMPLIANCE STATEMENT.....	16
APPENDIX IV: ANTI-COLLUSION AFFIDAVIT.....	17
APPENDIX V: BUSINESS RELATIONSHIP AFFIDAVIT.....	19

OVERVIEW

The City of York, Pennsylvania (the “City” or “York”), with this Request for Proposals (“RFP”), invites proposals (“Proposals”) from qualified firms (“Responder” or “Firm”) to create an Individual Master for Farquhar Park. Farquhar Park is a lovely neighborhood park that overlooks The Avenues. This park boasts tennis courts, an exercise trail, playgrounds, paved handicapped accessible paths, a band stand, majestic trees, and it is nestled up against Kiwanis Lake, home to a rookery. This park provides space for family gatherings, recreational activities, and summer youth programs for provides public skating, figure skating, hockey programs, and other non-skating programs to York City and York County residents, guests, schools, and other users (“Users” or “Patrons”).

FACILITY

Farquhar Park,¹ located at 570 N Newberry Street, York, Pennsylvania 17404, is owned by the City of York (population 43,900), a beautiful historic city in south-central Pennsylvania and the county seat of York County, Pennsylvania (population 446,000).

PROPOSALS

Proposals shall include a **Service Proposal**, **Cost Proposal**, and a **Sample Contract** submitted in electronic form and with ___ five (5) paper copies. Lengthy additions, such as registration or regulatory information may be submitted in electronic form.

Proposals need not follow the outlined format but should address all information requested. Additional information may be submitted. Responses and questions shall be submitted to:

Mr. Chaz A. Green, Director of Public Works
City of York
101 S. George Street
York, PA 17401
Email: CGreen@yorkcity.org

The City reserves its right to amend the RFP requirements and Timetable, to waive non-conformities, and to reject Proposals. Responders are responsible for expenses incurred.

TIMETABLE

RFP ISSUE DATE	May 15, 2023
FINAL RFP QUESTIONS DUE	May 22, 2023
RESPONSES TO QUESTIONS POSTED	May 23, 2023

PROPOSALS DUE	May 26, 2023 (3PM)
BID OPENING	May 26, 2023 (3:30PM)

SELECTION AND AWARD OF CONTRACT

A. Proposals will be evaluated based on information requested and submitted, references, reasonable due diligence investigation, and the following:

B. To comply with City Ordinances and meet the goals of City Ordinance Article 136,2 Small and Disadvantaged Business Enterprise Program, which is designed to encourage and support Local and Small business enterprises, Proposals may be awarded preferences as follows (Article 136.04(b)):

- i. Eight points out of a possible 100, eight percent (8%), for Local business enterprises.
- ii. Two points of a possible 100, two percent (2%), for businesses located in enterprise zones.
- iii. Four points of a possible 100, four percent (4%), for a small business enterprise.
- iv. However, in no event shall any bidder receive greater than twelve points of a possible 100, twelve percent (12%), preference.

Local business enterprises and Small businesses enterprise are defined in Article 136.02(d) and (e), and are generally defined as follows: a Local Business Enterprise has its principal office in the City of York, or is majority-owned by and has a majority of employees of City residents (Article 136.02(d)), and a Small business enterprise generally has its principal office and/or a significant percentage of its assets, employees, owners, or sales revenues in the City of York metropolitan area (Article 136.02(e)).

C. The City of York encourages participation by Small Diverse Businesses as prime contractors and encourages all prime contractors to make a significant commitment to use Small Diverse Businesses as subcontractors and suppliers.

A Small Diverse Businesses are certified minority-owned, woman-owned, veteran-owned, or service-disabled veteran-owned businesses.

A Small Business is a business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees, and earns less than \$7 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services, and \$25 million in gross annual revenues for information technology sales or service.

² yorkcity.org/wp-content/uploads/2017/04/Article-136-Small-Disadvantaged-Business-Enterprise-Program.pdf

PROPOSAL

Proposal shall include Scope of Work, Firm Information, Service information, Non-Discrimination Statement, Anti-Collusion Affidavit, Business Relationship Affidavit, proposed draft Agreement(s), and signature of Authorized Firm Representative. Additional information may be provided.

SCOPE OF WORK

The scope of work represents the City of York best estimate of the work needed to accomplish the objectives for this project. The City of York is open to alternative approaches that may deviate from this scope to better meet project objectives.

- 1) Facilitate the Master Plan process (Project Management). Prospective firms shall propose a dynamic and effective process that will meet the objectives above and includes at least bi-weekly progress meetings.
- 2) Advisory Committee: The consultant will meet with an Advisory Committee on key decision points throughout the project. Consultant will prepare agendas and meeting materials and facilitate meetings. Consultant shall plan at a minimum three (3) advisory committee meetings and ensure that a meeting with the committee is scheduled for each stage of the planning process. The city will establish an advisory committee, arrange meeting venues, and distribute meeting materials.
- 3) Mission, Vision, Core Values, Goals, & Objectives. Establish plan mission statement, vision, core values, goals & objectives, incorporating themes of sustainability, inclusion, equity, environmental stewardship, fire safety, preservation, and historical and cultural character. Consider future trends and planning best practices for use of public space for recreation, wellness, and community building. Consultant should facilitate the development of the above as informed by community feedback.
- 4) Review Existing Documentation: The purpose of this task is to understand the issues of unique concern to the City, build upon prior planning efforts, and help all stakeholders develop a common understanding of the context surrounding the parks Master Plan. Staff shall provide the Consultant with relevant background information in an electronic format, where available.
- 5) Community Profile/Demographics and Trends. Review and interpret demographic trends and characteristics of the City of York and in the Parks and Recreation field in the state and region.
- 6) Public Outreach. The consultant will identify, describe, and implement a comprehensive strategy and methodology for citizen and stakeholder involvement in the Master Plan development process. The plan shall assure citizens and user groups, associations and other stakeholders are provided an opportunity to participate in the development of the plan. Activities should include public meetings, stakeholder interviews and other outreach methods, such as an online survey. The City of York will also entertain other methods of outreach. The City of York will assist consultants by securing meeting space, and distributing announcements through social media, city/project web site, etc. The expectation is for a robust public process.
- 7) Compile an inventory and assessment of Farquhar Park. Perform a site inspection of Farquhar Park to assess current conditions and impacts on the natural environment. Analyzing the park for opportunities to meet system-wide needs for passive and active recreation opportunities.

8) Asset Management Plan. Prepare an asset management plan, including inspection and assessment components, to maximize the useful life of the park and Recreation assets and natural open space components, and to optimize the impact of Park and Recreation activities on natural open space components and the natural environment.

9) Identify Stakeholders. Assist the City with identifying key stakeholders that should be involved in the process.

10) Community Awareness. Provide the City with ideas for promoting the Plan to create increased awareness and participation; as well as community buy-in. Assist the city with marketing strategies for implementation of greater community pride and awareness.

11) Needs Assessment and Level of Service Analysis. Assess the latent and potential demand for services. The analysis will require the consideration of the location, size, and number of facilities by type and use, along with community interests. The analysis should include but not be limited to park & trail development and enhancement of recreation facilities and programming. Comparing the needs with the available inventory of recreational facilities.

Activity(s) and Facility(s) Analysis. The activity(s) and facility(s) analysis determine the proposed facilities and activities at the site including type, size, and standards. Describe the community needs, uses, and priorities for the site as identified by the public participation process, previous planning work, and needs assessment. Describe the recreation and conservation facilities proposed to be developed, rehabilitated, or enhanced on the site. The proposed facilities and uses should also be clearly represented in the site development drawing(s). For proposed recreation and conservation facilities and uses, provide the following information:

Determine local access to outdoor recreation using the following resources:

- The National Recreation and Park Association (NRPA) [Park Metrics](#) is a comprehensive source of data benchmarks and insights for the effective management and planning of operating resources and capital facilities.
- The Trust for Public Land (TPL) [Park Serve](#) interactive platform tracks park access in urban areas. The web-based tool identifies local parks and open space, determines the percentage of residents who live within a 10-minute walk, and identifies the neighborhoods most in need of new parks.
- DCNR Partnered with the Trust for Public Land (TPL) and We Conserve PA to use Geographic Information Systems (GIS) to understand access to outdoor recreation in Pennsylvania. TPL's Research and Innovation Team used data analysis methods to assist DCNR in identifying areas with the greatest need and opportunity. This interactive map of outdoor recreation access in Pennsylvania shows the results of the analysis. Data is available for a 10-Minute Walk by Municipality & County and a 10-Minute Drive for Trails and Water.
- For active recreation facilities, describe the participant skill level, competition level, and spectator use for each facility.
- For passive recreation facilities, describe the proposed use of the project site(s) such as wildlife viewing, nature trails, community gardens, habitat protection, environmental education, etc.
- Describe the proposed preservation of open space, natural areas, and riparian buffers.

FARQUHAR PARK MASTER SITE PLAN RFP

- Describe the projected participation rates. To help define facility requirements, estimates of daily, weekly, monthly, and seasonal use may be required.
- List the accepted published national, state, or local standards (reference the standard by name) used to determine the size, dimensions, orientation, slope, buffer areas and setback requirements, open or undisturbed space requirements, etc. for each proposed facility and use.
- Support facilities may be required for the proposed recreation and conservation facilities and uses. Depending on the site and proposed uses, support facilities may include roads, stormwater management, maintenance facilities, utilities, parking, comfort facilities, etc. Provide a brief description of each support facility and the requirements for connectivity and accessibility.

12) DESIGN CONSIDERATIONS - All parks, open space, and recreational facilities have the potential to protect and/or enhance natural resources and habitats. Green and sustainable elements promote environmental, health, and economic benefits and enhance the visitor experience. From a management perspective, maintenance costs may be lower for a naturalized site. Because the DCNR mission is to both conserve and sustain the Commonwealth's natural resources and promote local recreation, it is important to combine sound planning and sustainability. This includes incorporation of native plantings, stormwater best management practices, and habitat protection/enhancement. Consider the following items when developing the plan:

- Site opportunities, constraints, and generally accepted design standards related to the proposed recreation facilities and uses including applicable local recreation and park agency standards.
- Topography of the site. Free statewide topographic information is available from Pennsylvania Spatial Data Access ([PASDA](#))
- Compliance with applicable laws, regulations, and guidelines including land subdivision, zoning, 2010 ADA Standards for Accessible Design, Uniform Construction Code, American Society for Testing Materials (ASTM) standards, and the Consumer Product Safety Commission (CPSC) guidelines pertaining to playground areas and equipment.
- Protection/enhancement of significant historic structures and areas.
- Protection/enhancement of environmentally sensitive areas including forests, streams, wetlands, and natural areas that provide habitat and protect water quality. Information about stormwater best management practices is available from the [PA Department of Environmental Protection \(DEP\)](#) and [Stormwater PA](#).
- Sustainable site design and green infrastructure/materials may reduce environmental impact and lower maintenance and operation costs.
- Establishment and maintenance of sustainable riparian native grass and/or forest buffers. If the project site is in the Chesapeake Bay watershed, the plan should support the goals of the Chesapeake Executive Council's Adoption Statement on Riparian Forest Buffers dated October 10, 1996.

13) DESIGN PROCESS AND RECOMMENDATIONS

- Develop preliminary alternative concept drawings and present at a study committee meeting for discussion. Relationships between facilities and circulation patterns should be shown; however, the exact shape and placement of facilities is not critical.
- Evaluate the preliminary alternative concept drawings. Prepare a written evaluation for each alternative concept drawing highlighting both the positive and negative points. Through the public participation process, determine which alternative (or combination) best meets community needs, design standards, and regulations.

- Prepare a draft of the final Narrative Report and Site Development Drawings(s). Present the draft final Narrative Report and Site Development Drawings(s) at a public meeting for final comment. All existing and proposed facilities and areas must be shown on this final Site Development Drawing in proper shape, size, and orientation.
- Upon approval of the final Narrative Report and Site Development Drawings(s) by the appropriate agencies (local governing body, local & county planning agencies, the Bureau, etc.), the consultant prepares the final deliverables.

14) MAINTENANCE AND OPERATION COSTS; REVENUE - Provide a cost estimate for annual maintenance and operation of the recreation areas and facilities as proposed in the MSDP. An annual cost estimate must be calculated for each of the items identified below; analysis should also be included in the narrative report.

- A. Personnel – Describe and analyze the current level of operation and maintenance personnel including paid staff and volunteers.
- B. Maintenance and Operation Costs
 - Determine if the life cycle costs can be lowered by using sustainable design practices and alternative materials.
 - List and discuss various materials that could be used to lower long-term maintenance costs.
 - Administration (i.e., insurance, office supplies, phone, internet, public relations, rentals, training, etc.)
 - Personnel (Include a list employment positions, number of employees in each position, estimated salaries or wages by position, fringe benefits, estimated overtime cost, temporary employment, etc.)
 - Maintenance equipment needed to maintain recreation areas and facilities.
 - Supplies and materials (i.e., concession/sale items; custodial, vehicle fuel, mechanical supplies, tools, utilities, equipment rental, etc.)
 - Programming (Include a general description and anticipated number of programs, participants by program, and costs by program)
 - Contracted services cost for operation and maintenance.
 - Annual capital outlay for major equipment.
 - Debt Service (To the extent that long term financing is anticipated to fund the proposed site improvements and any major equipment purchased.)
- C. Revenue - Project anticipated revenues for a one-year period by area, facility, and source. Include all items of revenue that may be applicable to the proposed site use and development such as:
 - Daily admission or entrance fees; seasonal permits
 - Facility rental
 - Concessions
 - General municipal tax support
 - Other sources (i.e., endowments, donations, fund raising events, etc.)

15) Budget Estimates. Develop budget estimates for the recommended priority improvements.

16) Asset Timeline. Develop schedules, guidelines, and initiative-taking plans that focus on preserving and/or improving assets.

17) Farquhar Park Master Plan. Prepare a capital improvement plan identifying possible funding sources. Project Deliverables Consultant products should include the following:

- Project timeline with milestones for the completion of the plan.
- A public input questionnaire- administered online and through outreach.
- A project website which includes periodic updates.
- Up to twenty stakeholder interviews.
- Two (2) Public workshops and meeting materials; one during plan development and one after acceptance by the city.
- Presentation to the City of York Parks Conservancy.
- Presentation to kick off the project at a City of York Council meeting.
- Presentation to the City of York Council for final acceptance.
- Technical memorandums which summarize existing conditions and needs assessments.
- Five (5) pdf copies of full draft reports for review by the city officials; City of York, Pennsylvania.

18) SITE DEVELOPMENT DRAWING(S) WITH BASE MAP(S) - The site development drawing(s) must show the final proposed full development of the site(s). The base map must show existing conditions at the recreation area(s) and facility(s). All data identified on the Bureau's *Park Site Development Drawing (SDD) Checklist* must be represented on the drawing(s), as applicable. Specifically, the meters and bounds, existing conditions, proposed improvements, ADA compliance, and phasing must be clearly identified.

19) REQUIRED DOCUMENT SUBMISSION

A. The following documents must be submitted:

- Five (5) electronic PDF of the final Narrative Report (as a single document) with the cover signed, sealed, and dated by the design consultant.
- Five (5) electronic PDF of the final Site Development Drawing(s) that are signed, sealed, and dated by the design consultant.

FIRM INFORMATION

Organizational Information

- Firm, related and affiliated entities, Firm ownership, and history, including ownership changes in last 5 years, and Firm classification and regulatory bodies, if any
- Contact information and organizational function chart.
- Individual completing the Response: name and contact information of Authorized Firm Representative and confirmation Representative is authorized to represent and bind the Firm and sign Agreement.
- Fidelity bond and fiduciary liability insurance
- Evidence of financial strength of Firm
- Information, if any, distinguishing Firm from competitors

Service History and Performance

- History of Firm's offering of proposed service
- Representative client list for proposed service

- Changes in last 5 years: Describe and explain Services, Contracts, or Facilities no longer serviced in last 5 years, and percentage of type lost and gained.
- Benchmarks, if any: Describe benchmarks used and how Firm tracks, monitors, and controls performance and deviation from benchmarks, if any

Facilities under Management

- Facilities under Management: Describe facilities, service provided, and performance history.
- Changes in last 5 years: Describe and explain Services, Contracts, or Facilities no longer serviced in last 5 years, and percentage of type lost and gained.

Firm Personnel

- Firm size and personnel information, e.g., number of employees, managers, client service personnel, and other relevant functions, qualifications, average years of experience, average years tenure, and other relevant information
- Describe and explain Turnover in key personnel in last 3 years.

Management and Operating Philosophy

- Describe management and operating philosophy, process, methods, and style, including any information unique to Firm.

Governance

- Firm's internal control and governance structure
- Potential conflicts of interest Firm, affiliates, related parties, and personnel may have or be perceived to have with this mandate and how such conflicts will be addressed.
- Firm's Code of Ethics and Standards of Conduct if any
- Process: how Firm manages, measures, monitors, and controls risk
- Succession, Crisis, Disaster Recovery and Business Continuity Plans

Compliance

- Proof that Firm and assigned personnel are licensed and registered to practice in Pennsylvania.
- Identity, title, and biography of chief compliance officer, if any, and to whom she/he reports, and personnel responsible for risk and quality management.
- Firm's registration and proof of compliant corporate standing
- Most recent regulatory inspection report and follow-ups if any
- Compliance process including methods, frequency, and other relevant information.
- Last compliance assessment report if any
- 5-year history of orders, sanctions, formal investigations, litigation, threatened litigation and administrative proceedings involving Firm, affiliates, or principals

Firm Reputation

- Describe client satisfaction measurement process and information, and recent client satisfaction report, if any

Technology

- Technology, software, back-up, and redundancy services used by Firm.

Third Party Relations and Fee Arrangements

- Firm's approach to and use of fee or cost sharing arrangements, including direct or indirect recapture, rebate, referral, selection, retention, discount, performance, or other fee or cost sharing arrangements with affiliated parties, vendors, suppliers, service providers, brokers, or third parties. Provide details including information re entities, arrangements, revenue significance, conflict and disclosure policy, and impact on proposed service costs.

References

- Three references, preferably from representative client list, with contact information and length of relationship

Independence & Conflicts of Interest

Firm must certify that it and any person affiliated with the Firm who is or may be involved with the Proposal, contract execution, and proposed services, have no actual, potential or reasonably perceivable conflict of interest with the City of York or any of its component units, affiliates, elected officials, officers, employees, contractors or sub-contractors, and that any person so affiliated with the Firm has not had an affiliation with the City of York or been a City officer, elected or appointed City official or family member thereof, for a period of two (2) years prior to the RFP Issue Date. Exceptions should be noted. Responders may consult the City Conflict of Interest Policy

A. NON-DISCRIMINATION STATEMENT

- Sign attached Non-Discrimination Statement, Appendix I

B. DCNR NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

- Sign attached Non-Discrimination Statement

C. AMERICANS WITH DISABILITIES ACT COMPLIANCE STATEMENT

- Sign attached Americans with Disabilities Act Compliance Statement, Appendix II

D. ANTI-COLLUSION AFFIDAVIT

- Sign and notarized attached Anti-Collusion Affidavit, Appendix III

E. BUSINESS RELATIONSHIP AFFIDAVIT

- Sign and notarized attached Business Relationship Affidavit, Appendix IV

F. PROPOSED ADMINISTRATION AGREEMENT

- Proposed draft Agreement. Final agreement to be agreed by City and selected Firm

G. SIGNATURE OF AUTHORIZED REPRESENTATIVE

- Service Proposal signed by Authorized Firm Representative certifying information in Service and Sealed Cost Proposals is complete, accurate, and binds Firm.

H. SEALED COST PROPOSAL

A separate Sealed Cost Proposal shall be signed by Authorized Firm Representative and contain the following:

PROPOSED FEES AND FEE STRUCTURE

- If Proposal to Manage and Operate, provide complete fee structure and schedule for proposed service, billing frequency, and payment method. If Proposal to Rent, provide proposed rent or rent calculation.
- Include all fees and other forms of compensation accruing to or benefitting Firm, related entities, or employees, including direct or indirect recapture, rebate, referral, selection, retention, discount, performance, or other fee or cost sharing arrangements with affiliated parties, vendors, suppliers, service providers, brokers, or third parties, related to proposed services.
- All other fees or costs that may be charged to City.

APPENDIX I: NON-DISCRIMINATION STATEMENT

This Statement is submitted by an Authorized Firm Representative of the Responding Firm, as part of this Proposal.

Responding Firm agrees, in connection with the performance of work under this Proposal, as follows:

- a. Firm will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, national origin, ancestry or disability, and shall undertake affirmative action to ensure employees and applicants are treated without regard to such discriminating factors, including actions related to, *inter alia*, employment, promotion, demotion or transfer, recruitment, advertising, lay-off, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Firm agrees to post, in a conspicuous place available to employees and applicants for employment, notices to be provided by the City Clerk/Secretary setting forth the provisions hereof,
- b. Firm will include this non-discrimination clause in any subcontracts connected with the performance of work under this Proposal; and
- c. In the event of Firm's non-compliance herewith, the awarded contract may be canceled or terminated by the City and the City may declare the responding Firm and affiliated entities ineligible for further contracts with the City, until satisfactory proof of compliance is provided to the City.

THIS FORM MUST BE SIGNED BY AN AUTHORIZED FIRM REPRESENTATIVE:

Signature of Authorized Representative	Title
--	-------

Note: The owner or an officer of the business or corporation may sign this document. A Corporate Seal or a letter of authorization is needed for any other signer. For instance, if a Salesperson or Manager signs this form, a letter of authorization or Corporate Seal is to be attached.

Printed Name of Individual	Title
----------------------------	-------

Company Name and Address	Zip Code
--------------------------	----------

Telephone Number, Email, and Fax

APPENDIX II:

PENNSYLVANIA DEPARTMENT OF CONSERVENCY AND NATURAL RESOURCES
NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws, against any citizen of this commonwealth who is qualified and available to perform the work to which the employment relates.
2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.
3. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the grant agreement, subgrant agreement, contract or subcontract.
4. Neither the Grantee nor any subgrantee nor any contractor nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the Public Employee Relations Act, Pennsylvania Labor Relations Act or National Labor Relations Act, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.
5. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily accessible and well-lit places customarily frequented by employees and at or near where the grant services are performed shall satisfy this requirement for employees with an established work site.
6. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.
7. The Grantee and each subgrantee, contractor and subcontractor represent that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity

FARQUHAR PARK MASTER SITE PLAN RFP

Commission (“EEOC”) and shall file an annual EEO-1 report with the EEOC as required for employers’ subject to *Title VII of the Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

- 8. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.
- 9. The Granter’s and each subgrantee’s, contractor’s and subcontractor’s obligations pursuant to these provisions are ongoing from and after the effective date of the grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the commonwealth if, at any time during the term of the grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.
- 10. The commonwealth may cancel or terminate the grant agreement and all money due or to become due under the grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or THIS FORM MUST BE

SIGNED BY AN AUTHORIZED FIRM REPRESENTATIVE:

Signature of Authorized Representative	Title
--	-------

Note: The owner or an officer of the business or corporation may sign this document. A Corporate Seal or a letter of authorization is needed for any other signer. For instance, if a Salesperson or Manager signs this form, a letter of authorization or Corporate Seal is to be attached.

Printed Name of Individual	Title
----------------------------	-------

Company Name and Address	Zip Code
--------------------------	----------

Telephone Number, Email, and Fax

APPENDIX III: AMERICANS WITH DISABILITIES ACT COMPLIANCE STATEMENT

This Statement is submitted by an Authorized Firm Representative of the Responding Firm, as a part of this Proposal.

Responding Firm agrees, in connection with the performance of work under this Proposal, as follows:

- a. Pursuant to federal regulations promulgated under the authority of the Americans with Disabilities Act, 28 C.F.R. Section 35.101 et seq., the Firm understands and agrees that no individual with a disability shall, based on the disability, be excluded from participation in this contract or from activities provided for under these ten (10) contracts. As a condition of accepting and executing this contract, the Firm agrees to comply with the "General Prohibitions Against Discrimination", 28 C.F.R. Section 35.130, and all other regulations promulgated under Title II of the Americans with Disabilities Act which are applicable to the benefits, services, programs, and activities provided by the City of York through contracts with outside contractors.
- b. The Firm shall be responsible for and agrees to indemnify and hold harmless the City of York from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the City of York because of the Firm's failure, or that of its employees and affiliates, to comply with the provisions of paragraph a., above.
- c. The Firm will include this Statement in any subcontracts connected with the performance of work under this Proposal; and
- d. In the event of Firm's non-compliance herewith, the awarded contract may be canceled or terminated by the City and the City may declare the responding Firm and affiliated entities ineligible for further contracts with the City, until satisfactory proof of compliance is provided to the City.

THIS FORM MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF RESPONDER:

Signature of Authorized Representative Title

Note: The owner or an officer of the business or corporation may sign this document. A Corporate Seal or a letter of authorization is needed for any other signer. For instance, if a Salesperson or Manager signs this form, a letter of authorization or Corporate Seal is to be attached.

Printed Name of Individual Title

Company Name and Address Zip Code

Telephone Number, Email, and Fax

APPENDIX IV: ANTI-COLLUSION AFFIDAVIT

This Affidavit is submitted by an Authorized Representative of Responder, as a part of this Proposal.

The undersigned, of lawful age and duly sworn, affirms and states that the undersigned has lawful authority to execute the Proposal for and on behalf of the Responder, _____, and that the Responder has not, directly or indirectly, entered into any agreement, express or implied, with any other proposer or proposers, having for its object the controlling of the price or amount of such proposal or proposals, the limiting of proposals or proposers, the parceling or farming out to any proposer or proposers or other persons of any part of the proposal or proposals or of the profits thereof, and that the Responder has not and will not divulge the sealed Proposal to any person whomsoever, except those having a partnership or other financial interest with the Responder in the said Proposal, until after the said sealed proposals are opened.

The undersigned further states that the Responder has not been a party to any collusion among proposers in restraint of freedom of competition by any agreement to propose at a fixed price or to refrain from proposing, or with any City official, employee, or agent as to the quantity, quality, price, or other terms in the Proposal, or concerning the exchange of money or other thing of value for special consideration in the award of a contract, and that it has not paid, given, or donated, or agreed to pay, give, or donate to any City official, employee, agent, or awarding agency, any money or other thing of value, either directly or indirectly, in the procuring of the award of contract pursuant to this Proposal.

THIS FORM MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF RESPONDER:

Signature of Authorized Representative _____ Title _____

Note: The owner or an officer of the business or corporation may sign this document. A Corporate Seal or a letter of authorization is needed for any other signer. For instance, if a Salesperson or Manager signs this form, a letter of authorization or Corporate Seal is to be attached.

Printed Name of Individual _____ Title _____

Company Name and Address _____ Zip Code _____

Telephone Number, Email, and Fax _____

TO BE COMPLETED BY NOTARY:

State of _____

County of _____

FARQUHAR PARK MASTER SITE PLAN RFP

This Affidavit signed and sworn to (or affirmed) before me _____ (name)
on _____ (date)
by _____, Authorized Representative
of _____, Responder.

Signature of notarial officer: _____

Title of office: _____

Commission Number: _____

Commission expires: _____

Stamp:

APPENDIX V: BUSINESS RELATIONSHIP AFFIDAVIT

This Affidavit is submitted by an Authorized Representative of Responder, as a part of this Proposal.

The undersigned, of lawful age and duly sworn, affirms and states that the Responder is fully knowledgeable of Responder's business relationships and associations, and further states that the nature of any corporation, company, partnership, joint venture, or other business relationship presently in effect or which existed within one (1) year prior to the date of this statement between Responder and the Mayor, Members of City Council, any Trustee, Trust, or Authority of or benefiting the City, entities or parties affiliated with such individuals, significant known City contractors, or other parties, consultants, or employees engaged to further this project, is as follows:

(If none of the above Business Relationships exists, Responder shall state 'NONE' or otherwise indicate the absence of such Business Relationships. IF THE ABOVE IS BLANK, THE PROPOSAL WILL BE REJECTED.)

Responder further states that any such Business Relationship presently in effect or which existed within one (1) year prior to the date of this statement between any officer, agent, employee, partner or director of the Responder and any officer or director, agent, employee, or partner of the above entities or individuals is as follows:

(If none of the above Business Relationships exists, Responder shall state 'NONE' or otherwise indicate the absence of such Business Relationships. IF THE ABOVE IS BLANK, THE PROPOSAL WILL BE REJECTED.)

The names and positions of all persons having any such Business Relationships are as follows:

(If none of the above Business Relationships exists, Responder shall state 'NONE' or otherwise indicate the absence of such Business Relationships. IF THE ABOVE IS BLANK, THE PROPOSAL WILL BE REJECTED.)

(Proposal will not be considered unless this Affidavit has been fully completed and signed by an Authorized Representative of the Responder and duly notarized and dated by a Notary Public.)

THIS FORM MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF RESPONDER:

Signature of Authorized Representative

Title

Note: The owner or an officer of the business or corporation may sign this document. A Corporate Seal or a letter of authorization is needed for any other signer. For instance, if a Salesperson or Manager signs this form, a letter of authorization or Corporate Seal is to be attached.

FARQUHAR PARK MASTER SITE PLAN RFP

Printed Name of Individual

Title

Company Name and Address

Zip Code

Telephone Number, Email, and Fax

TO BE COMPLETED BY NOTARY:

State of _____

County of _____

This Affidavit signed and sworn to (or affirmed) before me _____ (name)

on _____ (date)

by _____, Authorized Representative

of _____, Responder.

Signature of notarial officer: _____

Title of office: _____

Commission Number: _____

Commission expires: _____

Stamp: