

ANNOUNCEMENT
REQUEST FOR PROPOSALS

Preliminary Design for Delaware River Trail

The Delaware River Waterfront Corporation (DRWC) is hereby seeking proposals from reputed, qualified and experienced landscape architecture or urban design firms, to complete conceptual design for approximately 4.5 miles of the Delaware River Trail from Pier 72 South (approximately Mifflin Street) to Lehigh Avenue.

Attached is information relating to submitting a proposal including specific requirements.

A mandatory pre-proposal meeting is tentatively scheduled for September 28, 2011 at 4:30 pm at the DRWC offices at 121 N. Columbus Blvd. At this meeting DRWC staff will be available to answer any questions on the project. Please continue to check the DRWC website for final scheduling of this meeting.

The DRWC will accept all further questions in writing until 5:00pm on September 30, 2011. The DRWC will post a written response to all questions on its web site by October 3, 2011.

Sealed proposals (seven hard copies and one CD) must be received by October 10, 2011 at 4:00 P.M. EST. The proposal should be addressed to:

Sarah Thorp
Director of Planning
Delaware River Waterfront Corporation
121 North Columbus Boulevard
Philadelphia, PA 19106

Brief interviews will be held with selected respondents on October 21 in the afternoon.

If you have any additional questions, please contact Ms. Thorp at:
sthorp@DelawareRiverWaterfrontCorp.com

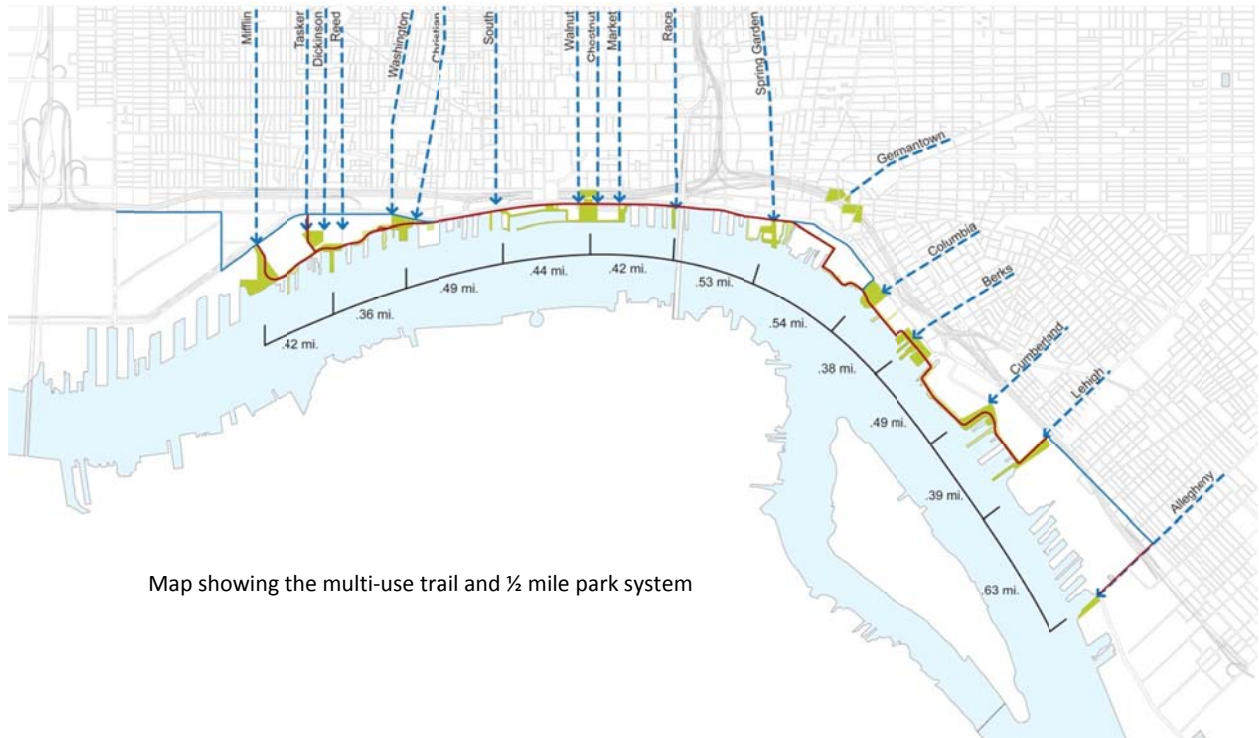
I. INTRODUCTION

Project Background:

The Master Plan for the Central Delaware, a plan for the redevelopment and revitalization of six miles of Central Delaware River waterfront in Philadelphia, was released in draft form in July of 2011. This plan makes recommendations for a wide range of waterfront improvements including new development, open space, transportation networks, and programming.

A key component of the public realm of the master plan is a continuous multi-use trail running the length of the project area, connecting at the north and south ends with other regional and city-wide trails. Parks are spaced out along the trail at approximately ½-mile intervals. Though implementing this trail in its final form along the river's edge for the entire length of the six-mile project area could take longer than the 25-year timeframe of the plan, sections of the trail will be completed as opportunities and funding arise, beginning in the short-term with some central sections.

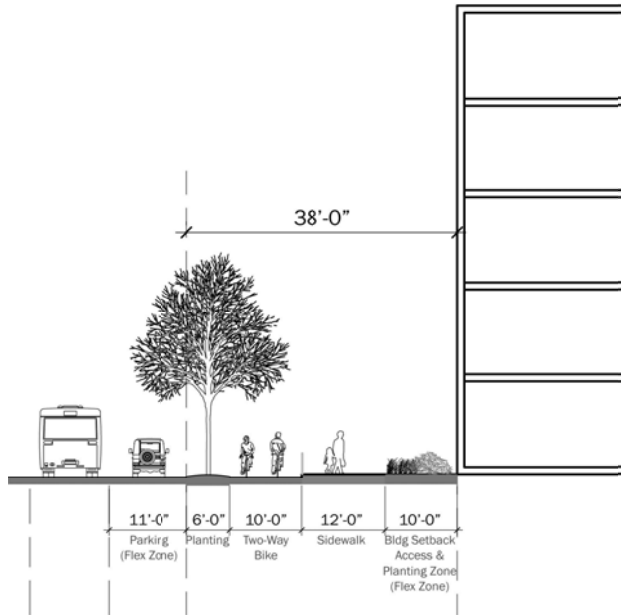
The following image shows the trail and park plan from the Master Plan:



Map showing the multi-use trail and ½ mile park system

The conditions for the proposed trail vary across the project area, and can be divided into the following three conditions:

- **Condition 1: Trail Segment along Columbus Boulevard/Delaware Avenue from Washington Avenue to Spring Garden Street.**



Delaware Avenue Trail Section

The existing conditions in this section vary greatly throughout the project area. There is a sidewalk of varying width on the east side of the boulevard, and 5-foot bicycle lanes within the cartway running northbound and southbound. There are three vehicular travel lanes in each direction, and medians of varying width and left turn lanes in the center of the roadway. The ROW width varies throughout this area from approximately 90 feet at the narrowest to approximately 150 feet; therefore the configuration of the ROW is also variable, containing on-street parking in some areas, medians which vary from wide and planted to non-existent, and widely varying sidewalk widths on both the east and west sides.

The proposed trail in this section runs within the right-of-way of Delaware Ave. / Columbus Blvd. The trail is located on the east side of the roadway as part of an optimal 38-foot section (which could be reduced to a minimum of 22 feet in constrained locations). This 38-foot section accommodates a 12-foot multi-use trail, a separate 12-foot pedestrian sidewalk, and planted buffers.

- **Condition 2: Trail Segments Running Along the Waterfront Through a Park**
This condition exists south of Washington Avenue and north of Penn Street where the trail is separate from Columbus Boulevard/Delaware Avenue and proceeds through the parks which are proposed to be located at 1/2 mile intervals as shown in the Master Plan.



Section of Delaware River Trail

In this condition the proposed trail runs close to the river's edge. A 50-foot cross-section was developed in the master plan for this condition which contains a 12-foot pedestrian path, a 12-foot bicycle trail, and planting and riparian zones. However, it is conceivable that the two facilities (pedestrian path and bicycle trail) could separate even further and utilize more than a 50-foot section. The Master Plan includes design guidelines for each proposed new park, which should be consulted for each individual condition, and the Penn Treaty Park Master Plan should be consulted for the section through this existing park.

Additionally, in 2010 DRWC constructed a 1-acre park on the waterfront just south of Washington Avenue, called Washington Avenue Green. The trail through the park was constructed of pervious asphalt paving, with a separate path along the river's edge. This project was conceived to be an interim condition, as the Master Plan shows an extensive wetlands park extending from Washington Avenue Green to Pier 70. However is an example of an existing condition where a trail proceeds through a park.



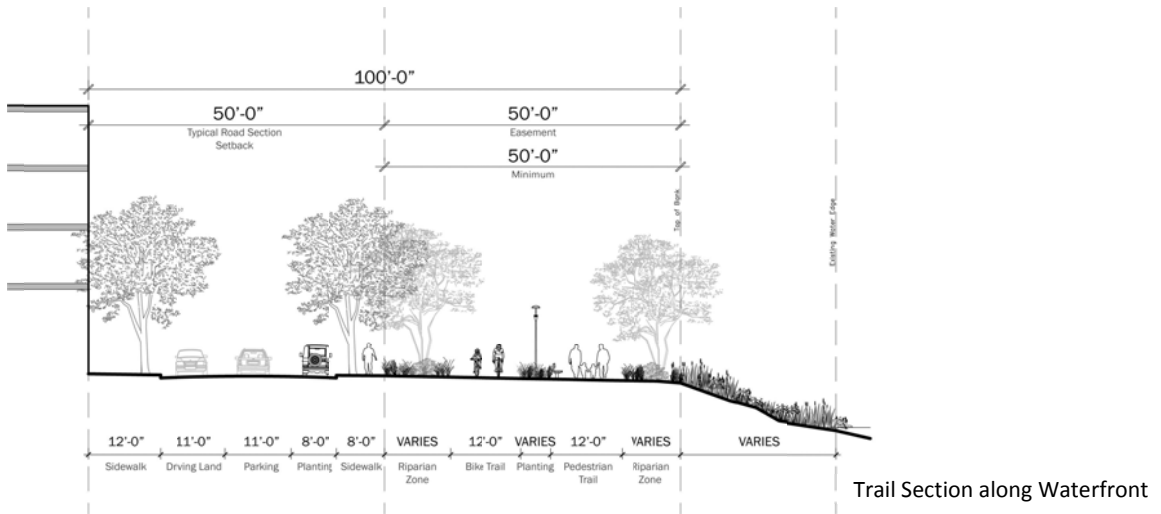
Washington Avenue Green

- **Condition 3: Trail Segments Running Along the Waterfront Adjacent to Upland Development Sites**

This condition also exists south of Washington Avenue and north of Penn Street where the trail is separate from Columbus Boulevard/Delaware Avenue and proceeds through sites that are proposed for development as shown in the Master Plan.

The existing conditions in these areas vary from sites that are abandoned industrial parcels to a new casino development and a high-rise condo development. At the southern end, the trail proceeds through primarily vacant land that is proposed for future development in the master plan.

The proposed trail in this condition also exists within a 50-foot cross-section as described above in Condition 1. However, in most cases as shown in the master plan, a new street is also planned to run along the river's edge, utilizing an additional 50 feet, for a total cross-section of 100 feet as shown in the image below.



Trail along SugarHouse Casino

Other Relevant Projects:

1. Master Plan for the Central Delaware

The Master Plan should be used as the primary reference document for this project and can be downloaded at the following web address:

<http://www.plancentraldelaware.com/>

Specifically, the transportation section of the master plan describes the overall trail, including the section included in this project, as well as overall connections at the north and south ends and connections to other city-wide and regional trails and bike facilities. Additionally as part of the master plan the consultants mapped existing conditions of Delaware Ave. / Columbus Blvd. and identified the restrictive locations where the existing sidewalk on the east side is less than 38 feet wide, and will therefore need to have alterations to the optimal 38-foot section, and/or require alterations to the existing parking and/or travel lanes.

2. Delaware Ave. / Columbus Blvd. Traffic Study

In order to further the work on this complicated section of the waterfront, DRWC has hired Whitman, Requart, and Associates (WR&A) to complete a detailed traffic study for the entire Delaware Ave. / Columbus Blvd. Corridor. WR&A will be completing traffic counts for the corridor in order to retime the traffic signals on the whole corridor. They will additionally make recommendations on where the roadway is over- and under-built, where traffic-calming and pedestrian safety improvements can be made, and advise on possible solutions to gain more space for the trail where the conditions don't allow a 38-foot section. This work will be completed in December 2011.

3. DRWC Early Action Construction Projects

In the past two years DRWC has completed four early action design and construction projects along the waterfront that should be considered when determining the character and quality of future public improvements:

- **Delaware River Trail**

This trail along the river's edge in South Philadelphia between Tasker Street and the south edge of Washington Avenue Green was completed in 2009. It is a rudimentary macadam path with unimproved landscape on either side. Directional signage was also designed and installed with this trail segment.



Delaware River Trail

- **Washington Avenue Green**

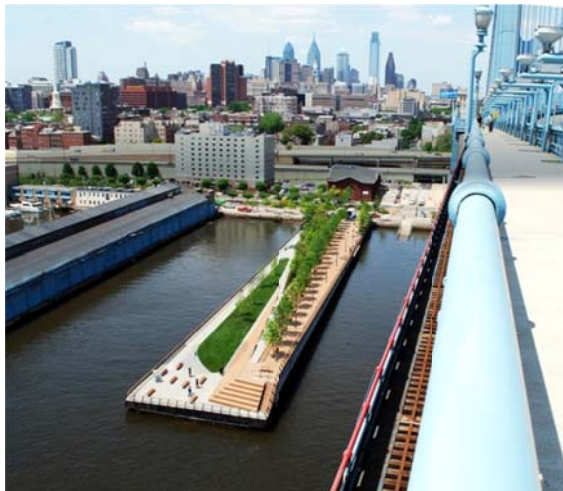
This park was designed and completed as an example of how a former parking lot could be quickly transformed into a waterfront public space. It was done very quickly with a small budget, but has already become a beloved space by adjacent neighborhood users. The park was designed to reuse as many materials as possible and have a natural setting, as the master plan calls for an extensive wetlands park from Washington Avenue to Pier 72 in the long-term.



Washington Avenue Green

- **Race Street Pier**

In contrast to Washington Avenue Green, the Race Street Pier was designed with high-end materials, furnishings, and plantings to be a premier waterfront destination and set high standards for future waterfront improvements. It utilizes a simple and elegant design to take advantage of its spectacular location adjacent to the Benjamin Franklin Bridge and sweeping views up and down the Delaware River.



Aerial of the completed Race Street Pier

- **Race Street Connector**

This Primary Connector Street was designed simultaneously with the Race Street Pier. It uses similar furnishings, plantings, and lighting as the park and incorporates a large-scale

lighted metal screen element as a wrap for the three imposing bridge abutments. This project also incorporates a significant public art installation by Richard Torchia.

While future improvements will not necessarily have the same level of finish as the Race Street Pier and Connector, they should be complementary to the existing design.



Rendering of the Race Street Connector

4. Preliminary Design for Penn Street Trail

Conceptual design was completed in August for a 0.4-mile section of trail from Spring Garden Street to the SugarHouse casino, including a section along Penn Street, and a section next to the waterfront on the SugarHouse property. This project is considered by DRWC to be the next section of trail constructed.

5. SugarHouse Casino

Phase 1 of the SugarHouse Casino was completed in 2010 and included construction of a 50-foot landscaped waterfront trail section. This trail currently ends in SugarHouse parking lots on both the north and south ends; however, SugarHouse has plans to continue this trail to the north and south on their property as they develop future phases of the casino. The SugarHouse trail section is constructed of high-quality materials, landscaping, and lighting, and should be considered as a successful public waterfront edge.

6. I-95 Improvements

The Pennsylvania Department of Transportation (PennDOT) is undertaking an extensive revitalization project for the I-95 corridor. Current work in the Central Delaware project area is centered on the area surrounding the Girard Avenue interchange in Fishtown. PennDOT has hired URS as their consulting firm for this project, and URS has completed extensive public outreach and design for public improvements surrounding the interstate infrastructure in this area, specifically lighting, treatments of retaining walls, landscaping, and treatments of underpasses.

DRWC is currently working on two new projects with PennDOT for improvements in the Fishtown/Northern Liberties area: an underpass design for Shackamaxon and Marlborough Streets and a design for the Columbia Avenue Connector Street project.

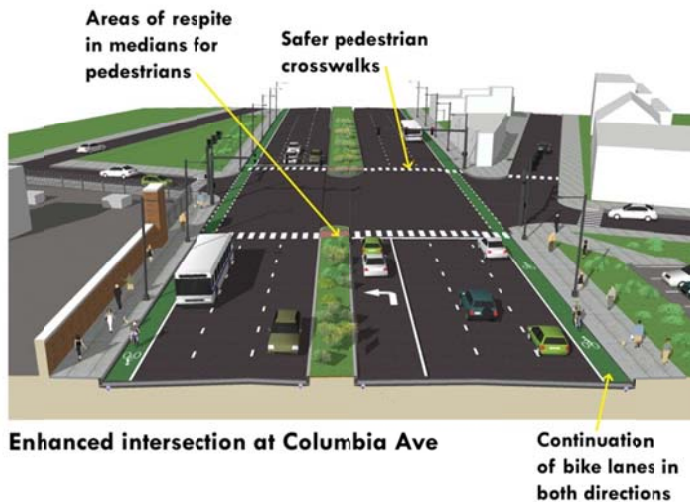


Image of I-95 improvements at Columbia Ave.

II. PROJECT SCOPE

Objective:

The overall goal is to advance the plans for a waterfront multi-use trail set forth in the Master Plan to a more specific design level so that individual sections can be implemented utilizing a consistent palette of materials, furnishings, and lighting to create a cohesive waterfront experience. The consultant(s) will create a preliminary design for the trail, to include trail alignment, materials and furnishings, and cost estimates.

Most of these projects will be designed and built by public sector agencies, primarily DRWC, which is a 501(c)(3) nonprofit organization. However, since many of the improvements are located within public rights-of-way, coordination with the City of Philadelphia will be necessary. Additionally, for the trail section along Delaware Ave. / Columbus Blvd. coordination with PennDOT will be required for design and construction. Therefore improvements recommended in these design guidelines should be coordinated and/or potentially approved by these regulatory agencies. DRWC has strong working relationships with PennDOT and the City and will coordinate meetings with consultants as required for the purposes of this project.

All guidelines will be developed incorporating materials and fixtures that are of a high enough quality to be long-lasting, vandal-resistant, and as low-maintenance as possible, but within a reasonable budget. Additionally, materials and fixtures should be selected with the knowledge that they will be installed over large areas and therefore must be cost-efficient.

DRWC is therefore seeking qualified consultants to provide preliminary design services and recommendations for standard streetscape elements such as paving material, plantings, furniture, and lighting, as well as an ideal spacing/placement of these items. These design guidelines will be used in the construction of each trail segment and connector street.

Firm Qualifications:

DRWC seeks a landscape architecture or urban design firm to lead this project that is highly qualified in working on urban trail projects and multi-modal transportation projects. The design lead on the project should be supported by limited but essential civil engineering services to complete the work as well as landscape design services.

Project Management:

This project will be directly managed by DRWC staff and overseen by the Planning Committee of the DRWC Board of Directors. DRWC will also convene a steering committee consisting of representatives from various City departments and other nonprofit agencies to advise and guide the work.

Consultant Selection Schedule:

9/20/2011 Request for Proposals released
9/27/2011 Mandatory Pre-Proposal Meeting
9/30/2011 Questions due to DRWC in writing by 5:00pm
10/3/2011 DRWC to post answers to questions online by 5:00pm
10/10/2011 Proposals due to DRWC by 4:00pm
Week of 10/10 DRWC will short-list three firms
10/21/2011 Interviews with short-listed firms
Week of 10/24 Firm selected and contract awarded by DRWC board
Week of 10/31 Project kick-off

Project Schedule:

DRWC is interested in completing this project on as quick and efficient a timeline as possible, while maintaining a high quality of work. Certain trail segments have possibilities of being funded for construction in the short-term; therefore it is imperative that this preliminary design project be completed as quickly as possible.

It is hoped that the project can be completed in five months, with deliverables due at the end of March.

It is possible that during the timeframe of this project DRWC could get funding for construction of a specific trail segment for which a grant application is pending. This potential trail segment would be designed and completed separately from this project, but would take place on a very quick construction schedule. Therefore it may be necessary for the consultant(s) to potentially complete some elements that apply to this geographic section more quickly as well as coordinate efforts and share information as final design and construction documents are prepared for the trail segment.

Fee:

The fee range set for this project is \$125,000 - \$175,000. As stated in the Proposal Evaluation section below, DRWC will award the contract based not only on fee, but also on proposed schedule and qualifications of responsive firms.

Tasks:

1. Coordinate with DRWC staff and project steering committee to confirm project goals, schedule, and scope of work
2. Review existing resource material and investigate other current efforts
3. Conduct site visit to include entire proposed waterfront trail
4. Public Participation
DRWC includes civic engagement and participation as a critical element of all design and construction projects. The Master Plan for the Central Delaware incorporated extensive public input and coordinated closely with the Central Delaware Advocacy Group (CDAG), a coalition of the 14 civic associations in the project area.

For this project, at least two public meetings shall be held. The first meeting, held at approximately a mid-point of the project, will provide an overview of the project to the public and also present possible elements and/or design ideas to gather input. This public meeting may be preceded by and/or followed by small focused meetings with neighborhood representatives from CDAG or its member civic associations as required. The second public meeting will be to present the completed work to the public at the end of the project.

Consultant(s) will provide meeting minutes from all public and stakeholder meetings.

5. Project Steering Committee

Attend project steering committee meetings as necessary to gather input from project partners such as the Philadelphia Streets Department, PennDOT, the Philadelphia City Planning Commission, and the Bicycle Coalition of Greater Philadelphia. (Project partners will be specifically identified by DRWC and invited to join the project steering committee). DRWC will organize these meetings, but consultants will provide agenda and content for the meetings as well as minutes following the meetings.

6. Agency coordination

Several agencies may require meetings for additional details and coordination. Consultant(s) will organize and run these meetings as required.

7. Design Deliverables

- a. Complete plan drawing of the trail, showing a proposed alignment for the trail for the length of the project area. The plan drawing for the highly-constrained center section between Washington Avenue and Penn Street will necessarily require a more detailed analysis and detailed plan, including plans for connecting a variable, 22-foot to 38-foot trail section through this area where certain sections have extremely limited existing ROW/sidewalk width. The plan should include exact trail widths, locations, and proposed materials. When determining trail alignment, existing conditions such as shoreline slope and elevation changes should be considered.
- b. Complete plan and section detail drawings, showing placement of elements, materials, landscaping, utilities, and furnishings, for each of the three conditions listed in the Project Background section.
- c. Determine the defining elements of the trail system, such as trail paving and lighting. Establish which elements of the trail section could potentially be changed based on the use and character of the adjacent parcels. For example, a trail running through a park may utilize different furnishings and plantings than a trail next to a dense, urban development.
- d. Create design recommendations for various water edge conditions, including potential railings for bulkhead or steep slope conditions, as well as treatments for more gradually-sloped shoreline conditions.
- e. Create design guidelines for placement of furnishings to include lighting, benches, trash receptacles, water fountains, bollards, trees and other native, hardy, and low-maintenance plantings appropriate for urban areas.
- f. Develop paving patterns and sections.
- g. Perform cost estimating for the trail section conditions and extrapolate to the entire waterfront.

III. SUBMITTAL CONTENTS AND REQUIREMENTS

1. Letter of transmittal including:

- A statement indicating your understanding of the work to be performed;
 - An affirmation of the firm's qualifications for professionally and expertly conducting the work as understood;
 - The firm's contact person concerning the proposal and a telephone number and email where that person can be reached.
 - Complete itemized summary of services to be provided and their costs.
2. Qualifications, including professional practice, areas of specialization, practice philosophy, and project/client mix as well as examples of a minimum of three urban trail and/or streetscape projects conducted by the firm of a similar scope. Please disclose any professional engagements, relationship, conflicts of interest or potential conflicts of interest with developers of projects, their contractors, subcontractors and consultants that might impact the project, both as it relates to design and construction.
 3. Explanation of work to be performed:
The proposal must include a project vision and a detailed description of the procedures and methods you propose to use to complete this scope of work.
 4. Description of project management, including:
 - Services to be provided by each team member
 - Team organization/organization chart
 - Technical resources
 - Key principal, project, technical, and support personnel with resumes
 - Consultant experience in similar projects
 - Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE"), and Disabled Business Enterprises ("DSBE") participation
 5. References
List three references for the prime consultant and sub-consultants indicating project names, firm's role and client contact info (including telephone and email).
 6. Fees: Submit Fee Proposal which includes the following:
 - Lump sum fee proposal, based on manhours and schedule
 - Consultant hourly rates for additional services
 - Fee per project phase
 - Allowance for reimbursable expenses, within total project fee
 7. Schedule:
A project work schedule must be provided which includes time frames for each major work element, target dates for client meetings, and dates for completion of draft and final documents. As DRWC has already submitted grant applications for implementation of small sections of trail, there is an interest in expediting this work in order to quickly inform potential construction projects.
 8. The following forms, found on the DRWC website RFP page must be filled out by all individuals and/or firms working on the project, including sub-consultants:
 - a. Campaign Contribution Disclosure Forms
 - b. DRWC Conflict of Interest Form

c. Solicitation for Participation and Commitment Form

9. Sealed proposals (seven hard copies; one CD), must be received by October 10, 2011, at 4:00 P.M. EST. Proposals should be addressed to:
Sarah Thorp
Master Planning Manager
Delaware River Waterfront Corporation
121 North Columbus Boulevard
Philadelphia, PA 19106

IV. SELECTION PROCESS

DRWC will review proposals and will hold interviews with selected respondents on October 21. The interview will be an opportunity for consultants to introduce staff members that would be assigned to the project and make a 10-15 minute proposal presentation. Shortly after conducting interviews, DRWC staff will recommend a selection to the DRWC board of directors which will approve the final selection of the consultant. The staff of the DRWC will finalize the scope of work and execute a contract, in a form satisfactory to the DRWC, with the consultant. The DRWC reserves the right to reject any or all proposals received in response to this request.

DRWC encourages the response and inclusion of Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE"), and Disabled Business Enterprises ("DSBE") (collectively, "M/W/DSBE") in its contracts. The goal of DRWC is to ensure that all businesses desiring to do business with DRWC have an equal opportunity to compete by creating access to DRWC's contract opportunities by M/W/DSBEs and meaningfully increasing opportunities for the participation by M/W/DSBEs in DRWC's contracts at all tiers of contracting.

Respondents to this RFP should provide a description of any efforts it has made within its company and proposal which will help DRWC achieve these goals. These efforts may include, but are not limited to the following:

1. A description of respondents written diversity program identifying the race, gender and ethnic composition of its board of directors
2. Firm employment profile
3. A list of all M/W/DSBE vendors that the respondent does business with and a statement of the geographic area(s) where its services are most concentrated
4. A description of the respondent's efforts to maintain a diverse workforce, to maintain a diverse board of directors or administer a fair and effective M/W/DSBE contracting process.

Respondents should fill out and attach the Solicitation for Participation and Commitment Form, found on the DRWC website RFP page, for any M/W/DSBE firms that will be working on the project.

V. RESERVATION OF RIGHTS AND SELECTION CRITERIA

Reservation of Rights:

The DRWC reserves and in its sole discretion may, but shall not be required to, exercise the following rights and options with respect to the proposal submission, evaluation and selection process under this RFP:

- (a) To reject any proposals if, in the DRWC's sole discretion, the proposal is incomplete, the proposal is not responsive to the requirements of this RFP, the respondent does not meet the qualifications set forth in the RFP, or it is otherwise in the DRWC's best interest to do so;
- (b) To supplement, amend, substitute or otherwise modify this RFP at any time prior to selection of one or more respondents for negotiation and to cancel this RFP with or without issuing another RFP;
- (c) To accept or reject any or all of the items in any proposal and award the contract(s) in whole or in part if it is deemed in the DRWC's best interest to do so;
- (d) To reject the proposal of any respondent that, in the DRWC's sole judgment, has been delinquent or unfaithful in the performance of any contract with the DRWC or with others, is financially or technically incapable or is otherwise not a responsible respondent;
- (e) To reject as informal, non-responsive, or otherwise non-compliant with the requirements of this RFP any proposal which, in the DRWC's sole judgment, is incomplete, is not in conformity with applicable law, is conditioned in any way that is unacceptable to the DRWC, deviates from this RFP and its requirements, contains erasures, ambiguities, or alterations, or proposes or requires items of work not called for by this RFP;
- (f) To waive any informality, defect, non-responsiveness and/or deviation from this RFP and its requirements that is not, in the DRWC's sole judgment, material to the proposal;
- (g) To permit or reject at the DRWC's sole discretion, amendments (including information inadvertently omitted), modifications, alterations and/or corrections of proposals by some or all of the respondents following proposal submission;
- (h) To request that some or all of the respondents modify proposals based upon the DRWC's review and evaluation;
- (i) To request additional or clarifying information or more detailed information from any respondent at any time, before or after proposal submission, including information inadvertently omitted by the respondent;
- (j) To inspect and otherwise investigate projects performed by the respondent, whether or not referenced in the proposal, with or without the consent of or notice to the respondent;
- (k) To conduct such investigations with respect to the financial, technical, and other qualifications of each respondent as the DRWC, in its sole discretion, deems necessary or appropriate; and
- (l) To waive and/or amend any of the factors identified in the RFP as pertaining to the respondent's qualifications.

Contract Negotiation and Award:

The DRWC reserves and in its sole discretion may, but shall not be required to, exercise the following rights and options with respect to the contract negotiation and award process resulting from this RFP:

The DRWC reserves the right to enter into post-submission negotiations and discussions with any one or more respondents regarding price, scope of services, and/or any other term of their proposals, and such other contractual terms as the DRWC may require, at any time prior to execution of a final contract. The DRWC may, at its sole election, enter into simultaneous, competitive negotiations with multiple respondents or negotiate with individual respondents seriatim. Negotiations with respondents may result in the enlargement or reduction of the scope of services, or changes in other terms that are material to the RFP and the submitted proposals. In such event, the DRWC shall not be obligated to inform other respondents of the changes, or to permit them to revise their proposals in light thereof, unless the DRWC, in its sole discretion, determines that doing so is in the DRWC's best interest.

In the event negotiations with any respondent(s) are not satisfactory to the DRWC, the DRWC reserves the right to discontinue such negotiations at any time; to enter into or continue negotiations with other respondents; to enter into negotiations with firms that did not respond to this RFP and/or to solicit new proposals from firms that did not respond to this RFP, including but not limited to negotiations or proposals for components of the System, if any, that are deleted by the DRWC from the successful proposal or the contract resulting from it. The DRWC reserves the right not to enter into any contract with any respondent, with or without re-issue of the RFP, if the DRWC determines that such is in the DRWC's best interest.

Proposal Evaluation:

Proposals that the DRWC determines, in its sole discretion, are responsive to the RFP will be reviewed by a selection committee designated by the DRWC. The DRWC, in its sole discretion, may require any respondent to make one or more presentations of its proposal to the selection committee, in DRWC offices, at no cost to the DRWC, addressing its ability to satisfy the requirements of this RFP. The DRWC shall not be required, however, to permit any respondent to make such a demonstration.

Cost to the DRWC is a material factor, but not the sole or necessarily the determining factor in proposal evaluation. The DRWC may, in its sole discretion, award a contract resulting from this RFP to a person or entity other than the responsible and qualified respondent submitting the lowest price. The contract will be awarded to the respondent whose proposal the DRWC determines, in its sole discretion, is the most advantageous to the DRWC and in the DRWC's best interest.

The DRWC, in its sole discretion, may, but shall not be required to, reject without further consideration the proposal of any respondent that has not demonstrated, in the DRWC's sole judgment, that it satisfies the qualifications criteria provided in the RFP. The DRWC reserves the right, in its sole discretion and without notice to respondents, to modify this evaluation procedure as it may deem to be in the DRWC's interest.

Evaluation factors to be considered by the DRWC include, but are not limited to, the following (no particular order of importance, weighting, or other priority is assigned to these factors or reflected by their order in the list):

- (a) Project understanding and soundness of proposed project methodology, including but not limited to the detail and accuracy of the proposed scope and statement of work and implementation plan
- (b) The respondent's financial and technical qualifications to perform the work required by the RFP, as presented in its proposal and determined by any other investigations conducted or information obtained by the DRWC
- (c) References provided by the respondent, particularly from projects of similar complexity and scope;
- (d) Commitment and ability to complete the project within a reasonable time frame
- (e) Superior ability or capacity to meet particular requirements of contract and needs of the DRWC and those it serves
- (f) Superior prior experience of applicant and staff
- (g) Superior quality, efficiency and fitness of proposed solution for the DRWC
- (h) Superior skill and reputation, including timeliness and demonstrable results
- (i) Special benefit to continuing services of incumbent, such as operational difficulties with transition or needs of population being served
- (j) Administrative and operational efficiency, requiring less DRWC oversight and administration
- (k) Anticipated long-term effectiveness

- (l) Meets qualification/prequalification requirements as set forth in this RFP
- (m) Inclusion of M/W/DSBE participation as prime contractors, subcontractors, joint venture partners and employees in respondent's proposal;
- (n) Any other factors the DRWC considers relevant to the evaluation of the proposal.

VI. CONFIDENTIALITY, RESPONSIBILITIES, AND NON-DISCRIMINATION

Confidentiality and Public Disclosure:

The successful applicant shall treat all information obtained from DRWC which is not generally available to the public as confidential and proprietary to DRWC. The successful applicant shall exercise all reasonable precautions to prevent any information derived from such sources from being disclosed to any other person. The successful applicant agrees to indemnify and hold harmless DRWC, their officials and employees, from and against all liability, demands, claims, suits, losses, damages, causes of action, fines and judgments (including attorney's fees) resulting from any use or disclosure of such confidential and/or proprietary information by the successful applicant or any person acquiring such information, directly or indirectly, from the successful applicant or through this RFP process.

By submission of a proposal, applicants acknowledge and agree that DRWC is subject to state and local disclosure laws and, as such, are legally obligated to disclose public documents, including proposals, to the extent required hereunder. Without limiting the foregoing sentence, DRWC's legal obligations shall not be limited or expanded in any way by an applicant's assertion of confidentiality and/or proprietary data.

Prime Provider/Contractor Responsibility:

The selected applicant will be required to assume responsibility for all services described in their proposals whether or not they provide the services directly. DRWC will consider the selected applicant as the sole point of contact with regard to contractual matters.

Disclosure of Proposal Contents:

Subject to the public disclosure requirements stated above, cost and price information provided in proposals will be held in confidence and will not be revealed or discussed with competitors. All material submitted as part of the RFP process becomes the property of DRWC and will only be returned at DRWC's option. Proposals submitted to DRWC may be reviewed and evaluated by any person other than competing vendors. DRWC retains the right to use any/all ideas presented in any reply to this RFP. Selection or rejection of a proposal does not affect this right.

Non-Discrimination:

The successful vendor, as a condition of accepting and executing a contract with DRWC through this RFP, agree to comply with all relevant sections of the Civil Rights Act of 1964, the Pennsylvania Human Relations Act, Section 504 of the Federal Rehabilitation Act of 1973, and the Americans with Disabilities Act, hereby assuring that:

The provider agency does not and will not discriminate against any person because of race, color, religious creed, ancestry, national origin, age, sex, sexual orientation, handicap or disability in providing services, programs or employment or in its relationship with other provider contractors.

Miscellaneous:

DRWC reaffirm their right to make any selection it deems prudent, and responding firms or individual participants acknowledge through their participation that such selection is not subject to protest or contest.

The successful applicant selected will perform a variety of duties as agreed upon in the final negotiated contract. The selected applicant and DRWC will finalize the contract terms and conditions. If DRWC and the selected applicant are unable to agree on terms and conditions, DRWC may exercise its right to negotiate with other eligible vendors.