

CITY OF BROCKTON

REQUEST FOR PROPOSALS

Zoning Code Amendment for

Campello and Southern Main Street Corridor

Project #: PED-RFP22-ZONING

**Mayor Robert F Sullivan
City of Brockton, Massachusetts**

Rob May, Director
Department of Planning & Economic Development

Michael C. Morris
Chief Procurement Officer

Advertising Dates

Goods/ Services

Bulletin: Monday, May 9, 2022

Enterprise: Monday, May 9, 2022

Virtual Pre-Proposal Briefing

Date: Wednesday, May 18, 2022 @ 1:00 p.m.

Place: Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85678861668?pwd=cmZFZk1yMnhLMY83amNlUmJdSQS9Rdz09>

Participant ID: 217356

Passcode: 324020

Deadline

Date: Tuesday, May 31, 2022

Time: on or before 4:30 PM

INSTRUCTION TO PROPOSERS

The City of Brockton through the Department of Planning & Economic Development (Planning Department) requests proposals from parties interested in responding to the RFP for a Zoning Amendment for the Campello and Southern Main Street Corridor.

Proposal documents are available on/after, **Mon., May 9, 2022**. The RFP documents may be downloaded from the City's website: www.brockton.ma.us. Go to the Postings Tab, then click on See All Procurement Postings.

Proposals are due on/before **Tues., May 31, 2022 @ 4:30 p.m.** ESDT on the Vendor Registry Portal at <https://vrapp.vendorregistry.com/Bids/View/BidsList?BuyerId=feb6b383-c991-46ae-ad51-91bae6a5973f>. All proposals submitted after this time shall be rejected.

Proposals for Part I and Part II must be uploaded separately and marked as follows:

Part I – Zoning Amendment for the Campello and Southern Main Street Corridor: *Non-Price Proposal*

Part II – Zoning Amendment for the Campello and Southern Main Street Corridor: *Price Proposal*

The City reserves the right to accept and/or reject and/or to waive any informality on any/all proposals.

The City reserves the right to accept part, all, or none of the selected respondent's proposal and is subject to availability of funds.

The City of Brockton is an Affirmative Action/Equal Opportunity/Title IX Employer.

A proposal must be signed as follows: 1) if the proposer is an individual, by her/him personally; 2) if the proposer is a partnership, by the name of the partnership, followed by the signature of each general partner; or 3) if the proposer is a corporation, by the authorized officer, whose signature must be attested to by the Clerk/Secretary of the corporation and the corporate seal affixed.

The following documents included as part of the enclosed Forms Packet must be signed, where indicated, and uploaded as part of the Technical Proposal or the proposal may be rejected:

- ***City appendices A-G***

If any changes are made to this RFP, an addendum will be issued. Addenda will be uploaded to the Vendor Registry Portal. It is the proposer's responsibility to ensure that they download and acknowledge all the addendum.

Questions concerning this RFP must be submitted *in writing* to: The Department of Planning & Economic Development, Attn: Rob May, via planning@cobma.us. Questions may be emailed no later than May 20, 2022 by 4:30 p.m.

The City of Brockton may cancel this RFP, or reject in whole or in part any and all submissions, if the City determines that cancellation or rejection serves the best interests of the City.

All prices submitted in response to this RFP must remain firm for ninety (90) days following the RFP and/or proposal opening. Contracts will be in force until **December 31, 2023**.

BACKGROUND:

The city's base zoning code was established in 1968 – well before many of the patterns of development we see emerging today – and though improvements have been made to zoning in the Downtown area over the following years, a wholesale update can remedy many shortcomings not envisioned when zoning was emplaced.

The limitations of the base zoning were seen after decades of development, inspiring the establishment of an MGL Chapter 40R Smart Growth zoning overlay district in 2007. Seeing the need for further adjustments the overlay was amended in 2017, along with establishing an Urban Renewal Plan for the Trout Brook area, accounting for and allowing new land uses previously unallowed.

In the previous planning documents reviewed and condensed into the 2015 Brockton Downtown Action Strategy, multiple approaches were identified which could achieve the reinvigoration that would draw residents and non-residents alike into the Downtown area. Strategies outlined included the need to improve the physical attractiveness and connectivity of the area, encouraging restaurants and cultural organizations to locate downtown, as well as a need to modernize our dated zoning ordinances.

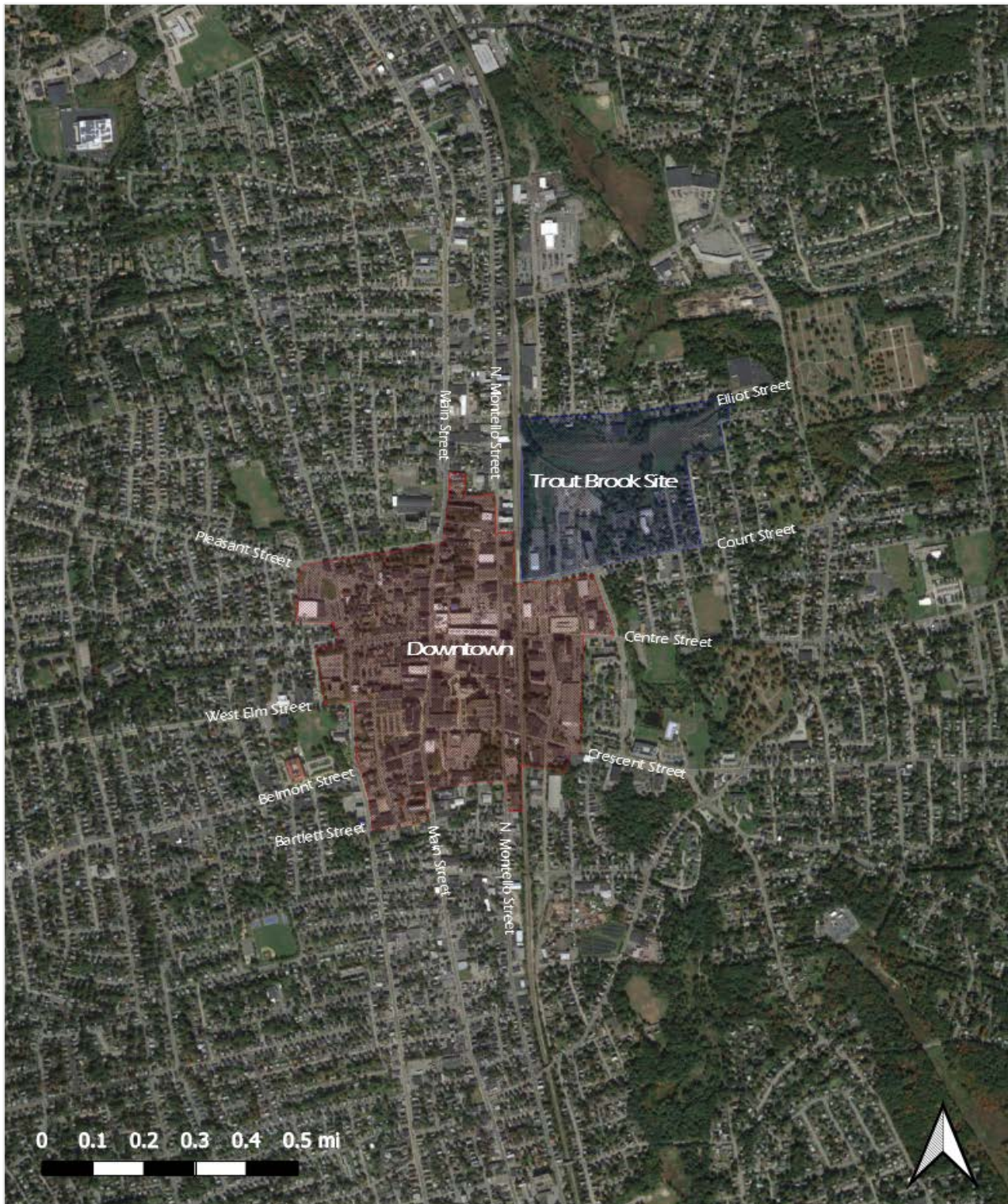
The report focuses on the lack of “there” in downtown Brockton, with few amenities presently drawing in residents from the area's periphery. Resident responses to the question “What makes a successful downtown?” ranked *aesthetics* as fifth of thirteen possible options, behind restaurants, retail, entertainment, and other fiscal draws. Relatively low land values and modest building values suggest that fixing the “missing teeth” of vacant storefronts and buildings downtown would seem appealing, though the complicated and restrictive nature of typical Euclidian Zoning has stymied numerous efforts thus far.

To secure this vision, the area will need to be rezoned using form-based codes.

The base zoning code does not allow for residential or mixed-uses downtown, a reflection of the times in which it was created, and the 40R Smart Growth District emplaced in the area has its own shortcomings. Namely, the district does not allow for density levels that would work well with the current surroundings, and the required 20% affordable unit mix makes market rate development infeasible without steep state subsidies. A new form-based zoning scheme will allow for more flexibility in use restrictions, while still allowing for a coherent architectural and planning language that downtown development will all speak.

The flexibility that comes with form-based zoning codes will be a boon to the downtown area, allowing uses that were previously excluded from the siloed zones to come together and provide benefit for all in the area. Building forms and massing are often a sticking point for residents, and zoning which employs a form-based methodology remedies many potential issues well upstream in the development process. If a problem persists, waivers can be applied for as opposed to variances, and ultimately allows the city more control over development.

Study Area: Downtown & Trout Brook



SCOPE OF SERVICES:

PRIMARY WORK PRODUCTS: This contract will result in new zoning, meant to supersede the present zoning ordinance and other local land development regulations that apply to Downtown Brockton as illustrated on the attached map.

ANTICIPATED SCOPE:

1. KICK OFF, INITIAL REVIEW AND ANALYSIS

- a. **Kick Off.** The consultant will prepare and host a kick off meeting for City staff and Technical Advisory Committee to brief them on the project's goals and how Form Based Code is developed, implemented and administered.
- b. **Site Analysis.** The Consultant will become familiar with the physical details of the study area and the historic patterns of urbanism and architecture in the surrounding region.
- c. **Website Material.** The Consultant will provide information relevant for this project to be posted on the City of Brockton website. As officials deem appropriate, the Consultant will provide materials including text, photographs, maps, renderings, and other images for the web site. This material will also help explain the project's process.

2. PUBLIC PROCESS

- a. **Generate necessary background maps.** The City of Brockton will provide all available base map information as needed by the Consultant. These documents will be used to produce the maps that will be used during the preparation of the zoning code.
- b. **Public Workshop and/or Design Charrette.** With assistance from City planning staff, the Consultant will organize and lead visioning and design workshops or a full planning charrette to engage the community, gather ideas and goals to formulate the zoning and design guidelines. The Consultant will tailor the workshop or charrette to obtain maximum community input on building form and how the built environment interfaces with the public way to shape the new code. While the end result will be new land development regulations, the public process may include discussions of alternatives for street design, street connectivity, and urban planning strategies that create vital transit village centers, corridors, and livable neighborhoods. At the conclusion of the workshop(s), the Consultant will present the work generated to-date. Plans, renderings, and initial coding ideas that reflect ideas articulated in the workshops will be publicly presented, posted on the project webpage, and further feedback solicited from the community.

3. DRAFTING THE ZONING REGULATIONS

- a. **Design Parameters for the Code.** The consultant will draft a zoning code. The new code will regulate development to ensure high-quality public spaces defined by a variety of building types and uses including housing, retail, industrial, commercial and office space. The new code will incorporate a regulating plan, building form and frontage standards, street standards (plan and section), use

regulations as needed, descriptive building or lot types, and other elements needed to implement the principles of functional and vital urbanism and practical management of growth. Sections of this document would typically include the following:

- Overview, including definitions, principles, and intent; and explanation of the regulations and process in clear user-friendly language.
- Regulating Plan (a schematic representation of the master plan) illustrating the location of streets, blocks, public spaces (such as greens, squares, and parks), and other special features. Regulating plans may also include aspects of Building Form Standards such as “build-to-lines” or “required building lines” and building type or form designations.
- Building Form Standards governing basic building form, scale, placement, frontage, and fundamental urban elements to ensure that all buildings complement neighboring structures and the street. These standards should be based upon study of historic character of the existing area, building types appropriate for the region, climate, and neighborhood vitality.
- Public Space/Street Standards defining design attributes and geometries that balance the needs of all users while promoting a vital public realm. These standards should include design specifications for sidewalks, travel lane widths, parking, curb geometry, trees, and lighting.
- Building/Lot types that demonstrate the variety and scale of development possible within the district as indicated on the regulating plan.
- Architectural standards that ensure a high quality of design and exterior materials consistent with the desired character of development in the community.
- Landscape standards for frontage areas and parking lots.
- Parking management and location standards that ensure adequate parking supply in a manner that coincides with the building form standards to maintain pedestrian-oriented streetscapes. These will be informed, in part, by the results of a Downtown Parking Study currently being conducted.

b. ***Integration of the Zoning Regulations.*** The new zoning regulations must be integrated into the City of Brockton’s existing regulatory framework (zoning code) in a manner that ensures procedural consistency, meshes with state and local legal requirements, provides clarity as to applicability of existing regulations, and maximizes the effectiveness of the code. The consultant will provide guidance regarding integration of the new regulations into the existing code.

4. **REFINING THE CODE**

a. ***Staff/Technical Advisory Committee Review.*** The Consultant will submit a preliminary internal draft of the code to the Staff/Technical Advisory Committee for initial review and comment. The Consultant shall make the necessary number of copies needed for Staff/Technical Advisory Review. Agreed upon comments will be incorporated into a first public draft.

b. ***Presentation of First Public Draft.*** The Consultant will present the first public draft of the code for the purpose of gathering comments. Copies of the first draft will need to be in hardcopy and digital form and posted on the website. A presentation will be made to a special audience of stakeholders and neighborhood residents, and will be presented at a larger community meeting, which may include municipal boards and committees, as determined by the City. The Consultant will work with the City to incorporate appropriate revisions into a second public draft.

- c. **Presentation of the Second Public Draft.** After making revisions in response to comments on the first draft, the Consultant will present the second public draft of the code at another meeting convened by the City.
- d. **Meetings with Stakeholders.** The Consultant will attend and participate in up to two additional meetings with key stakeholders to explain the details of the new code and obtain further input and comments. These may occur at strategic times during the drafting process, as determined by the City in consultation with the Consultant.

5. APPROVAL PROCESS

- a. **Public Hearing/Work Session Presentations.** The consultant will make at least one formal presentation of the draft that has been refined through the public input process outlined above to the Planning Board and one formal presentation to the City Council. The Consultant shall make the necessary number of copies needed for the Planning Board and City Council members.
- b. **Additional Revisions.** The Consultant will be responsible for up to two rounds of revisions that may become necessary between public hearing/work session presentations. City planning staff will be responsible for collecting comments, questions, and suggestions for these refinements from various sources and consolidating them into a series of action items for revision or responses.

RFP SUBMITTAL SUMMARY:

Submittals should be provided in three (3) identical hardcopies and one electronic copy, and include the following items, along with other material to demonstrate Consultant's expertise and capability:

1. A written description of the Consultant's step-by-step approach to the project, including an estimated timetable.
2. The expertise of the team assembled by Consultant to carry out the work.
3. A list of comparable projects undertaken by Consultant and/or team members, including visioning, illustrative plan development, and code drafting.
4. A copy of at least one municipal form-based code previously created by the Consultant and adopted into law.
5. [City Appendices A-G]
6. Cost for Services (submitted as a separate document labeled Cost Proposal)

RECOMMENDED FORMAT FOR TECHNICAL SUBMITTALS:

1. **DESCRIPTION OF APPROACH:** Up to two pages describing the Consultant's typical approach to projects similar to this one, including the nature of the public process and intended extent of public involvement.
2. **TEAM EXPERTISE:** Brief description of general qualifications, the multi-disciplinary nature of the team assembled for this project, specific evidence of relevant experience creating form-based codes, and a listing of key personnel who will be working on this project and their specific role and relevant qualifications.

3. **PROPOSED WORK PROGRAM:**
 - Tasks to be performed.
 - Timeline for completion of each task.
 - Schedule of work products.
 - Plan for communication with the City throughout the process.

4. **COMPARABLE PROJECTS:** Summary of form-based code projects in progress or completed, with the following information for each code:
 - a. Reference name, with current contact information
 - b. Current status of code (drafting in progress; drafting completed; adopted?)
 - c. Nature of public involvement in formulation of code
 - d. Client type (clarifying role of private sector client, if any)
 - e. Was the vision plan created as part of this process, or done separately?
 - f. Size and scale of geographic area
 - g. Type of development (greenfield? infill/redevelopment? city-wide code?)
 - h. Type of code
 - i. Mandatory (integrated into existing code, or freestanding?)
 - ii. Overlay code?
 - iii. Floating-zone code?

5. **SAMPLE CODE DOCUMENT:** Please include up to three samples of code documents selected from the list of comparable projects (at least one of these must be a sample code). If this document is the code as originally proposed by Consultant, please also include the code as formally adopted by the municipality and a brief explanation of differences between the two. Photos of designed or built results of the code are encouraged but must be accompanied by a description of their specific relationship to the form-based coding process.

6. **FOR OUR CONSIDERATION:** Please tell us what we may have missed in preparing this scope of work, or other important details that we may have overlooked.

7. **COST FOR SERVICES:** Please submit a detail of cost for services as a separate document.

COST SUBMITTALS (please submit separately):

Cost submittals shall be formatted in such a way as to break the work into three distant geographic districts with an individual cost per district as follows:

Cost proposal for Downtown District	\$
Cost proposal for Trout Brook	\$
Cost for both Downtown and Trout Brook	\$

NAME AND ADDRESS OF BIDDER (STREET, the CITY, STATE, ZIP
(TYPE OR PRINT)

SIGNATURE OF PERSON AUTHORIZED TO SIGN BID

TYPE OR PRINT SIGNER'S NAME

DATE

EVALUATION OF SUBMITTALS:

MINIMUM CRITERIA

At a minimum, the proposing firm/team must meet the following requirements:

1. The firm/project manager/team must have at least five (5) years of experience in developing zoning code and design guidelines
2. The firm/project manager/team must have at least five (5) years of experience in municipal planning or private sector planning, and community engagement with projects of similar size and scope.
3. The principal and project manager to be assigned to this project must be available for meetings with the City on days or evenings, as required.
4. The firm/team must have previous experience in similar projects. Successful completion of a minimum of three (3) such projects within the last five (5) years is required, and completion of five (5) overall.
5. The firm/team must have proven experience in the public and/or private sector and in working with federal, state and municipal agencies, and neighborhood/business organizations.
6. The volume of the proposed project managers and firm's current and projected workload must not adversely affect its ability to immediately initiate work and to follow through with the project in a timely and professional manner. The firm and all team members must be current staff members and capable of devoting a significant amount of time to this project in order to complete the work within the schedule outlined in this RFP.
7. Consultants responding to this RFP must demonstrate the following:
 - Experience in preparing municipal zoning codes, including form-based codes that regulate development and redevelopment in other communities.
 - Experience in building community consensus to support innovative regulatory structures.
 - Strong graphic skills.
 - Strong skills in written and oral communication.
 - Experience in identifying, evaluating, codifying, and explaining the essential qualities of community design and character.
 - Experience in writing or implementing municipal land development regulations.

COMPARATIVE CRITERIA

The City of Brockton will evaluate all submittals to determine which Consultants have the experience and qualifications that are most suited for this project. Evaluation will be based on qualifications, the scope of work proposed, and review of similar projects with references checked.

The City may request personal interviews or may request one or more prospective Consultants to submit additional information, as needed, to make a consultant selection.

The City will award the contract to the Consultant offering the most advantageous response to this RFP, taking into consideration all evaluation criteria. The selection process will include an evaluation procedure based on the criteria identified below. Finalists may be required to appear for an interview.

1. Staffing Plan, including the professional qualifications of all project personnel with particular attention to training, educational background, professional certification or registration, and professional experience.

Demonstrated expertise and experience of the Principal-in-Charge, Project Manager, and other key personnel, and any Consultants to be assigned to the Project, including professional registration of the Consultants and their qualifications. The Plan of Services should be detailed and logical, and demonstrate efficiencies and creativity in completing the project.

- Highly Advantageous: The plan of services proposes a detailed, logical, creative, and highly efficient scheme for producing a complete project that addresses all Goals and Priorities of this project and meets all the minimum applicant qualifications detailed in Section VI, "Consultant Qualifications".
- Advantageous: The plan of services proposes a credible scheme for producing a complete project that addresses all of the required issues and meets all the minimum applicant qualifications detailed in Section VI, "Consultant Qualifications".
- Not Advantageous: The plan of services is not sufficiently detailed to fully evaluate, or the plan does not contain all the components necessary to produce a complete project that addresses all of the required issues and meets all the minimum applicant qualifications detailed in Section VI, "Consultant Qualifications".
- Unacceptable: The plan of services does not meet all the minimum applicant qualifications detailed in Section VI, "Consultant Qualifications".

2. Depth of experience with similar projects in municipal planning or private sector planning, economic and fiscal impact analysis, and community engagement, and prior experience with relevant general and zoning bylaws.

- Highly Advantageous: The Consultant has at least seven (7) years of experience consulting with municipalities or private clients on projects of similar size and scope to this project. The Consultant can demonstrate the successful completion of five (5) similar projects within the last five (5) years.
- Advantageous: The Consultant has at least five (5) years of experience consulting with municipalities or private clients on projects of similar size and scope to this project. The Consultant can demonstrate the successful completion of three (3) similar projects within the last five (5) years.
- Not Advantageous: The Consultant has less than four (4) years of experience but more than one (1) year consulting with municipalities or private clients on projects of similar size and scope to this project. The Consultant can demonstrate the successful completion of two (2) similar projects within the last five (5) years.
- Unacceptable: The Consultant has less than four (4) years of experience consulting with municipalities or private clients on projects of similar size and scope to this project. The Consultant cannot demonstrate the successful completion of similar projects.

3. Strength and credibility of client references. The Consultant shall demonstrate prior client satisfaction with working relationship, project management capabilities, and technical expertise in developing similar projects.

- Highly Advantageous: More than three clients who consider your services satisfactory or better.
- Advantageous: Three clients who consider your services satisfactory or better.
- Not Advantageous: Three or more clients not all of whom consider your services satisfactory or better.
- Unacceptable: Fewer than three clients who consider your services satisfactory or better, or three or more clients who consider your services unsatisfactory.

4. Desirability of approach to the project, as well as a demonstrated understanding of all project components and public outreach needs.

- Highly Advantageous: The response contains a clear, creative, and comprehensive plan that addresses all project Goals and Priorities as stated in the RFQ.
- Advantageous: The response contains a clear plan that addresses most of the project Goals and Priorities as stated in the RFP.
- Not Advantageous: The response does not contain a clear plan to address many of the project Goals and Priorities as stated in the RFP.

- Unacceptable: The response does not contain any plan to address the project objectives stated in the RFP.

5. Demonstrated ability to meet project budget and project schedule.

- Highly Advantageous: All of the Consultant's references indicate that the projects were completed within budget and on schedule or with minimal, insignificant delays.
- Advantageous: One of the Consultant's references indicates that the project was not completed within budget attributable to the Consultant or with substantial delays attributable to the Consultant, and no current project or project completed in the last three years experienced substantial delays attributable to the Consultant.
- Not Advantageous: Two of the Consultant's references indicate that the project was not completed within budget attributable to the Consultant or was completed with substantial delays attributable to the Consultant, and no current project or project completed in the last year experienced substantial delays attributable to the Consultant.
- Unacceptable: More than two of the Consultant's references indicate that the project was not completed within budget attributable to the Consultant or was completed with substantial delays attributable to the Consultant.

CITY OF BROCKTON – CONTRACT APPENDIX A (SUBMIT WITH PROPOSAL)

VENDOR TAX CERTIFICATE

I certify, under the pains and penalties of perjury, that to the best of my knowledge and belief, I have filed all state tax returns and paid all state taxes required under the law.

For use by CORPORATIONS ONLY:

PROPER CORPORATE NAME

SIGNATURE OF AUTHORIZED CORPORATE OFFICER

FEDERAL IDENTIFICATION NUMBER (FEIN)

For use by INDIVIDUALS OR COMPANIES OTHER THAN CORPORATIONS ONLY:

SIGNATURE OF INDIVIDUAL *

SOCIAL SECURITY NUMBER OR
FEDERAL IDENTIFICATION NUMBER (FEIN) **

*Approval of contract or other agreement will not be granted unless this certification clause is signed by applicant.

**Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing/payment obligations.

CERTIFICATE OF CORPORATE VOTE

I, _____; clerk/officer of _____ hereby notify that at a meeting of the Board of Directors/Officials of said corporation/company, held on _____ the following vote was passed:

Vote to authorizing _____ to sign in behalf of the corporation/company with the City of Brockton for _____.

Signature of Clerk/Officer

*** PLEASE ATTACH COPY OF OFFICIAL CERTIFICATE OF CORPORATE VOTE.**

CITY OF BROCKTON – CONTRACT APPENDIX B (SUBMIT WITH PROPOSAL)

AFFIDAVIT OF CLERK OF CORPORATION VENDOR

(To be signed and completed by Clerk)

I, _____, certify as follows:
(Print full name of Clerk)

1. I am the Clerk of _____ (print exact name of corporation) which is duly organized and incorporated under the laws of the Commonwealth of Massachusetts (or State of _____) and is/is not (circle one) duly registered to do business in the Commonwealth of Massachusetts with a principal place of business at _____.

2. That the names, residential addresses and title officers of the above-named corporation are as follows:

_____ President	_____ Address
_____ Vice President	_____ Address
_____ Treasurer	_____ Address
_____ Resident/Registered Agent	_____ Address

- 3. That the above-named corporation was incorporated on _____.
- 4. The federal tax identification number of said corporation is _____.
- 5. That the above-named corporation is in good standing with the Secretary of the Commonwealth of Massachusetts or the State of _____ (if incorporated under the laws of a foreign State) and has filed all federal and state tax returns and paid all federal, state and/or local taxes required under law.
- 6. _____ is authorized to sign contract/agreements on behalf of _____ pursuant to a vote of the Board of Directors/Officers on _____.
- 7. I, on behalf of the within corporation, do hereby acknowledge that by this contract, this corporation is transacting business within the Commonwealth of Massachusetts as defined by M.G.L. Chapter 223 A, Section 1, et seq. And is subject to the jurisdiction of its courts. (Pertaining to Non-Massachusetts Corporations Only.)

SIGNED under the pains and penalties of perjury this _____ day of _____, 20____.

Signature of Clerk of Corporation

CITY OF BROCKTON – CONTRACT APPENDIX C (SUBMIT WITH PROPOSAL)

VENDOR REGISTRATION FORM

TO BE COMPLETED BY ALL VENDORS:

TYPED/PRINTED NAME AND TITLE: _____

SIGNATURE: _____ DATE: _____

PROPER LEGAL NAME OF BUSINESS ENTITY: _____

FEIN or SOCIAL SECURITY NUMBER if FEIN is N/A: _____

BUSINESS ADDRESS: _____

TELEPHONE NO: _____ FAX NO: _____

EMAIL ADDRESS: _____

IF CORPORATION:

1. GIVE YOUR CORRECT CORPORATE NAME:

2. STATE AND DATE OF INCORPORATION:

3. IF FOREIGN CORPORATION, GIVE MASSACHUSETTS REGISTRATION DATE:

IF FOREIGN BUSINESS ENTITY TRANSACTING BUSINESS IN MA, GIVE NAME/ADDRESS OF RESIDENT/REGISTERED AGENT IN MA (REQUIRED):

IF COMPANY, GIVE the OWNER'S NAME AND TITLE:

IF PARTNERSHIP, GIVE NAMES AND ADDRESSES OF PARTNERS:

IF TRUST OR LEGAL ENTITY, GIVE NAMES AND ADDRESSES OF TRUST OR LEGAL ENTITY:

MINORITY/WOMEN BUSINESS CLASSIFICATION STATEMENT

1. Our firm is principally (more than 50%) minority owned.

YES _____ NO _____

2. Our firm is principally (more than 50%0 woman owned.

YES _____ NO _____

3. Our firm is registered with S.O.M.B.A. (State Office of Minority & Business Assistance)

YES _____ NO _____

SOMWBA CERTIFICATION CATEGORY: MBE _____ WBE _____

CITY OF BROCKTON – CONTRACT APPENDIX D (SUBMIT WITH PROPOSAL)

Attestation Clause

Under Chapter 233, Section 35 of the Acts of 1983, political subdivisions and agencies of the Commonwealth must annually furnish to the Commissioner of Revenue a list of all persons who have provided goods, services or real estate space in the aggregate of five thousand dollars (\$5,000.00) or more. Chapter 233 of the Acts of 1983, Sections 35 and 36 require that each provider or vendor of goods and services to any municipal agency must attest that it/he is in compliance of all laws relating to taxes. The Attestation must occur at the time of issuing, renewing, or extending a license, contract or agreement. Any person/company failing to execute this Attestation Clause shall not be allowed to obtain, renew or extend a license, contract or agreement. Each successful proposer shall certify that he is in compliance with Chapter 233 by providing a Social Security Number or Federal Identification Number when a contract is issued.

VENDOR/COMPANY: _____

AUTHORIZED SIGNATURE: _____

TYPED/PRINTED NAME AND TITLE: _____

Certificate of Non-Collusion and Certificate of Bona Fide Proposal

As per Chapter 30B, Section 10, any person submitting a proposal for the procurement or disposal of supplies or services to any governmental body shall certify in writing, on the proposal, as follows:

The undersigned certifies under the penalty of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business partnership, corporation, union, committee, club or other organization, entity, or group of individuals.

VENDOR/COMPANY: _____

AUTHORIZED SIGNATURE: _____

Assurance of Non-Discrimination Compliance

Vendor does not subject employees or applicants for employment by this firm to discrimination on the basis of race, color, national origin, handicap, age or sex, in any of the following areas:

1. Recruitment, hiring, upgrading, promotion, whether for full-time employment, consideration for demotion, transfer, layoff, or rehiring.
2. Rates of pay or any other form of compensation and changes in compensation.
3. Job assignments and seniority status.
4. Granting and returning from leaves of absence, leave for pregnancy, or any other leave.
5. Fringe benefits available by virtue of employment, whether or not administered by the recipient.
6. Selection and financial support for training, including apprenticeship, professional meetings, conferences and other related activities, selection for tuition assistance, and selection for sabbaticals and leaves of absence to pursue training.
7. Employer-sponsored activities, including social or recreational programs.
8. Any other term, condition, or privilege of employment.

VENDOR/PROPOSER: _____

AUTHORIZED SIGNATURE/TITLE/DATE: _____

ADDRESS AND TELEPHONE: _____

CITY OF BROCKTON – CONTRACT APPENDIX E (SUBMIT WITH PROPOSAL)

Certificate of Insurance
(Service Contracts Only*)

As successful proposer on this Contract, you must supply the City of Brockton with a properly endorsed CERTIFICATE OF INSURANCE. Both the City of Brockton and the Vendor shall be named as co-insured/additional insured and the City shall be named as certificate holder, and certificates of insurance shall be furnished to both parties. Reporting of accidents and claims shall be done by the Vendor. This Certificate MUST accompany the Contract. Unless otherwise provided for by the Contract, Vendor shall meet the following insurance requirements:

WORKERS' COMPENSATION: The Vendor, before commencing performance of the work required to be done under the Contract, shall provide for the payment of compensation, provided by the General Laws (ter. Ed.) Chapter 152 as amended to all persons to be employed by him/her in connection with said performance and shall continue in full force throughout the period of this Contract.

PUBLIC LIABILITY: Within fifteen (15) days after the award of this Contract the Vendor shall, at his own expense, procure and maintain insurance for Public Liability in the minimum amount of \$500,000/\$1,000,000 and Property Damage Liability in the minimum amount of \$50,000/\$100,000.

The policies shall contain a provision worded as follows: "The Insurance Company waives any right to subrogation against the City of Brockton which may arise by reason on any payments under this policy."

The policy/policies must contain on the face a notation that it/they cannot be cancelled without at least thirty (30) days' notice in writing to the City as owner.

Furthermore, the certificates of all policies shall provide for notice of cancellation of the Contracting officer and the certificates shall indicate that the above provisions have been included.

***DESIGN/CONSULTING SERVICES, PLEASE PROVIDE PROOF OF PROFESSIONAL LIABILITY INSURANCE.**

AUTHORIZED SIGNATURE: _____

Indemnification and Release

The Vendor shall indemnify and hold the City of Brockton harmless from any and all acts & omissions arising out of this contract by the Vendor, its agents, employees or representatives. Furthermore, the term Vendor shall include the aforementioned wherever stated in the Contract.

Further, the Vendor shall indemnify and hold harmless the City of Brockton against any/all suits, claims, actions, costs or damages to which the City may be subject to by reason of damages to the property or person of anyone, arising or resulting from fault, negligence, or wrongful omissions by the Vendor. Said indemnification and hold harmless should apply in any event that a claim is brought against the City of Brockton for said acts caused by others.

The Vendor, their agent(s), representatives or employees shall release and hold the City of Brockton harmless for any injury to themselves, corporate officers, agents, representatives or employees in connection with the performance or omission of this Contract or any related sub-contract thereof.

AUTHORIZED SIGNATURE: _____

CITY OF BROCKTON – CONTRACT APPENDIX F (SUBMIT WITH PROPOSAL)

DEVIATION SHEET

All deviations and/or substitutions from the original specified items (or equal) must be noted in writing on the Deviation Sheet (Appendix “F”). Additional pages may be used if necessary. These items shall be approved by the lead department for compatibility, workmanship, and functionality before award of contract.

PLEASE LIST BELOW:

COMPANY: _____

TYPED NAME: _____

SIGNATURE: _____

TITLE: _____

CITY OF BROCKTON – CONTRACT APPENDIX G (SUBMIT WITH PROPOSAL)

VENDOR WORK HISTORY

- A. The undersigned proposes to supply: _____.
- B. The undersigned offers the following information as evidence of his qualifications to perform the work as bid upon, according to all the requirements of the specifications.
1. Have been in business under present business name for _____ years.
 2. Are you fully licensed to do business under this contract? _____
 3. Do you comply with all ordinances and regulations mandated by M.G.L. and the community in which you are located? _____
 4. Ever fail to complete any work awarded? _____
 5. Have you been involved in litigation in the past five (5) years? _____
 6. List at least three (3) state, local or private companies and/or organizations which you have served recently of similar character as required for the above-mentioned.

<u>LOCATION</u>	<u>DATE</u>	<u>DESCRIPTION OF WORK</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

- C. Proposers shall indicate firm date of delivery on receipt of contract and subsequent purchase order form the City of Brockton.

DELIVERY DATE: _____

COMPANY: _____

TYPED NAME: _____

SIGNATURE: _____

TITLE: _____

- D. Proposers shall note that this proposal reflects all changes in addendum/amendment numbers:
