

City of Los Alamitos

Agenda Report Consent Calendar

August 19, 2013
Item No: 8E

To: Mayor Warren Kusumoto & Members of the City Council

Via: Gregory D. Korduner, Interim City Manager

From: Steven A. Mendoza, Director of Community Development

Subject: Approval and Release of Request for Proposal for ADA Self Evaluation and Transition Plan

Summary: To meet the requirement of the Americans with Disabilities Act (ADA), it is necessary for the City to develop an ADA Self-Evaluation and Transition Plan. Toward that effort, the City has developed a Request for Proposal (RFP) to secure qualified firms to develop this plan.

Recommendation: Approve the release of the Request for Proposal.

Background

The Americans with Disabilities Act (ADA) is a comprehensive Civil Rights law for persons with disabilities in both employment and the provision of goods and services. The ADA states that its purpose is to provide a "clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." Congress emphasized that the ADA seeks to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for people with disabilities.

Discussion

The City of Los Alamitos is required to develop an ADA Self-Evaluation and Transition Plan to fulfill the requirements set forth in Title II of the Americans with Disabilities Act. The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This report will assist the City of Los Alamitos to identify policy, program, and physical barriers to accessibility and to develop barrier removal solutions that will facilitate the opportunity of access to all individuals.

The development of a Transition Plan is a requirement of the federal regulations implementing the Rehabilitation Act of 1973, which requires that all organizations receiving federal funds make their programs available without discrimination toward people with disabilities. The Act, which has become known as the "Civil Rights Act" of persons with disabilities, states that:

No otherwise qualified handicapped individual in the United States shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. (Section 504)

Subsequent to the enactment of the Rehabilitation Act, Congress passed the Americans with Disabilities Act on July 26, 1990. Title II of the ADA covers programs, activities, and services of public entities. The Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those provided by the nondiscrimination provisions of Title V of the Rehabilitation Act.

Specifically, the City may not, either directly or through contractual arrangements, do any of the following:

- Deny persons with disabilities the opportunity to participate as members of advisory boards and commissions.
- Deny persons with disabilities the opportunity to participate in services, programs, or activities that are not separate or different from those offered others, even if the City offers permissibly separate or different activities.
- In determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities.
- Title II of the ADA provides that public entities must identify and evaluate all programs, activities and services and review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services. This report and certain documents incorporated by reference, establishes the City's ADA Self-Evaluation and Transition Plan.

The Self-Evaluation is the City's assessment of its current policies, practices, and procedures. The Self-Evaluation identifies and makes recommendations to correct those policies and practices that are inconsistent with Title II requirements. As part of the Self-Evaluation, the City:

- Identified the City's programs, activities, and services; and
- Reviewed the policies, practices, and procedures that govern the administration of the City's programs, activities, and services.
- The ADA sets forth specific requirements for preparation of an acceptable Transition Plan. This plan includes:

- A list of the physical barriers in the City's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
- Planning level cost estimates for their removal;
- A schedule for taking the steps necessary to achieve compliance with the ADA, Title II; and
- The name of the individual responsible for the plan's implementation.

There are two kinds of accessibility:

- Program accessibility; and
- Physical accessibility

Absence of discrimination requires that both types of accessibility be provided. Programmatic accessibility includes physical accessibility, but also entails all of the policies, practices, and procedures that permit people with disabilities to participate in programs and to access important information. Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services. Program accessibility may be achieved by either structural or non-structural methods. Non-structural methods include acquisition or redesign of equipment, assignment of aides to beneficiaries, and provision of services at alternate sites. Programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

Fiscal Impact

There is no Fiscal Impact in releasing the RFP.

Submitted By:



Steven A. Mendoza
Director of Community Development

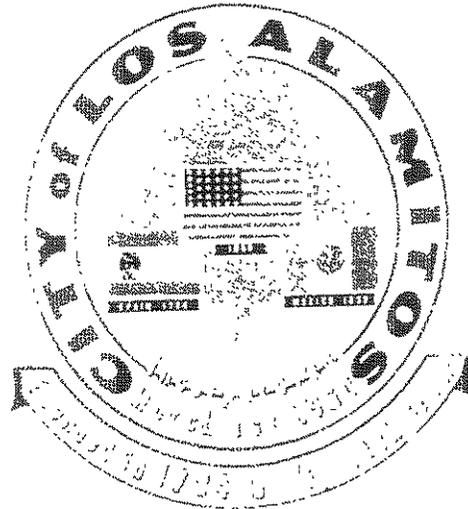
Approved By:



Gregory D. Korduner
Interim City Manager

Attachment: 1. Request for Proposal

CITY OF LOS ALAMITOS



REQUEST FOR PROPOSAL ADA Self Evaluation and Transition Plan

Submittal Deadline:
2:00 p.m.
Tuesday, September 24, 2013

RFP Prepared by and Proposals to be provided to:

City Manager
3191 Katella Avenue
Los Alamitos, California 90720
(562) 431-3538, ext. 249
e-mail address: Gkorduner@cityoflosalamitos.org

RFP Available online at:
<http://cityoflosalamitos.org/City Attorney RFP>

SECTION I - INTRODUCTION

A: Background

The City of Los Alamitos invites qualified firms to submit Proposals for the attached Scope of Services. The City is considering a contract with a one (1) year term.

The City of Los Alamitos incorporated in 1960, and is located on the Northwest edge of Orange County. It is situated North of Seal Beach, East of Long Beach, South of Hawaiian Gardens, and West of Cypress. The City encompasses 4.3 square miles with a small population of approximately 12,000. The City is mature, urbanized, and, for the most part, built-out. Half of the community's 4.3 square miles is the federally operated Joint Forces Training Base (JFTB). The City Manager is hired by the City Council and oversees all day to day operations. Consultant will receive direction from both City Manager and the Community Development Director.

For more information about the City, please visit the City website at <http://cityoflosalamitos.org/>.

B: Proposed Schedule

SCHEDULE	
Council to Approve RFP Release	8/19/13
Distribution of RFP (advertised)	8/21/13
RFP Submittal Deadline Noon	9/24/13
Scoring to be Completed by City Staff	TBD
Staff to Select Top Proposers	TBD
Notify Top Proposers	TBD
Staff to Conduct Interviews	TBD
Council Award of Contract	10/21/13
Contract Effective Date	10/22/13

C: Instructions to Proposers and Procedures for Submittal

One (1) original and two (2) copies of the Proposal must be submitted in a sealed envelope and submitted to the following address:

**City of Los Alamitos
Attn: City Manager
3191 Katella Avenue
Los Alamitos CA 90720**

Proposers are solely responsible for ensuring their Proposal is received by the City in accordance with the solicitation requirements, before Submittal Deadline, and at the place specified. Postmarks will not be accepted in lieu of actual delivery. No oral,

telegraphic, electronic, facsimile, or telephonic Proposals or modifications will be considered. The City shall not be responsible for any delays in mail or by common carriers or by transmission errors or delays or mistaken delivery. Delivery of Proposals shall be made at the office specified in this REQUEST FOR PROPOSALS. All Proposals shall become the property of the City. Late Proposals will not be accepted and will be returned to the Proposer unopened.

SECTION II - PROPOSAL RESPONSE REQUIREMENTS

Proposers shall submit one (1) original Proposal marked "ORIGINAL" and two (2) copies on or before the Submittal Deadline. If discrepancies are found between the copies, or between the original and copy or copies, the "ORIGINAL" will provide the basis for resolving such discrepancies. If no document can be identified as original bearing original signatures, Proposer's Proposal may be rejected at the discretion of the City.

It is imperative that all Contractors responding to the RFP comply exactly and completely with the instructions set forth herein. Proposals must be concise but with sufficient detail to allow accurate evaluation and comparative analysis. Proposals should be straightforward and provide "layman" explanations of technical terms that are used. Emphasis should be concentrated on conforming to the RFP instructions, responding to the RFP requirements, and on providing a complete and clear description of the offer. Proposal should be concise and be able to properly convey all information within ten pages. All Proposals shall include the following information:

A: Letter of Transmittal

Please include a brief introduction and history of your firm. Be sure to state why you believe that your firm is the best qualified to provide such services to the City of Los Alamitos.

B: Company Data:

Please submit the following information:

1. Official firm name and address.
2. Name, address, telephone number and email address of the Proposer's point of contact.
3. Indicate what type of entity (corporation, company, joint venture, etc). Please enclose a copy of the Joint Venture Agreement if entity is a joint venture.
4. Federal Employer I.D. Number.
5. The address, telephone numbers and fax numbers of each of your firm's locations.

6. A detailed statement indicating whether Proposer is totally or partially owned by another business organization or individual.
7. Number of years Proposer has been in business under the present business name.
8. All comparable contracts currently in effect. Please indicate:
 - Contracting Agency
 - Year Contract Started
 - Type of Contract
9. Please describe areas of specialization provided by the Proposer.
10. Any failures or refusals to complete a contract and explanation.
11. Financial interests in other lines of business.
12. Known conflicts of interest.

C: Proposals

Please describe your firm's qualifications for providing such services to the City of Los Alamitos. Proposal should be concise and be able to properly convey all information within ten pages.

1. Identify the individual that you propose for the task and indicate the number of years of experience.
2. The overall capabilities, qualifications, training and areas of expertise of the firm.
3. Identify the location of the office(s) serving the City. If office hours at City Hall are necessary, please specify the day(s) of week and hours.
4. Identify the support personnel that would work with the City and provide a brief description of their function. Include any changes you would propose, now or in the future, should your firm be awarded a contract with the City.
5. Describe systems/methods that would be utilized to provide services in a cost effective manner.
6. The City of Los Alamitos will require the firm with which a contract is established, prior to commencement of work, to provide evidence of appropriate insurance coverages. Proposer shall indicate the willingness and ability to submit proof of the required insurance coverage prior to execution of the contract.
7. The City seeks to identify and avoid any conflicts or possible conflicts of interest. The City reserves the right to prohibit participation, if a significant conflict of interest is determined to exist. Please address the following:

- a) Please list any political contributions of money, in-kind services, or loans made to any member of a City Council within the last ten years by the firm.
 - b) Please list all public agency clients for which your firm currently provides services.
 - c) Please list all public agency clients for which your firm previously provided services over the last ten years.
8. Describe any special services that may be provided by your firm to the City of Los Alamitos.

D: References:

Proposer to provide three (3) references for which Proposer has provided similar services as set forth in the RFP within the last five (5) years. Include name of business, name of contact person, telephone number of contact person, description of services provided.

E: Compensation/Payment Schedule:

Proposer is required to submit their cost proposal in the format outlined in Section V.

SECTION III - PROPOSAL EVALUATION AND SELECTION

City Staff will evaluate all Proposals received in accordance with the Evaluation Criteria. The City reserves the right to establish weight factors that will be applied to the criteria depending upon order of importance. Weight factors and evaluation scores will not be released until after award of Proposal. The City shall not be obligated to accept the lowest priced Proposal, but will make an award in the best interests of the City after all factors have been evaluated.

Selection of qualified Proposers will be based on the following criteria as set forth herein. Criteria are listed in random sequence and are not considered in any rank or order or importance. Interviews will be held with the most qualified respondents. The recommended Proposal will be submitted to the City Council for contract approval.

The Proposal will be evaluated on the basis of the response to all questions and requirements of this RFP. The City shall use some or all of the following criteria in its evaluation:

- 1. Experience of the firm, particularly of staff assigned to supervise and administer this contract.
- 2. Education and experience of personnel assigned.



3. Demonstrated knowledge of public agencies, particularly smaller comparable municipalities.
4. Understanding of the needs and requirements of the City.
5. Quality of references.
6. Proposed costs.
7. Content, quality, completeness and form of submitted proposal.
8. Interviews.

SECTION IV - SCOPE OF SERVICES

SCOPE OF WORK

Prepare a Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan to include identification of potential architectural and communications barriers which may limit access in City owned facilities, including access to public transportation, sidewalk and road barriers. Other facilities to be audited include public spaces such as parking and recreational facilities. Services shall include site and program accessibility compliance audits to provide the basis for identification, prioritization, budgeting, and implementation of plans which assist the City in its continuing efforts to comply with accessibility requirements as required by the ADA and State of California Access Codes.

A Findings and Implementation Report must be submitted which identifies barriers to access, prioritizes or rates them by impact and proposes remedial steps to mitigate, remove or otherwise address identified barriers. Priorities should be established which reflect the ADA guidelines. The following City of Los Alamitos facilities shall be included in the plan:

Facility	Address
1. City Hall	3191 Katella Avenue
2. Council Chamber	3191 Katella Avenue
3. Police Department	3201 Katella Avenue
4. Police Parking (Leased)	3201 Katella Avenue
5. Recreation Facility	10821 Oak street
6. Youth Center	10909 Oak Street
7. LATV Studio/City Storage	10909 Oak Street
8. Museum	11062 Los Alamitos



	Boulevard
9. City Owned Parking Lot	10902 Pine Street
10. Labourdette Park	4401 Howard Avenue
11. Laurel Park (courts, fields, parking)	10862 Bloomfield
12. Orville Lewis Park	3662 Kempton
13. Little Cottonwood Park	4000 Farquar
14. Soroptimist Park	10822 Pine Avenue
15. Stansbury Park	3691 Toland Avenue
16. Sterns Park	3871 Farquar Avenue
17. Roberts Park	10911 Oak Avenue
18. Fenley Pump Station	Fenley Avenue

1. Consultant shall complete an Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan.
2. Identify and obtain all necessary documents and materials to conduct the audit process and survey.
3. Review City policies, documentation and program execution procedures to identify issues which may be discriminatory to people with disabilities. Policy documents will include City policy documents that affect the public. The review should evaluate current level of program accessibility, including eligibility requirements, participation requirements, facilities used, staffing transportation, communications and emergency procedures.
4. Produce Facility Diagrams of public building interiors and exteriors for use in the ADA Transition Plan. Diagrams should note location of architectural barriers. If available, the City will provide any existing blueprints, CAD files, emergency evacuation diagrams, or other graphics or information that portrays City facilities.
5. Conduct surveys of the portions of all public use and interior features of the sites and buildings listed in above that provide programs, services or activities to the public will be surveyed. The survey will identify physical barriers in each facility that limit accessibility and compare each facility to the State Title 24 Building Code and the Federal ADA Accessibility Guidelines (ADAAG).
6. Building and surrounding elements to be included in the facilities survey will include if applicable:
 - Building and Site Features:
 - Parking Areas

- Passenger Loading Zones
- Curb Ramps
- Walks and Pedestrian Paths
- Ramps
- Stairs
- Restrooms
- Auditorium
- Locker Rooms
- Kitchens / Kitchenettes
- Eating / Vending Areas
- Hazards (overhanging and protruding Recreation Feature objects)
- Doors and Gates
- Signs
- Drinking Fountains
- Telephones
- Building Levels and Lifts
- Elevators
- Turnstiles
- Transaction Counters
- Game and Sports Areas
- Grandstands / Bleachers
- Sprinklers
- Picnic Areas
- Site Furnishings
- Fixed Benches
- Wood Stoves and Fireplaces
- Storage Facilities for Mobility Devices

Types of Spaces:

- Corridors / Aisles
- Rooms
- Multiple User and Single Occupant Restrooms
- Utilities in Recreation Areas
- View Areas
- Play Equipment Areas (access to area only)

7. Develop Facility Reports for each site and building, detailing each item found to be in noncompliance. The reports will become the property of the City of Los Alamitos for future reference and update as needed.

8. Reports must include:

- Listing of each specific barrier encountered during the survey process.
- A feasible conceptual solution to resolving the barrier.
- Planning level cost estimates for the removal of each barrier.
- Priority Level.



9. Evaluate the City's baseline condition for sidewalks and curb ramps in the Public Right of Way leading to public buildings and sites and develop a prioritized plan for accessibility compliance.

10. Prepare the Self-Evaluation and Transition Plan to include the following:
 - Review of Policies and Findings
 - Findings of Evaluation of Programs, Activities and Services
 - Findings of Facility Surveys
 - One (1) *PDF* copy of the Transition Plan to City Staff for copying and distribution.

11. Prepare and present a Presentation of Findings and Q&A session for City Management to clarify information and finalize process.

12. The Transition Plan shall be completed no later than April 1, 2014 so that implementation of the Plan can be included in the City's budget for the following fiscal year, commencing on July 1, 2014.

SECTION V - COMPENSATION

It is expected that all services will be billed monthly with reimbursable expenses listed separately.

A: Hourly Rates

Identify your proposed billing rates as shown in the format displayed below. This table is just a sample. Please provide all appropriate titles and rates.

Labor Rates	
Principal	\$_____ per hour
Associate	\$_____ per hour

Please list your minimum unit of time. For example: 6 minutes, 8 minutes, etc.

B: Reimbursable Expenses

Identify your reimbursable expense unit rates as shown in the format displayed below. This table is just a sample. Please provide all applicable reimbursable expenses and unit rates.

Reimbursable Costs



Mileage	\$ _____ per
Reproduction Charges	\$ _____ per

C: Rate Adjustments

Proposer must state if the proposed rates are guaranteed for the term of the contract or if it is subject to adjustments. If subject to adjustments, Proposer must state the frequency of adjustments and how adjustments are determined.

D: Payment

The City requests a monthly itemized statement which indicates work completed and hours of service rendered. The City shall, within 45 days of receiving such statement, review the statement and pay all approved charges.

Please indicate if your firm is agreeable to this payment arrangement. If not, please describe your firm's preference for method of payment, payment terms, and your procedure for billing of retention, hours, and expenses and any other accounting requirements.

SECTION VI - GENERAL CONDITIONS

AUTHORIZED SIGNATURES. Every Proposal must be signed by the person or persons legally authorized to bind the Proposer to a contract for the execution of the work. Upon request of the City, any agent submitting a Proposal on behalf of a Proposer shall provide a current power of attorney certifying the agent's authority to bind the Proposer. If an individual makes the proposal, his or her name, signature, and post office address must be shown. If a firm or partnership makes the Proposal, the name and post office address of the firm or partnership and the signature of at least one of the general partners must be shown. If a corporation makes the Proposal, the Proposal shall show the name of the state under the laws of which the corporation is chartered, the name and post office address of the corporation and the title of the person signing on behalf of the corporation.

AWARD OF PROPOSAL. Award will be made to the Proposer offering the most advantageous Proposal after consideration of all Evaluation Criteria set forth in Section III. The criteria are not listed in any order of preferences. An Evaluation Committee will be established by the City. The Committee will evaluate all Proposals received in accordance with the Evaluation Criteria. The City reserves the right to establish weight factors that will be applied to the criteria depending upon order of importance. Weight factors and evaluation scores will not be released until after award of Proposal. The City shall not be obligated to accept the lowest priced Proposal, but will make an award in the best interests of the City after all factors have been evaluated.

Discussions may, at the City's option, be conducted with responsible Proposers who submit Proposals determined to be potentially selected for an award. Discussions may

be for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of Proposals. In conducting discussions, the City will not disclose information derived from Proposals submitted by competing Proposers.

CANCELLATION OF SOLICITATION. The City may cancel this solicitation at any time.

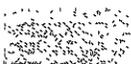
COMPLIANCE WITH LAWS. All Proposals shall comply with current federal, state, and other laws relative thereto.

CONTRACT DOCUMENTS, EXAMINATION OF. It is the responsibility of the Proposer to thoroughly examine and be familiar with these RFP documents, general conditions, all forms, specifications, and addenda (if any), referred to as Contract Documents. Proposer shall satisfy himself as to the character, quantity, and quality of work to be performed and materials, labor, supervision, necessary to perform the work as specified by the Contract Documents. The failure or neglect of the Proposer to examine the Contract Documents shall in no way relieve him from any obligations with respect to the solicitation or contract. The submission of a Proposal shall constitute an acknowledgment upon which the City may rely that the Proposer has thoroughly examined and is familiar with the Contract Documents. The failure or neglect of a Proposer to receive or examine any of the Contract Documents shall in no way relieve him from any obligations with respect to the Proposal. No claim will be allowed for additional compensation that is based upon a lack of knowledge of any solicitation document.

COSTS. The City is not liable for any costs incurred by Proposers before entering into a formal contract. Costs of developing the Proposals or any other such expenses incurred by the Proposer in responding to the RFP, are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the City. No reimbursable cost may be incurred in anticipation of award.

DISQUALIFICATION OF PROPOSER. If there is reason to believe that collusion exists among the Proposers, the City may refuse to consider Proposals from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one Proposal for the same work unless alternate Proposals are called for. Reasonable grounds for believing that any Proposer is interested in more than one Proposal for the same work will cause the rejection of all Proposals for the work in which a Proposer is interested. If there is reason to believe that collusion exists among the Proposers, the City may refuse to consider Proposals from participants in such collusion. Proposers shall submit as part of their Proposal documents the completed Non-Collusion Affidavit provided herein.

INTERPRETATION OF CONTRACT DOCUMENTS. City reserves the right to make corrections or clarifications of the information provided in this RFP. If any person is in doubt as to the true meaning of any part of the specifications or other contract documents, or finds discrepancies or omissions in the specifications, he or she may submit to the City a written request for an interpretation or correction.



Oral statement(s) interpretations or clarifications concerning meaning or intent of the contents of this RFP by any person are unauthorized and invalid.

Requests for interpretations shall be made in writing and delivered to City Manager, City of Los Alamitos, 3191 Katella Avenue, Los Alamitos CA 90720 at least ten (10) days before the Submittal Deadline.

The requesting party is responsible for prompt delivery of any requests. When the City considers interpretations necessary, interpretations will be in the form of an addendum to the Contract Documents, and when issued, will be sent as promptly as is practical to all parties recorded by the City as having received Contract Documents. All such addenda shall become a part of the contract. It is the responsibility of each Proposer to ensure the City has their correct business name and address on file. Any prospective Proposer who obtained a set of Contract Documents is responsible for advising the City that they have a set of Contract Documents and wish to receive subsequent addenda.

IRREGULARITIES. City reserves the right to waive non-material irregularities if such would be in the best interest of the City as determined by the City Council.

NON-EXCLUSIVE CONTRACT. The successful Proposer will enter into a NON-EXCLUSIVE contract and the City reserves the right to enter into agreements with other firms for services.

OFFERS OF MORE THAN ONE PRICE. Proposers are NOT allowed to submit more than one Proposal.

NO OBLIGATION: The release of this RFP does not obligate nor compel the City to enter into a contract or agreement.

PAYMENT TERMS. Discounts for payments made within 20 days from receipt of invoice will be considered in award of Proposal. Payment discounts must be clearly shown in the Proposal.

PROPOSAL, REJECTION OF. The City reserves the right to reject any or all Proposals or any part of a Proposal. The City reserves the right to reject the Proposal of any Proposer who previously failed to perform adequately for the City or any other governmental agency. The City expressly reserves the right to reject the Proposal of any Proposer who is in default on the payment of taxes, licenses or other monies due the City.

PROPRIETARY INFORMATION. Proposals must **NOT** be marked as confidential or proprietary. City may refuse to consider a Proposal so marked. Information in Proposals shall become public information and is subject to disclosure laws.

PUBLIC OPENING: There will be a public opening of Proposals. Prices and other Proposal information shall not be made public until the Proposal is awarded. At that



time the submitted Proposal information and executed contract will become public information.

SEVERABILITY. If any provisions or portion of any provision, of this contract are held invalid, illegal or unenforceable, they shall be severed from the contract and the remaining provisions shall be valid and enforceable.

SUBCONTRACTOR INFORMATION. If the Proposal includes the use of subcontractors, Proposer must identify specific subcontractors and the specific requirements of this RFP for which each proposed subcontractor would perform services.

SUBCONTRACTOR REFERENCES. For all subcontractors that will be used on this project, Proposers must provide a minimum of two references from similar projects performed for any local government clients within the last three years. Information provided shall include:

- a. Client name;
- b. Project description;
- c. Dates (starting and ending);
- d. Technical environment;
- e. Staff assigned to reference engagement that will be designated for work per this RFP;
- f. Client project manager's name and telephone number.

TERMS OF THE OFFER. The City reserves the right to negotiate final contract terms with the Proposer selected. The contract between the parties will consist of the City Agreement, the RFP together with any modifications thereto, the awarded Proposer's proposal, and all modifications and clarifications that are submitted at the request of the City during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications and clarifications to the awarded Proposer's proposal, and the awarded Proposer's Proposal. Specific exceptions to this general rule may be noted in the final executed contract. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the City in evaluation of the Proposal. Proposer misrepresentation shall be treated as fraudulent concealment from the City of the facts relating to the Proposal.

VALIDITY. Proposal must be valid for a period of 90 days from the due date.

WITHDRAWAL OF PROPOSAL. Proposers' authorized representative may withdraw Proposals only by written request received by the City Manager before the Proposal Submittal Deadline.



NON-COLLUSION AFFIDAVIT

I, _____, being first duly sworn, deposes and says that he or she is _____ of _____ the party making the attached Proposal; that the Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the Proposal is genuine and not collusive or sham; that the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a false or sham Proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any Proposer or anyone else to put in a sham Proposal, or that anyone shall refrain from proposing; that the Proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the Proposal price of the Proposer or any other Proposer, or to fix any overhead, profit, or cost element of the Proposal price, or of that of any other Proposer, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the Proposal are true; and, further, that the Proposer has not, directly or indirectly, submitted his or her Proposal price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, Proposal depository, or to any member or agent thereof to effectuate a collusive or sham Proposal.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Name of Proposer _____

Signature _____

Name _____

Title _____

Dated _____

