

**REQUEST FOR PROPOSALS**

for

**Consultant Services for Zoning Ordinance Rewrite**

January 28, 2013

Department of Planning and Development

City of Providence, Rhode Island

## Terms and Requirements for Bidding

**Item Description:** Request for Proposals for Consultant Services for Zoning Ordinance Rewrite

**Date and Time to be opened:** February 25, 2013 at 2:15 PM

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

### Instructions

1. Vendors must submit sealed bids in the bid envelope provided (or in an envelope clearly labeled with the above captioned item or work). The bid envelope and information relative to the bid must be addressed to:

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

2. Communications to the Board of Contract and Supply that are not competitive sealed bids (i.e. product information/samples) should have **"NOT A BID"** written on the envelope or wrapper.
3. Bids must meet the attached specifications. Any exceptions or modifications must be noted and fully explained.
4. Bidder's responses must be in ink or typewritten, and all blanks on the bid form should be completed.
5. The price or prices proposed should be stated both in **WRITING** and in **FIGURES**, and any proposal not so stated may be rejected.
6. Bids **SHOULD BE TOTALED**. Do not group items: price each item individually. Awards may be made on the basis of **total** bid or by **individual items**.
7. Each bidder is required to state in his proposal his full name and place of residence; and must state the names of all persons or firms with whom he is submitting a joint bid. All bids **SHOULD BE SIGNED IN INK**.

## Notice to Vendors

1. The Board of contract and Supply will make the award to the lowest responsible bidder who submits bid.
2. No proposal will be accepted if made in collusion with any other bidder.
3. A bidder who is an out-of-state corporation shall qualify or register to transact business in this State, in accordance with R.I. General Laws (as amended). Sections 7-1.1-99, 7-1.1-105. 7-1.1-106
4. The Board of Contract and Supply reserves the right to reject any and all bids(s).
5. In determining the lowest responsible bidder, cash discounts for payment less than thirty (30) days will not be considered.
6. Where prices are the same, the Board of Contract and Supply reserves the right to award to one bidder, or to split the award.
7. Competitive prices may be obtained by all bidders attending formal bid opening. After a reasonable lapse of time, tabulation bids may be seen by applying in person at the Department of the City clerk, City Hall, Providence. Telephone or written requests for the above will not be honored.
8. As the City of Providence is exempt from the payment of Federal Excise Taxes and Rhode Island Sales Tax, prices quoted are not to include these taxes.
9. In case of error in the extension of prices quoted, the unit price will govern.
10. The contractor will not be permitted to either assign or underlet the contract, nor assign either legally or equitably any moneys hereunder. Or its claim thereto without the previous written consent of the City Purchasing Director.
11. Delivery dates must be shown in your bid. If no delivery date is specified, it will be assumed that an immediate delivery from stock will be made.
12. A certificate of insurance may be required of a successful vendor.
13. Bids may be submitted on an "equal" in quality basis. We reserve the right to decide equality. Bidders must indicate brand or the make being offered and submit detailed specifications if other than brand requested.
14. For contracts involving construction, alteration and/or repair work, the provisions of State Labor Laws concerning payment of prevailing wage rates apply (See R.I. General Laws Sec. 37-13-1 et seq. as amended)
15. No goods should be delivered or work started without a Purchase Order.
16. **Please submit one original and four copies of your bid to the City Clerk.**
17. Vendor must certify that it does not unlawfully discriminate on the basis of race, color, national origin, gender, sexual orientation and/or religion in its business and hiring practices and that all its employees are lawfully employed under all applicable federal, state and local laws, rules and regulations.

## CERTIFICATION OF BIDDER

(Non-Discrimination/Hiring)

Upon behalf of \_\_\_\_\_  
(Bidder's Name)

I, \_\_\_\_\_,  
(Name of Person Making Certification)

being its \_\_\_\_\_, hereby certify that:  
(Title of Person Making Certification)

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

Witness my hand, duly authorized on behalf of Bidder, on this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Bidder's Name: \_\_\_\_\_

By: \_\_\_\_\_  
(Printed Name)

Title: \_\_\_\_\_

## Construction and Service Bid Terms

1. The Board of Contract and Supply will not consider any bid unless it is accompanied by a CERTIFIED CHECK FOR \$ 0 to be deposited with the City Clerk as a guarantee that the Contract will be signed and delivered by the bidder; **Required** ☐ **Not Required** ☒

OR

2. The Board of Contract and Supply will not consider any bid not accompanied by a bid bond in the amount of 0 per centum (%) of the proposed total price, to be deposited with the City Clerk as a guarantee that the contract will be signed and delivered by the bidder; and in default thereof, the amount of such check or bid bond shall be retained for the use of the City as liquidated damages on account of such default. **Required** ☐ **Not Required** ☒
3. A performance and payment bond with a satisfactory surety company will be posted by the successful bidder in a sum equal to one hundred per centum (100%) of the awarded contract **Required** ☐ **Not Required** ☒
4. It is hereby mutually understood and agreed that no payment for extra work shall or will be claimed or made unless ordered in writing by the Board of Contract and Supply.
5. ~~Awards will be made within sixty (60) days of bid opening.~~ All bid prices will be considered firm, unless qualified otherwise. Requests for price increases will not be honored.
6. Failure to deliver within the time quoted or failure to meet specifications may result in default action in accordance with the general specifications. It is agreed that deliveries and/or completion are subject to strikes, lockouts, accidents and Acts of God.
7. Only one shipping charge will be applied in the event of partial deliveries for blanket or term contracts.
8. The successful bidder shall, prior to commencing performance under the contract, attach and submit evidence that they have complied with the provisions of the Rhode Island Worker's Compensation Act Title 28, Chapter 29, Section 1, et seq. (R.I.G.L.). If the successful bidder is exempt from compliance under the Worker's Compensation Act, an officer of the successful bidder shall so state by way of sworn Affidavit, which shall accompany the signed contract.
9. The successful bidder shall prior to commencing performance under the contract attach and submit a certificate of insurance, in a form and in the amount satisfactory to the City by which the successful bidder will indemnify and hold harmless the City during the term of the contract from and against all loss or damages arising from the performance under the contract including all claims for personal injury or damages to property sustained by third persons, or their agents, servants and/or those claimed under them.

**QUESTIONS OR REQUESTS FOR CLARIFICATION REGARDING THIS REQUEST FOR PROPOSALS (RFP) MAY BE SUBMITTED VIA EMAIL ONLY.**

Please send your questions or requests for clarification to Bonnie Nickerson (Deputy Director, Department of Planning and Development) at [bnickerson@providenceri.com](mailto:bnickerson@providenceri.com) and copy Darcy Charleson at [dcharleson@providenceri.com](mailto:dcharleson@providenceri.com). You must write "Zoning RFP Questions" as the subject line of your email. Questions or requests for clarification must be submitted by 4:30pm on January 11, 2013. After January 11<sup>th</sup>, answers to questions and requests for clarification will be posted to the Department's website at [www.providenceri.com/planning/rfp-for-consultant-services-for-zoning-ordinance](http://www.providenceri.com/planning/rfp-for-consultant-services-for-zoning-ordinance).

## **Introduction and Context**

The City of Providence Department of Planning and Development seeks to engage a consultant to rewrite the City's Zoning Ordinance so that it more accurately reflects the City's goals for a more sustainable future. The Zoning Ordinance will be revised to preserve, strengthen, and protect the historic pattern of development that is central to the character of the City, as well as to revitalize and further develop the mixed-use areas that can accommodate additional economic growth.

Providence's Zoning Ordinance has been changed incrementally over time to address changing conditions, but contains essentially the same foundation and outdated approach to urban development as the original 1951 ordinance. As a land development and regulatory tool, the current Zoning Ordinance can neither holistically, nor adequately, implement the City's stated goals for smart growth, sustainable, cultural, equitable and transit-oriented development. Despite the City's more recent adoption of several, innovative planning documents, practices and policies, the Zoning Ordinance lags behind as a tool to help implement the comprehensive vision of Providence's future.

Rethinking the Zoning Ordinance will require an analysis of the efficacy of existing regulations in several areas, in addition to a thorough analysis of the goals and policies of key City plans, including *Providence Tomorrow*, the Comprehensive Plan. The new ordinance will, at a minimum, incentivize transit-oriented development and density in key areas, preserve and enhance the existing character of residential neighborhoods and serve as a guide for innovative and sustainable development.

The process for revising the City's Zoning Ordinance will necessitate broad participation in the planning process from groups that have not traditionally been part of the decision-making process, or part of past discussions regarding land development regulations, policies and procedures.

## **Project Background**

In 2010, the U.S. Department of Housing and Urban Development's Office of Sustainable Housing and Communities awarded a Community Planning Challenge Grant to the City of Providence. With the goal of better connecting housing to jobs and to affordable, accessible transportation to create a strong, sustainable City, the City is completing the first or two major tasks related to the project.

Phase I of the project is the completion of transit and land use studies along the five busiest bus routes in the City, with the goal of increasing the effectiveness and efficiency of transit service on these routes with the highest ridership and creating community hubs at key nodes, aligned with key bus stops, along the corridors. Corridor studies are underway for the five busiest bus corridors in Providence—

Broad Street, North Main Street, and Elmwood, Chalkstone, and Manton avenues, and will be completed in early Spring, 2013. In addition to analyzing the location, spacing and level of passenger amenities at each bus stop, the corridor studies document jobs and employment centers, arts and cultural opportunities, housing and open space within a quarter mile of the corridors. The goal is to encourage mix-use development that is concentrated around transit stops, offering a range of housing choices to serve a variety of household types and income levels and to encourage and enhance arts and cultural opportunities at these community hubs that reflect the unique character of the neighborhoods where they are located.

As part of Phase I, the City developed a series of development scenarios for the community hub/development node locations along each of the five project corridors, documented existing arts and cultural opportunities and developed strategies to integrate arts and culture at the community hubs along the five study corridors. The goals and outcomes Phase I shall be considered and incorporated into the new Zoning Ordinance that is developed during Phase II of this project so that the ordinance better reflects the economic and cultural potential of the neighborhoods along those corridors, as well as the desires of residents and businesses. With a better understanding of how development can and will take shape across Providence, **the City is now seeking a consultant for Phase II of the project, a complete rewrite of the Providence Zoning Ordinance as a tool to implement the corridor plans and the City's overall livability and sustainability goals.** Through the new Zoning Ordinance, the consultant will develop creative responses to complex urban issues such as environmental health, mobility and social equity. The new zoning ordinance will be a significant investment that will enhance and promote the long-term health, competitiveness and vitality of the City of Providence.

The type of transit-oriented development that the City seeks to encourage and incentivize through a new Zoning Ordinance will create lively urban places and enable residents to enjoy a lifestyle that is less reliant on automobiles for personal travel needs. The new Zoning Ordinance will consider ways to encourage density bonuses and reduce off-street parking requirements citywide, including along the key transit corridors studied during Phase I of the project. The land use studies developed during Phase I of the project will be integrated into the City's new Zoning Ordinance and Development Review Regulations so that projects that create location-efficient housing and amenities along these key corridors and nodes will be incentivized and prioritized.

## **Previous Planning Efforts**

From 2007 to 2012, as part of the comprehensive planning process, neighborhood charrettes and neighborhood plans were completed for each of Providence's twenty-five neighborhoods and a new citywide Comprehensive Plan was created. The City's Comprehensive Plan, *Providence Tomorrow*, and the neighborhood plans call for the update of the Providence Zoning Ordinance to reflect the goals of livability and sustainability and for directing growth along commercial corridors at key nodes. The goals and priorities that were identified in each of those plans should be considered during the rewriting of the Providence Zoning Ordinance.

Two other important City plans should be also be referenced during the rewrite of the City's Zoning Ordinance: *GreenPrint*, Providence's strategic plan for creating a more sustainable city and accelerating the green economy, and *Creative Providence*, the City's cultural plan, which specifically calls for

increased access to transit service near cultural hubs and creative clusters, and suggests using transit to improve connections to and between neighborhood-based cultural activities.

In 2009, the Rhode Island Public Transit Authority (RIPTA), with support from the City of Providence, completed the *Metropolitan Providence Transit Enhancement Study*. As part of the study, ten key recommendations were made in order to meet the growing demand for transit within Providence and the surrounding metropolitan area and enable RIPTA to grow their vision for a multi-modal transit system. One of the ten recommendations, encouraging transit-oriented development, is a powerful way to strategically use infrastructure to promote sustainable urban growth. In order to support this shared vision shaped by RIPTA and the City, Providence must update our regulatory framework to encourage transit-oriented development. Increasing investment and enhancing transit are inextricably linked; added development warrants and supports transit enhancements, and transit investments catalyze additional growth and development. The new Zoning Ordinance will build upon RIPTA's efforts to enhance transit in Providence by encouraging development in key areas.

## **History of the Providence Zoning Ordinance**

The 1951 Zoning Ordinance of the City of Providence was simple and succinct, designating a total of ten zones, divided into three categories (residential, commercial and manufacturing/industrial), for the entire City. The 1951 Zoning Ordinance for the City of Providence, as Amended in 1979, was similar in size and structure to the original 1951 Zoning Ordinance, but accommodated for advancements in technology and infrastructure, and the needs of the modernizing City. Notable amendments to the 1951 Zoning Ordinance included the designation of the Historic District Zone and establishment of the Historic District Commission, which was intended to oversee and enforce the zone's purpose of preserving structures of historic and architectural value, and the designation of the Downtown Apartment Dwelling Zone, which permitted ground-floor, neighborhood-supportive retail uses in multifamily residential buildings in the downtown.

The 1994 Downcity Providence Master Plan and Implementation Plan, by Andres Duany and Elizabeth Plater-Zyberk, introduced the City's first foray into form-based zoning. Specific only to the City's downtown (Downcity), these complementary plans identified urban design recommendations and accompanying economic development and marketing strategies for revitalizing the downtown, which were later incorporated into the City's Comprehensive Plan. Although the foundation of the Master Plan's Downcity Code was form-based, the manner in which it was incorporated into the City's ordinance was typical of more traditional zoning. In 2012, the City adopted downtown zoning regulations that streamlined the approval process and, for the first time in the City's history, featured illustrations.

The current zoning ordinance, adopted in 1994 and amended several times thereafter, deviates from previous, suburban zoning and towards more urban zoning, capitalizing on the distinctive character of the many districts that comprise the City. While the regulations for residential, commercial and industrial districts largely carried over from the 1979 Ordinance, specific zoning districts within the City, such as the Waterfront and Downtown districts, have been subcategorized into smaller zoning districts to enhance and better preserve their cultural and economic assets. Urban design overlay districts within the City provide additional layers of protection and preservation of resources within historic areas, the downtown, and along certain commercial corridors. Additionally, institutional zones throughout the City



facilitate the growth of healthcare and educational institutions, while protecting adjacent residential neighborhoods. Also indicative of the City's advancements toward more urbanized zoning are the Ordinance's regulations for the unbuilt environment, including open space, public spaces and conservation districts.

## Scope of Work

The consultant will complete the following tasks:

1. ***Evaluate current zoning regulations in relation to goals identified in relevant City plans and create a document that captures this analysis.*** What elements of the current zoning ordinance do, and do not, work? Plans and reports for evaluation include:
  - The City's comprehensive plan— *Providence Tomorrow*
  - The *Providence Tomorrow* neighborhood plans
  - *GreenPrint*, Providence's strategic plan for creating a more sustainable city and accelerating the green economy
  - *Creative Providence*, the City's cultural plan
  - *Metropolitan Providence Transit Enhancement Study* (RIPTA)
  - Corridor studies previously completed as part of Phase I of this project
2. ***Review and evaluate current regulatory and development review processes. Provide initial recommendations for revising these processes to ensure efficient and successful implementation of the new Zoning Ordinance.***
3. ***Create a public engagement and public relations/communications plan for the project. Coordinate topic-based working group sessions to obtain input on the project.*** The consultant team will be required to create innovative graphic products (such as a "pocket guide" to zoning changes) to help guide conversations with the public and elected officials when discussing the purpose and goals of zoning rewrite process.

The consultant will work with a six to eight person steering committee to help guide the overall process and public engagement work. Representatives from relevant City departments will be included on the steering committee. Additionally, the consultant team will work with staff from the Department of Planning and Development to conduct briefings with elected officials throughout the revision process in order to address concerns from both sides and ensure broad support.

The consultant will also work with City staff to establish topic-based working groups to provide input (ex: urban design, housing, environmental sustainability) to maximize the efficacy of the new Zoning Ordinance's implementation of the principles of livability and sustainability. A series of topic-based working group meetings shall result in a list of recommendations from each working group.

The consultant will hold at least one, well-documented public charrette that involves a broad range of stakeholders and residents, ensuring inclusion of traditionally marginalized groups to gather input on the revision process. Engaging a large number of people— particularly groups that have traditionally been marginalized from land use policy decisions – in the decision-making process will be one of the key outputs of developing an innovative, progressive Zoning Ordinance that implements the City's goals.

4. **Analyze parking requirements and needs, with particular attention given to the City's goals of increasing transit use, transit-supportive density and mixed-use growth along key transit corridors.**
5. **Develop incentives for incorporating mixed-income housing, jobs, and arts and cultural opportunities into key development and transit nodes along the City's commercial corridors.**
6. **Identify progressive and environmentally-responsive strategies, such as low-impact development and green infrastructure, for managing stormwater.**
7. **Conduct trial applications of various, innovative zoning strategies, such as form-based, performance-based, context-based, incentive, and overlay district zoning.** Analyze pilot projects for each zoning strategy and identify which strategies might work best for Providence. Select the best strategy, or combination of strategies, to implement the City's livability and sustainability goals.
8. **Create a new Zoning Ordinance that includes appropriate strategies for implementing the City's livability and sustainability goals.** The Zoning Ordinance will include graphic illustrations that effectively clarify zoning terms and requirements in order to increase the document's readability and accessibility. The document will be simple, easy to use and understand, and graphically interesting.
9. **Provide guidance for reviewing development proposals involving non-conforming uses and dimensions.**
10. **Create a Zoning Ordinance User Manual to assist the public (property owners, developers, residents, etc) in interpreting the ordinance.**
11. **Create a Zoning Ordinance Training Manual to be administered during City staff training sessions.** Assist the City in conducting training sessions with staff in relevant City departments (the Department of Planning and Development, the Department of Inspections and Standards and the Law Department) to ensure proper implementation and enforcement of the new Zoning Ordinance.

**Please Note:**

**A law sub consultant must be included as part of the team** in order to advise the consultant team and City staff to ensure adherence with relevant state laws and procedures including the RI Enabling Act. The law sub consultant must be familiar with the RI Enabling Act and zoning and land use law in Rhode Island.

**A public relations/communications sub consultant must also be included as part of the team** in order to ensure efficient and effective communication with the public and with elected officials.

## **Budget**

The maximum budget for the consultant services as outlined in this Request for Proposals is \$390,000.00 (three-hundred and ninety thousand dollars). **Competitive bids are encouraged.** All proposals will be evaluated by the Department of Planning and Development based on a variety of criteria, including value for cost of the contract, as outlined in the Evaluation Criteria section of this Request for Proposals (RFP).

## Project Schedule

The Consultant shall prepare a schedule for conducting the project, broken out by discrete tasks. Consultant selection is anticipated to take place by the end of March 2013, with consultant interviews taking place in early March 2013. The Department of Planning and Development expects the project to commence in late **March 2013**. The required date for completion of the project is **August 1, 2014**.

## Consultant Submittals

One original and four copies of the proposal shall be received by 2:15 PM on February 25, 2013. At 2:15 PM, all bids will be publicly opened and read at the Board of Contract Meeting, City Council Chambers, third floor City Hall. *Proposals received after this date and time will not be accepted for consideration.*

### Proposals shall be addressed to:

Department of the City Clerk  
City Hall, Room 311  
25 Dorrance Street  
Providence, RI 02903

### Submittals shall include the following information, at a minimum:

1. **Cover Letter:** A letter signed by the bidding consultant, binding the consultant to all of the commitments made in the proposal.
2. **Statement of Qualifications and Experience**, including:
  - a. Relevant project experience/history
  - b. Name(s), business address, phone number, email addresses of individuals proposed to participate in all work efforts identified and needing to be performed to meet the intent of this project
  - c. Background, education, and relevant experience of all team members proposed to participate in all work efforts identified and necessary to meet the intent of the project.
  - d. Please submit at least three professional references including individual names, company names and contact telephone numbers.
3. **Proposed Approach to Scope of Work**, including:
  - a. A narrative of project understanding and overall approach
  - b. A description of how the consultant will conduct each of the tasks outlined in this RFP
  - c. A description of how the consultant will develop the products outlined in this RFP
  - d. A Proposed Project Schedule in accordance with the basic requirements of this RFP
4. **Insurance:** Proposers shall indicate their ability to obtain statements of insurance for the following:
  - a. General Liability coverage of \$1 million per occurrence and \$2 million in the aggregate
  - b. Motor Vehicle liability coverage of \$1 million combined single limit
  - c. Proof of workers compensation coverage per State of Rhode Island
  - d. Professional errors and omissions coverage of \$1 million

The successful consultant will be required to provide statements of insurance acceptable to the City of Providence prior to execution of contracts with the City being listed as an additional insured for general liability and motor vehicle coverage.

5. **Cost & Manpower Proposal:** The City requests that proposers submit an itemized cost and manpower breakdown or “budget estimate” that includes number of hours required for each proposed work task and hourly rates for all team members involved.

All cost assumptions must be clearly documented. Subcontractor and direct cost items should also be identified. For tasks to be performed on a time and expense basis, an hourly billing rate sheet must be submitted including anticipated personnel and their involvement in the project.

## **Evaluation Criteria**

All proposals will be evaluated by the Department Planning and Development based on the following criteria using a five point per criterion ranking system. A score of 1 (one) will be given where little or no experience is demonstrated. A score of 5 (five) will be given where the proposer clearly demonstrates expertise and extensive experience in the evaluation category.

1. Experience with the creation of similar zoning ordinances with a strong history of successful adoption and implementation of zoning ordinances
2. Familiarity with Providence and best practices from other industrial cities
3. Responsiveness of proposed scope of work to the scope of work presented in this RFP
4. Responsiveness of proposal to project schedule presented in this RFP
5. Quality of responses from directly relevant references
6. Relevance, brevity, and overall quality of proposal
7. Value for cost of the contract

## **Interviews**

The Department of Planning and Development may choose to interview proposers prior to awarding a contract. Consultant interviews are anticipated to take place in early March 2013.

## **Consultant Selection**

The Department of Planning and Development review team will meet to discuss and compare the evaluation criteria rankings assigned by each team member. The review team will then present its recommendations to the City of Providence for contract award. Consultant selection is expected to be made in mid to late March 2013.

## General Terms and Conditions

1. The City of Providence reserves the right to reject any or all proposals, waive technicalities, to advertise for new proposals, to negotiate revisions to the scope of work, project schedule and cost proposal, and to make awards as may be deemed to be in the best interest of the City.
2. Reports, illustrations, plans and other materials developed by the successful proposer under a contract that may result from this Request for Proposals (RFP) are considered public information and may not be copyrighted.
3. Proposers must submit complete responses to all of the information requested. Proposers who do not respond to the entire content of the RFP may be disqualified.
4. The successful consultant will assume sole responsibility for the complete project as required in this RFP. The City of Providence will consider only one individual/firm/company as the sole point of contact with regard to contract matters, whether or not subcontractor(s) are used for one or more parts of this project.
5. Proposers who intend to subcontract one or more elements of this project to other firms/individuals shall identify those work elements to be subcontracted and the firm/individual subcontractor. All subcontractors shall be included in the proposer's statement of qualifications. Subcontractors may not be substituted, nor any portions of the contract assigned to other parties after contract award without prior written approval by the City.
6. All contract services undertaken as part of the project will be procured in accordance with Department of Commerce Regulations at 15 CFR Part 14.
7. **QUESTIONS OR REQUESTS FOR CLARIFICATION REGARDING THIS REQUEST FOR PROPOSALS (RFP) MAY BE SUBMITTED VIA EMAIL ONLY.** Please send your questions or requests for clarification to Bonnie Nickerson (Deputy Director, Department of Planning and Development) at [bnickerson@providenceri.com](mailto:bnickerson@providenceri.com) and copy Darcy Charleson at [dcharleson@providenceri.com](mailto:dcharleson@providenceri.com). You must write "Zoning RFP Questions" as the subject line of your email. Questions or requests for clarification must be submitted by 4:30pm on February 15, 2013. After February 15, answers to questions and requests for clarification will be posted to the Department's website at [www.providenceri.com/planning/rfp-for-consultant-services-for-zoning-ordinance](http://www.providenceri.com/planning/rfp-for-consultant-services-for-zoning-ordinance).



## MINORITY AND WOMEN'S BUSINESS ENTERPRISE PROGRAM

### BIDDER INFORMATION AND FORMS:

**Contracting Agency:** \_\_\_\_\_

**Contract Number:** \_\_\_\_\_

**Contract Title:** \_\_\_\_\_

Pursuant to the City of Providence Code of Ordinances, Chapter 21, Article II, Sec. 21-52 (Minority and Women's Business Enterprise) and Rhode Island General Laws (as amended), Chapter 31-14, et seq. (Minority Business Enterprise), Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) participation goals apply to the contract.

The MBE goal is \_\_\_\_\_10% of total bid  
(20% total applied)

The WBE goal is \_\_\_\_\_10% of total bid

#### **Bid Requirements:**

Bid must include a commitment to utilize MBEs and WBEs at a percentage that equals or exceeds the contract goals stated above. Bidder must submit the following completed documents with the bid:

- 1.) MBE and WBE participation Disclosure Forms (**Part B1 and Part B2**)
- 2.) Statement of intent Forms (**Part C**)
- 3.) MBE/WBE Participation Affidavit (**Part D**)
- 4.) MBE/WBE Participation Waiver Request form (**Part E**) & Information on unsuccessful MBE/WBE contract, if applicable.
- 5.) Subcontractor utilization form (**Part F**), if applicable.

#### **Verifying Certification:**

Each bidder is responsible for verifying that all MBEs and WBEs that the bidder intends to use on a contract are certified by the Minority Business Enterprise Compliance office. A directory of certified MBEs & WBEs is available online at [www.mbe.ri.gov](http://www.mbe.ri.gov) (click "Directory Search" then search by "Produce or Service"). For questions, please call (401) 421-7740 Ext. 397 or Ext. 250.

The current MBE/WBE directory is also available at the State of RI MBE office, One Capitol Hill, 2nd Floor, Providence, RI 02903. Please call (401) 574-8253 to verify certification, expiration dates and services that the MBE/WBE is certified to provide.

**(NOTE: Companies identified as Portuguese are not included in the City of Providence MBE/WBE Program)**

### **Contract Requirements:**

During the term of the contract, any unjustified failure to comply with the MBE/WBE participation requirements is a material breach of contract. Before a contract is signed, the contractor must submit the Subcontractor Utilization Form with its final payment request. The Subcontractor Utilization Form will include a list of the names of all subcontractors utilized on the contract, both MBE/WBE and non-MBE/WBE, the total amount paid to each subcontractor, and the owner's race/ethnicity and sex.

**Note: (If a bidder fails to provide the requested information the bidder will be deemed to be unresponsive.)**

### **Waiver Requests:**

If a bidder is unable to comply with a contract goal, the bidder may submit a waiver request with the bid. The waiver request must be made on the MBE/WBE Participation Waiver Request Form. No waiver will be granted unless the waiver request includes documentation that demonstrates that the bidder has made good faith efforts to comply.

### **Participation of MBE/WBE:**

The total dollar value of a contract with a company certified as both MBE and WBE (M/WBE) may be counted towards either MBE or the WBE goal, but not both. The bidder must choose the goal to which the contract value is applied.

### **Non-affiliation:**

A bidder **MAY NOT** use an MBE or WBE to meet a contract goal if:

1. The bidder has a financial interest in the MBE or WBE.
2. The bidder has an interest in the ownership or control of the MBE or WBE.
3. The bidder is significantly involved in the operation of the MBE or WBE.

A bidder that is an MBE or WBE **MAY NOT** use itself to meet a contract goal.

-----

### **Commercially Useful Function:**

The bidder may count toward the contract goals only expenditures to MBEs and WBEs that perform a commercially useful function in the execution of the contract. Commercially useful function means the performance of real and distinct work for which the business enterprise has the skill, expertise, and responsibility to perform manage and supervise.

### **Subcontracting by MBE or WBE:**

A bidder **MAY NOT** count toward its contract goal any agreement with a certified MBE or WBE subcontractor who intends to subcontract more than 10% of the dollar amount of the services to be performed under its agreement with the bidder. This restriction does not apply to an MBE's or WBE's Contracts for the purchase of materials, equipment, or supplies incidental to the performance of services under its agreement with the bidder.

### **Manufacturers:**

A bidder may count toward the contract goal its entire expenditure to a certified MBE or WBE manufacturer.

### **Supplier:**

Manufacturers - A bidder may count towards the contract goal 100% of its expenditure to a certified MBE or WBE supplier who manufactured the goods supplied.

Non-Manufacturers - A bidder may count 100% of its expenditure to a certified MBE or WBE supplier who is a wholesaler warehousing the good supplied or who is a manufacturer's representative. (However, only 10% of each contract goal may be attained by expenditure to MBEs or WBEs that are non-manufacturing suppliers.)

### **Joint Ventures:**

A bidder may count toward the contract goals the portion of its expenditure to a joint venture that is equal to the percentage of the MBE or WBE participation in the joint venture. The MBE or WBE member of the joint venture must have an interest in the control, management and operation of the joint venture commensurate with the member's percentage of ownership. The MBE or WBE that is a member of the joint venture must be responsible for a clearly defined portion of the work to be performed, equal to its share in the ownership, control, and management of the joint venture.

### **Insurance Companies and Travel Agents:**

A bidder may count toward the contract goals only 10% of its expenditure to a MBE or WBE insurance company or travel agent.

### **Financial Institutions:**

A bidder may count towards the contract goals only the fees charged and earned by an MBE or WBE company.





## MINORITY AND WOMEN'S BUSINESS ENTERPRISE PROGRAMS

### MBE AND WBE PARTICIPATION REQUIRED FORMS

**Name of Bidder:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone Number(s):** \_\_\_\_\_

**Contracting Agency:** \_\_\_\_\_

**Contract (Project Title):** \_\_\_\_\_

---

**Bid Due Date:** \_\_\_\_\_

**Goals: MBE** \_\_\_\_\_ **%**      **WBE** \_\_\_\_\_ **%**

THIS PACKAGE OF MBE AND WBE PARTICIPATION FORMS IS DUE WITH THE BID.

FOR MORE INFORMATION OR ASSISTANCE WITH THESE FORMS, CONTACT:

Mr. Ernesto Figueroa  
Purchasing Officer/ MBE/WBE Coordinator,  
Purchasing Department  
25 Dorrance Street  
Providence, Rhode Island 02903  
(401) 421-7740 Ext. 663  
[efigueroa@providenceri.com](mailto:efigueroa@providenceri.com)



**Part A:**

**(See Note on Page 6.)**

**INSTRUCTIONS:**

The instructions clarify the requirements of RIGL §37-14.1. Failure of any Bidder, Contractor or Subcontractor to comply with RIGL §37-14.1 shall be a material breach of contract.

The following Forms are included with this packet:

**Part A: Instructions**

**Part B1: MBE Participation Disclosure Form.**

**Part B2: WBE Participation Disclosure Form.**

**Part C: Prime Contractor's Statement of intent Form** – This statement shall be completely executed for each and every MBE and WBE named in Part E.

**Part D: MBE / WBE Participation Affidavit** – to be completed by Bidder.

**Part E: MBE / WBE Participation Waiver Request Form.** If you are unable to meet the MBE and WBE participation goals for this contract, the law requires you to submit a waiver request with the bid. You must also submit "Information on Unsuccessful MBE/WBE Contact" Form.

**Part F: Subcontractor Utilization Form.**

**ALL FORMS MUST BE INCLUDED AND SUBMITTED ALONG WITH THE BID**



**Part B1:**

**MBE PARTICIPATION DISCLOSURE FORM**

Use this form to list Minority Business Enterprises that you will use to meet the MBE Participation Goal. Please be reminded that:

- The same Subcontractor may not be used to meet both the MBE and WBE goals.

Prime Contractor's Name: \_\_\_\_\_

Prime Contractor's Address: \_\_\_\_\_

Prime Contractor's Phone Number(s): \_\_\_\_\_

Contract Number & Title: \_\_\_\_\_

**MBE SUBCONTRACTORS**

Name:	Project Vendor Number	Expiration Date	\$Amount of Subcontract	% of Total Contract
-------	--------------------------	--------------------	----------------------------	------------------------

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Total Dollar Amount of Contract \$-----

Total Dollar Amount of MBE Subcontracts \$-----

**TOTAL MBE PERCENTAGE OF ENTIRE CONTRACT** \_\_\_\_\_%

Form Prepared by:

\_\_\_\_\_  
Name & Title

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Date



**Note:** Bidders who fail to supply the above information will be considered  
Non -Responsive.

**Part B2:**

**WBE PARTICIPATION DISCLOSURE FORM**

Use this form to list Minority Business Enterprises that you will use to meet the WBE Participation Goal. Please be reminded that:

- The same Subcontractor may not be used to meet both the MBE and WBE goals.

Prime Contractor's Name: \_\_\_\_\_

Prime Contractor's Address: \_\_\_\_\_

Prime Contractor's Phone Number(s): \_\_\_\_\_

Contract Number & Title: \_\_\_\_\_

**WBE SUBCONTRACTORS**

Name:	Project Vendor Number	Expiration Date	\$Amount of Subcontractor	% of Total Contract
-------	--------------------------	--------------------	------------------------------	------------------------

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Total Dollar Amount of Contract \$\_\_\_\_\_

Total Dollar Amount of WBE Subcontracts \$\_\_\_\_\_

TOTAL WBE PERCENTAGE OF ENTIRE CONTRACT \_\_\_\_\_%

Form Prepared by:

\_\_\_\_\_  
Name & Title Phone Date



**Note: Bidders who fail to supply the above information will be considered Non-Responsive.**

**Part C:**

**MBE/WBE AND PRIME CONTRACTOR'S STATEMENT OF INTENT**

Complete a separate Form for each MBE and WBE identified in Part B.

Contract Name and Number: \_\_\_\_\_

Name of Prime Contractor: \_\_\_\_\_

Prime Contractor's Phone Number(s): \_\_\_\_\_

Name of MBE or WBE: \_\_\_\_\_

MBE or WBE Certification Number: \_\_\_\_\_

Work / Service to be performed by MBE or WBE: (ex: Carpentry and Painting) \_\_\_\_\_ S

\_\_\_\_\_  
\_\_\_\_\_

Materials / Supplies to be furnished by MBE or WBE:

\_\_\_\_\_  
\_\_\_\_\_

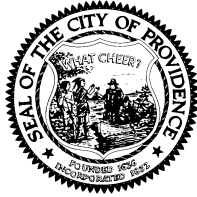
Subcontract Amount: \$ \_\_\_\_\_ (If this is a requirements contract, the subcontract dollar amount may be omitted).

Subcontract percentage of total contract: \_\_\_\_\_ % \_\_\_\_\_

The undersigned prime contractor and subcontractor agree to enter into a contract for the work / service indicated above for the dollar amount or percentage indicated, subject to the prime contractor's execution of a contract with the City of Providence for the above referenced contract number. The undersigned subcontractor is currently certified as an MBE or WBE with the City of Providence Minority and Women's Business Opportunity Office.

\_\_\_\_\_  
Signature of Prime Contractor (Required) Printed Name Date

\_\_\_\_\_  
Signature of MBE or WBE (Required) Printed Name Date



**Part D:**

**MBE/WBE PARTICIPATION AFFIDAVIT**

The undersigned authorized representative of contractor does hereby make the following Affidavit:

Contractor acknowledges the MBE goal of \_\_\_\_\_ 10% and the WBE goal of \_\_\_\_\_ 10% for contract No./Title \_\_\_\_\_ with the City of Providence.

My firm will make best efforts to achieve the MBE and WBE participation goals for this contract. I understand that, if awarded the contract, my company must submit to the Minority and Women's Business Coordinator at MBE/WBE office copies of all executed agreements with the MBE & WBE firm being utilized to achieve the participation goals and other requirements of the RI General Laws. I understand that these documents must be submitted prior to the issuance of a notice to proceed.

I understand that, if awarded the contract, my firm must submit to the MBE/WBE Office canceled checks and any other documentation and reports required by the MBE and WBE Office on a quarterly basis verifying payments to the MBE and WBE finally utilized on the contract.

I understand that if I am awarded this contract and I find that I am unable to utilize the MBEs or WBEs identified in my statements of Intent, I must substitute other certified MBE and WBE firms to meet the participation goals. I understand that I may not make a substitution until I have obtained the written approval of the MBE/WBE Office.

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

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

\_\_\_\_\_  
Contractor Company Name

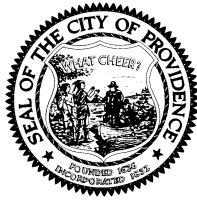
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Print Name and Title

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_

\_\_\_\_\_  
Notary Public



Part E:

**MBE / WBE PARTICIPATION WAIVER REQUEST FORM**

Name of Bidder: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Contracting Agency: \_\_\_\_\_

Contract Number: \_\_\_\_\_ Bid Due Date: \_\_\_\_\_

Goals on this contract: \_\_\_\_\_ % MBE \_\_\_\_\_ % WBE

I have achieved \_\_\_\_\_ % MBE \_\_\_\_\_ % WBE

I am requesting a waiver of \_\_\_\_\_ % MBE \_\_\_\_\_ % WBE

I have contacted the M/WBE Office for assistance \_\_\_\_ Yes \_\_\_\_ No **(check one)**

Number of MBE Firms Contacted: \_\_\_\_\_ (Attach a list of names)

Number of WBE Firms Contacted: \_\_\_\_\_ (Attach a list of names)

Explain why a waiver is being requested:

Attach documentation of your good faith efforts to contact, negotiate and secure MBEs and WBEs, including:

1. The reasons why your company is unable to secure sufficient MBE/WBE participation to meet the stated goals.
2. The efforts made by your company to select portions of the contract to be performed by MBEs and WBEs.
3. For each MBE or WBE that placed a bid that you consider to be unacceptable, a statement that explains the basis for that conclusion.
- 4. Submit this form to the City of Providence MBE/WBE Office for signature and approval by either the MBE/WBE Compliance Officer or the MBE/WBE Coordinator. All requests must be made at least four (4) days prior to the bid opening date.**

\_\_\_\_\_  
Signature of M/WBE Officer or MBE/WBE Coordinator

\_\_\_\_\_  
Date

Printed Name:



**Part F:**

**SUBCONTRACTOR UTILIZATION FORM**

**THIS FORM MUST BE INCLUDED WITH REQUEST FOR FINAL PAYMENT**

Prime Contractor's Name: \_\_\_\_\_

Contract Title: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Total Contract Amount: \$ \_\_\_\_\_

Provide the following information for EACH AND EVERY Subcontractor, both MBE/WBE and Non-MBE/WBE companies used on this contract. (Duplicate this page, if necessary.)

Name of Subcontractor	Goods or Services Provided on Subcontract
Race / ethnicity and sex of subcontractor's owner	Dollar amount of subcontract
Dollar amount paid to date	If amount paid is less than subcontract dollar amount, explain why.
Name of subcontractor	
Name of subcontractor	

Note: please list the race or gender of MBE/WBE only.





## **INFORMATION ON UNSUCCESSFUL MBE/WBE CONTACT**

### **Minority Business Enterprise Requirements**

Additional copies of this information form shall be prepared by the prime contractor or General Bidder in the quantity necessary to comply with bidding requirements.

ITEM NO. ON REQUEST FOR EXTENSION:

NAME OF MBE or WBE COMPANY CONTACTED:

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Date of Initial Contact \_\_\_\_\_

How was contact made? (Check appropriate answer) telephone \_\_\_\_\_ in person \_\_\_\_\_

Sub-Contractor work offered to this MBE/WBE Company \_\_\_\_\_

Result of contact (check appropriate answer) MBE/WBE firm declined job \_\_\_\_\_  
\_\_\_\_\_ MBE/WBE firm offered to do job at price of \$ \_\_\_\_\_, which was determined by our  
company to be too high; MBE/WBE company offered to do job at a price of \$ \_\_\_\_\_, which  
was satisfactory, but the MBE/WBE company was judged by our company to be unqualified for the job \_

Name and Title of the MBE/WBE company officer who can verify above information as to MBE/WBE  
Company's response \_\_\_\_\_

It is certified herewith by the below signed officer of the General Bidder that the above  
information is accurate and complete.

\_\_\_\_\_  
Date

\_\_\_\_\_  
General Contractor

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Business Address