

# Office of the Controller

Fayette County, Pennsylvania

**SCOTT T. ABRAHAM**

Controller



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May 22, 2019

## **ADVERTISEMENT**

Sealed proposal will be received in the Office of the County Controller, Courthouse, Uniontown, Pennsylvania, until 3:00 pm Thursday, June 20, 2019 for firms wishing to submit proposals for a one-time contract to perform certain professional (consulting) services for the county and develop two Master Site Development Plans for German-Masontown Park and Dunlap Creek park, including walking trails at each park.

Forms and specifications for RFP 19-04 may be obtained by contacting Chief Clerk Amy Revak at 724-430-1200, extension 1504 or via email at [arevak@fayettepa.org](mailto:arevak@fayettepa.org) or from the County's website at [www.fayettecountypa.us](http://www.fayettecountypa.us).

All proposals submitted to this advertisement must be sealed with tape and clearly marked on the outside of the envelope **RFP 19-04**.

Submit one (1) original and five (5) copies to the Office of the Controller, Courthouse, 61 East Main Street, Uniontown, PA 15401.

If additional information on the project is needed, contact Sue Martin, Project Coordinator, Office of Planning, Zoning and Community Development, at 724-430-1210, or email [smartin@fayettepa.org](mailto:smartin@fayettepa.org).

Selection will be based on a combination of qualifications and fees.

The Fayette County Commissioners reserve the right to reject any or all bids or parts thereof.

Scott Abraham

  
Fayette County Controller

Advertise: May 28, 2019 and May 31, 2019

Open: June 20, 2019

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NOTE: The term "proposer" or "firm" in this RFP means the person or firm making a proposal based on the RFP.

### SECTION 1. BACKGROUND

This project is partially funded by a grant from the Community Conservation Partnership Program administered by the Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation (Bureau). The Bureau has certain requirements and standards that must be met by **Fayette County** and its contracted consultant. This Request for Proposals (RFP) has been prepared to meet these requirements and standards. The Bureau will monitor the project. Certain documents and drafts of documents will be subject to review and approval by the Bureau.

DCNR's grant agreement number is **\_BRC-TAG-24-111**

### SECTION 2. GENERAL TERMS

- **Fayette County** reserves the right to reject any or all proposals and to select the proposal that it determines to be in the best interest of **Fayette County**.
- The contract is subject to the approval of **Fayette County Commissioners** and is effective only upon their approval.
- Proposers are bound by the deadline and location requirements for submittals in response to this RFP as stated above.
- Proposals will remain effective for **Fayette County** review and approval for 60 days from the deadline for submitting proposals.

- If only one proposal is received by **Fayette County**, it may negotiate with the proposer or seek additional proposals on an informal or formal basis during the 60-day period that proposals are effective.
- The proposer is encouraged to add to, modify or clarify any scope of work items it deems appropriate to develop a high-quality plan at the lowest possible cost. All changes should be listed and explained. However, the scope of work proposed must accomplish the goals and work stated below.

### SECTION 3. SCOPE OF WORK

The Scope of Work is the preparation of two Master Site Development Plans for German-Masontown Park and Dunlap Creek Park in Fayette County.

## **GERMAN-MASONTOWN PARK and DUNLAP CREEK PARK MASTER SITE DEVELOPMENT PLANS (MSDPs) Scope of Work (SOW)**

### **A. PURPOSE, GOALS, AND OBJECTIVES (For each Park MSDP)**

Briefly state the purpose, goals, and objectives of the master planning process.

### **B. PUBLIC PARTICIPATON (For each Park MSDP)**

Public participation is required throughout the planning process to help determine and prioritize the types of facilities and activities at the site. Public participation techniques are outlined in the Bureau's Public Participation Guide and below. Community involvement and engagement must prioritize diversity, equity, and inclusion to ensure feedback and recommendations that are comprehensive, appropriate, and accountable. The narrative must include a detailed summary of the public participation methods, results, and conclusions (i.e. areas of consensus and/or contention); raw data should be included in the appendix.

At minimum, public participation must include:

- a. Executive Committee Meetings (8 meetings) -- The Executive Committee consists of the Project Coordinator, Grant Monitor, Consultant and three Study Committee members and will meet as needed to discuss grant administration issues and to assist in scheduling Study Committee and General Public meeting dates and times.
  - German-Masontown Park: Four (4) meetings.
  - Dunlap Creek Park: Four (4) meetings
- b. Study Committee Meetings (10 meetings) – A representative and diverse Study Committee of 5-9 people must meet with the planning consultant on a regular basis to provide guidance and review of the work.
  - German-Masontown Park: Five (5) meetings.
  - Dunlap Creek Park: Five (5) meetings.
- c. Public Meetings (4 meetings)
  - German- Masontown Park: Two (2) public meetings; one (1) must be with elected officials.
  - Dunlap Creek Park: Two (2) public meetings; one (1) must be with elected officials.
- d. Key Person Interviews (20 interviews) –The Study Committee should help to determine potential interviewees.

- German-Masontown Park: Ten (10) interviews.
  - Dunlap Creek Park: Ten (10) interviews.
- e. Citizen Survey – A random sample citizen survey will ask residents their opinion and their perspectives on what they want to see in their parks. Our survey will be on-line on the county website, the municipalities websites, mailed to citizens that live near the parks and be available in paper form at meetings. We anticipate 100 survey questionnaires to be returned based on previous projects.

Fayette County will organize and send notices on meetings, arrange and set up meeting rooms, advertise and promote public meetings, arrange and coordinate key person interviews and other meetings, and mail and tabulate surveys.

Consultant will complete key person interviews, advertise public meetings, and develop and analyze the citizen survey.

### **C. BACKGROUND INFORMATION (*For each Park MSDP*)**

The background information provides an overview of the community, park system, and project site(s) and establishes a foundation for project implementation. Use of the most recent U.S. Census data is required. Provide the following community information:

1. Physical characteristics including location, size, and regional context.
2. Demographics including population, age, gender, race & ethnicity, households, income, education, and visitors.
3. Economic, housing, transportation, and historic/cultural assets.
4. Natural resources such as forests, wetlands, waters, farmland, critical habitats, etc.
5. Park, open space, and recreation facility(s) including number, size, and type.
6. Project site(s) relationship to the community and/or regional park system.
7. Provisions of existing planning documents (i.e. Comprehensive Recreation, Parks and Open Space Plan, Comprehensive Land Use Plan, Watershed or Rivers Conservation Plan, Greenway Plan, etc.) that are applicable to the project site(s).

Fayette County will provide existing background information from current planning documents.

Consultant will update current background information provided by Fayette County.

### **D. SITE(S) INVENTORY AND ANALYSIS (*For each Park MSDP*)**

The site(s) inventory and analysis establish parameters for the proposed facilities and activities at the site. Describe the physical, natural, and historic/cultural resources and legal restrictions related to the project site(s) and any potential impacts on potential development and use. Provide analysis of the opportunities and constraints.

Examples include:

- Location
- Acreage
- Zoning
- Surrounding Land Use
- Deed Restrictions
- Easements and Rights-of-Way
- Utilities
- Circulation and access
- Historic/Cultural Features
- Playground Safety Audit (if available)

- Environmental Issues
- Topography
- Hydrology (water, wetlands, stormwater)
- Vegetation
- Soil Types

Boundary Survey – A boundary survey of both park sites is required. The boundary survey plan should contain the following:

- Location of the monuments (placed or found) at the property corners
- Location of existing easements and rights-of-way of record
- Calculation of acreage
- Description of the property
- Signature and seal by a PA Registered Land Surveyor

State Historic Preservation Office (SHPO) Environmental Review – SHPO staff determine if projects will impact significant resources and, if so, how to address and resolve those effects. The Project Review Form lists the information that consultants must provide to initiate environmental review.

Fayette County will provide existing base mapping, aerial photos, zoning map, boundary descriptions, copy of deeds, etc.

Consultant will complete site inventory and analysis and boundary surveys.

#### **E. ACTIVITY(S) AND FACILITY(S) ANALYSIS (*For each Park MSDP*)**

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

For proposed recreation and conservation facilities and uses, provide the following information:

1. For active recreation facilities, describe the participant skill level, competition level, and spectator use for each facility.
2. For passive recreation facilities, describe the proposed use of the project site(s) such as wildlife viewing, nature trails, community gardens, habitat protection, environmental education, etc.
3. Describe the proposed preservation of open space, natural areas, and riparian buffers.
4. Describe the projected participation rates. To help define facility requirements, estimates of daily, weekly, monthly, and seasonal use may be required.
5. List the accepted published national, state, or local standards (reference the standard by name) used to determine the size, dimensions, orientation, slope, buffer areas and setback requirements, open or undisturbed space requirements, etc. for each proposed facility and use.
6. Support facilities may be required for the proposed recreation and conservation facilities and uses. Depending on the site and proposed uses, support facilities may include roads, stormwater management, maintenance facilities, utilities, parking, comfort facilities, etc. Provide a brief description of each support facility and the requirements for connectivity and accessibility.



#### **F. DESIGN CONSIDERATIONS (*For each Park MSDP*)**

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

Consider the following items when developing the plan:

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

#### **G. DESIGN PROCESS AND RECOMMENDATIONS (*For each Park MSDP*)**

1. Develop preliminary alternative concept drawings and present at a study committee meeting for discussion. Relationships between facilities and circulation patterns should be shown; however, the exact shape and placement of facilities is not critical.
2. Evaluate the preliminary alternative concept drawings.
3. Prepare a written evaluation for each alternative concept drawing highlighting both the positive and negative points. Through the public participation process, determine which alternative (or combination) best meets community needs, design standards, and regulations.
4. Prepare a draft of the final Narrative Report and Site Development Drawings(s).
5. Present the draft final Narrative Report and Site Development Drawings(s) at a public meeting for final comment. All existing and proposed facilities and areas must be shown on this final Site Development Drawing in proper shape, size, and orientation.
6. Upon approval of the final Narrative Report and Site Development Drawings(s) by the appropriate agencies (local governing body, local & county planning agencies, the Bureau, etc.), the consultant prepares the final deliverables.

#### **H. COST ESTIMATE AND PHASED CAPITAL DEVELOPMENT PROGRAM (*For each Park MSDP*)**

1. Development (Construction) Costs – Provide a current detailed cost estimate for the development of the proposed recreation areas and facilities. The cost estimate should include: engineering and other professional services cost; construction and materials

cost; project administration cost; and a contingency of at least 10% of the construction cost estimate.

2. Phased Capital Development Program – If the proposed development cannot realistically be carried out in one to three years as one project, develop a phased and prioritized multi-year capital development program. This should explain the strategy for the phasing, identify which areas and facilities are to be developed in which years, and provide the costs associated with each phase. Implementation strategies to finance the program should also be addressed (bonds, grants, fund-raising, etc.).

**I. MAINTENANCE AND OPERATION COSTS; REVENUE (*For each Park MSDP*)**

Provide a cost estimate for annual maintenance and operation of the recreation areas and facilities as proposed on the MSDP. An annual cost estimate must be calculated for each of the items identified below; analysis should also be included in the narrative report.

1. Personnel – Describe and analyze the current level of operation and maintenance personnel including paid staff and volunteers.
2. Maintenance and Operation Costs
  - a. Determine if the life cycle costs can be lowered by using sustainable design practices and alternative materials.
  - b. List and discuss various materials that could be used to lower long-term maintenance cost.
  - c. Administration (i.e. insurance, office supplies, phone, internet, public relations, rentals, training, etc.)
  - d. Personnel (Include a list employment positions, number of employees in each position, estimated salaries or wages by position, fringe benefits, estimated overtime cost, temporary employment, etc.)
  - e. Maintenance equipment needed to maintain recreation areas and facilities.
  - f. Supplies and materials (i.e. concession and sale items, custodial supplies, motor vehicle fuel and supplies, tools and mechanical supplies, utilities, equipment rental, etc.)
  - g. Programming (Include a general description and anticipated number of programs, participants by program, and costs by program)
  - h. Contracted services cost for operation and maintenance.
  - i. Annual capital outlay for major equipment.
  - j. Debt Service. (To the extent that long term financing is anticipated to fund the proposed site improvements and any major equipment purchased.)

**3. Revenue**

Project anticipated revenues for a one-year period by area, facility, and source. Include all items of revenue that may be applicable to the proposed site use and development such as:

- a. Daily admission or entrance fees; seasonal permits
- b. Facility rental
- c. Concessions
- d. General municipal tax support
- e. Other sources (i.e. endowments, donations, fund raising events, etc.)

**J. STRUCTURAL ASSESSMENT (*To be completed by Fayette County Building Inspector*)**

The purpose of this work element is to evaluate the condition of existing structures and their potential use, continued use, or renovation/expansion for additional recreation purposes. The Fayette County Building Inspector will complete this task. Information will be incorporated into the Final Narrative Report.

**K. FOREST STEWARDSHIP PLAN (*To be coordinated by Fayette County*)**

If the project site contains 5 acres or more of forested land, we recommend completing a Forest Stewardship Plan as part of the MSDP. A Forest Stewardship Plan is a written document listing activity that enhances or improves forest resources (i.e. wildlife, timber, soil, water, recreation and aesthetics). A Service Forester is assigned to each county in Pennsylvania to advise residents on forest management. More information, including a complete listing of Service Foresters in your area, can be found on the DCNR website. Fayette County will coordinate this task. Information will be incorporated into the Final Narrative Report.

**GERMAN-MASONTOWN PARK and DUNLAP CREEK PARK  
MASTER SITE DEVELOPMENT PLANS (MSDPs)  
Final Products**

**NARRATIVE REPORT**

A draft final MSDP must be reviewed and approved by the agency and Bureau before it is officially adopted by the agency. Typically, the review process consists of reviewing a complete draft plan, providing comments, and reviewing a revised draft plan to ensure comments are adequately addressed.

The final MSDP must be a narrative, bound report beginning with an executive summary and followed by clearly labeled sections for each of the plan's components in logical order. All supporting documents and information should be included in the appendices and not in the body of the report.

1. Executive Summary – Describe key aspects of the planning process and final recommendations.
2. (A) Purpose, Goals, and Objectives
3. (B) Public Participation
4. (C) Background Information
5. (D) Site(s) Inventory and Analysis
6. (E) Activity(s) and Facility(s) Analysis
7. (F) Design Considerations
8. (G) Design Process and Recommendations – Describe the alternative plans presented, summary of the public discussion of the alternative plans, and a description of the final plan proposal including rationale for the proposed facility(s) and use(s).
9. (H) Cost Estimate and Phased Capital Development Program – Describe the rationale for costs, phasing, and financing strategy.
10. (I) Maintenance and Operations Costs; Revenue
11. (J) Structural Assessment
12. (K) Forest Stewardship Plan
13. Appendices

**SITE DEVELOPMENT DRAWING(S) WITH BASE MAP(S)**

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

**REQUIRED DOCUMENT SUBMISSION**

The following documents must be submitted to Fayette County:

- Narrative Report
  - Three (3) printed and bound copies of each Park MSDP with the cover signed, sealed, and dated by the design consultant.
  - One (1) electronic PDF of each Park MSDP with the cover signed, sealed, and dated by the design consultant.



- Site Development Drawing(s)
  - Two (2) printed copies of each Park MSDP that are signed, sealed, and dated by the design consultant.
  - One (1) electronic PDF of each Park MSDP that are signed, sealed, and dated by the design consultant.

The following documents must be submitted to DCNR:

- Narrative Report
  - Two (2) printed and bound copies of each Park MSDP with the cover signed, sealed, and dated by the design consultant.
  - One (1) electronic PDF of each Park MSDP with the cover signed, sealed, and dated by the design consultant.
- Site Development Drawing(s)
  - Two (2) printed copies of each Park MSDP that are signed, sealed, and dated by the design consultant.
  - One (1) electronic PDF of each Park MSDP that are signed, sealed, and dated by the design consultant.

#### SECTION 4. CONSULTANT QUALIFICATIONS

##### **GENERAL CONSULTANT QUALIFICATIONS**

The consultant or consulting team **must** meet the following requirements:

1. Have documented experience developing and implementing public participation techniques, such as holding public and study committee meetings, conducting key person interviews, developing citizen surveys, etc.
2. At least one member of the consulting team must have documented, prior experience conducting studies of the project type being undertaken. This person should be the project leader and assume overall project coordination responsibilities between the grantee and the consulting team.
3. Have documented experience with the planning, design, general operation, and maintenance of recreation and park areas and facilities.
4. Have documented experience in developing and recommending to local government officials and non-profit organizations the policies and procedures related to providing public recreation and park services and/or facilities, as well as the management and operation of these facilities and amenities.
5. Have documented experience in setting goals, analyzing problems, generating alternative solutions, and providing recommendations and implementation strategies.
6. At least one member of the consulting team must possess the Certified Park and Recreation Professional certification with a minimum of three (3) years' experience in the administration, planning, and development of facilities/areas, programming, finance, personnel, and maintenance of a comprehensive park and recreation system or related entity.

The Department of Conservation and Natural Resources requires that the Master Site Development Plan, including the maps and report, be under seal of a licensed professional who is authorized by Pennsylvania law to apply the seal. If a boundary survey is required as part of the MSDP, the seal of a registered land surveyor licensed to practice in Pennsylvania must be affixed to the plan. A biologist is required to survey the project site if the jurisdictional agency/agencies reviewing your PNDI results require a field survey to be completed.

A consultant or consulting team with documented expertise in greenways and trails planning is required. If the project requires any conceptual trail design work, the Bureau requires that the report be under seal of a licensed professional who is authorized by Pennsylvania law to apply the seal. A biologist is required to survey the project site if the jurisdictional agency/agencies reviewing your PNDI results require a field survey to be completed.

## SECTION 5. REQUIRED SUBMITTALS

### A. Letter of Transmittal

This letter must include the following:

- A statement demonstrating your understanding of the work to be performed.
- A statement confirming that the firm meets the Consultant Qualifications (see Section 4 above).
- The firm's contact person and telephone number.

### B. Profile of Firm

This consists of the following:

- A statement of the firm's experience in conducting work of the nature sought by this RFP; advertising brochures may be included in support of this statement.
- The location of the firm's office that will perform the work.
- Resumes of individuals (consultants, employees) proposed to conduct the work and the specific duties of each individual in relation to the work. NOTE: DCNR requires that the project consulting team have the qualifications listed in the DCNR document entitled "Consultant Qualifications" (see Section 4 above).
- A reference list of other municipal clients of the firm with contact information.
- Any other information relating to the capabilities and expertise of the firm in doing comparable work.

### C. Methods and Procedures

The proposal must include a detailed description of the methods and procedures the firm will use to perform the work. Inclusion of examples of similar work is encouraged.

### D. Work Schedule

The schedule must include time frames for each major work element, target dates for public meetings, and dates for completion of draft and final documents.

E. Cost

For each major work element, the costs must be itemized showing:

- For each person assigned to the work, the title/rank (organizational level) of the person in the organization, the hourly rate, and the number of hours to be worked
- The reimbursable expenses to be claimed

The itemized costs must be totaled to produce a contract price. If awarded a contract, a proposer is bound by this price in performing the work. The contract price may not be exceeded unless the contract is amended to allow for additional costs.

If awarded a contract, the firm may not change the staffing assigned to the project without approval by Fayette County. However, approval will not be denied if the staff replacement is determined by Fayette County to be of equal ability or experience to the predecessor.

Your method of billing must be stated. The preferred practice of Fayette County is to pay upon completion of the work and receipt of the required report. However, Fayette County will consider paying on a periodic basis as substantial portions of the work are completed. Regardless of the billing method used, 10% of the funds available under the contract will be withheld until the final product is approved by DCNR.

F. Contract

**See Section 7** below for the contract form and the document entitled, "Nondiscrimination/Sexual Harassment Clause" that DCNR requires to be attached to and incorporated in the contract as an appendix (labeled Appendix A in this RFP).

SECTION 6. EVALUATION CRITERIA

A. Technical Expertise and Experience

The following factors will be considered:

- The firm's experience in performing similar work
- The expertise and professional level of the individuals assigned to conduct the work
- The clarity and completeness of the proposal and the firm's demonstrated understanding of the work to be performed

B. Procedures and Methods

The following factors will be considered:

- The techniques for collecting and analyzing data
- The sequence and relationships of major steps

- The methods for managing the work to ensure timely and orderly completion

C. Cost

The following factors will be considered:

- The number of hours of work to be performed
- The level of expertise of the individuals proposed to do the work.

D. Oral presentation

Any or all firms submitting proposals may be invited to give an oral presentation of their proposal.

## SECTION 7. CONTRACT FOR PROFESSIONAL SERVICES

A proposed contract is included (beginning on next page) for your review. If it is satisfactory to you, it should be completed, executed, and submitted with the proposal. If you prefer an alternative contract, you may submit it as a part of your proposal. However, the **County** reserves the right to enter into the enclosed contract with the successful firm or to negotiate the terms of a professional (consulting) services contract.

***(The Fayette County solicitor will be consulted concerning the contract form used for this RFP, including insertion of any contractual terms not addressed in this proposed contract, such as termination, breach, remedies for breach, etc.)***

## SECTION 8. ACCEPTANCE OF PROPOSAL

- The County Commissioners reserve the right to accept or reject any and all bids and reserves the right to waive technicalities where such action best serves the interests of the County.
- The County will be the sole and exclusive judge of quality and compliance with proposal specifications on any matters pertaining to this RFP. The County reserves the right to award the contract in any manner it deems to be in the best interest of the County.

Sealed proposals must be received at:

The Office of the Controller, 61 East Main Street, Uniontown, PA 15401 by no later than 3 p.m. on **June 20, 2019** via mail or in person, at which time they will be opened and publicly read. Late proposals will not be accepted.

Prospective Respondents are responsible for having proposals deposited on time at the place specified and assume all risk of late delivery, including any delay in shipping or handling of the shipment by couriers or Fayette County employees.

## CONTRACT FOR PROFESSIONAL SERVICES

This Contract is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the Fayette County, Pennsylvania ("**The County**"), and \_\_\_\_\_ ("**Consulting Firm**").

WHEREAS, **the County** desires to have certain one-time professional consulting work performed involving **two Master Site Development Plans**;

WHEREAS, the **County** desires to enter into a contract for this work pursuant to a Request for Proposals ("RFP") issued by **the County**;

WHEREAS, the Consulting Firm desires to perform the work in accordance with the proposal it submitted in response to the RFP;

WHEREAS, the Consulting Firm is equipped and staffed to perform the work;

NOW, THEREFORE, the parties, intending to be legally bound, agree as follows:

### THE CONSULTING FIRM WILL:

1. Provide professional consulting services in accordance with the RFP, its proposal in response to the RFP, and the Nondiscrimination/Sexual Harassment Clause, which is attached hereto and incorporated herein as Appendix A.
2. Obtain approval from **the County** of any changes to the staffing stated in its proposal. However, approval will not be denied if the staff replacement is determined by **the County** to be of equal ability or experience to the predecessor.

### THE **County** WILL:

1. Compensate the Consulting Firm based on the actual hours worked and actual reimbursable expenses for a total amount not to exceed \$\_\_\_\_\_.
2. Provide the Consulting Firm with reasonable access to **the County** personnel, facilities, and information necessary to properly perform the work required under this Contract.
3. Except as provided in item 4 below, make payment to the Consulting Firm within 30 days after receipt of a properly prepared invoice for work satisfactorily performed.
4. Make final payment of 10% of the funds available to the Consulting Firm under this Contract within 30 days after final product approval by the Department of Conservation and Natural Resources.

### IT IS FURTHER AGREED THAT:

1. All copyright interests in work created under this Contract are solely and exclusively the property of **the County**. The work shall be considered work made for hire under copyright law; alternatively, if the work cannot be considered work made for hire, the Consulting Firm agrees to assign and, upon the creation of the work, expressly and automatically assigns, all copyright interests in the work to **the County**.
2. In the performance of services under this Contract, there shall be no violation of the



right of privacy or infringement upon the copyright or any other proprietary right of any person or entity.

In witness thereof, the parties hereto have executed this Contract on the day and date set forth above.

WITNESS:

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WITNESS:

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FOR THE **County**:

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TITLE: \_\_\_\_\_

FOR THE CONSULTING FIRM:

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TITLE: \_\_\_\_\_

## APPENDIX A

# NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any of its employees.
3. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees in writing of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the grant services are performed shall satisfy this requirement for employees with an established work site.
4. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.
5. The Grantee and each subgrantee, contractor and subcontractor represent that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers' subject to *Title VII of the Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Diversity, Inclusion and Small Business Opportunities for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.

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

Based on Management Directive 215.16 Amended (5/11/17)

**RFP 19-04**

**REQUEST FOR PROPOSALS (RFP)**

**MASTER SITE DEVELOPMENT PLANS FOR GERMAN-MASONTOWN PARK IN GERMAN TOWNSHIP AND MASONTOWN BOROUGH: AND DUNLAP CREEK PARK IN MENALLEN TOWNSHIP, FAYETTE COUNTY**

Sealed proposals will be received in the Fayette County Office of the Controller, Fayette County Courthouse, Pennsylvania, until 3 p.m. Thursday, June 20, 2019 for firms wishing to submit proposals for a one-time contract to perform certain professional (consulting) services for the county and develop **two Master Site Development Plans for German-Masontown Park and Dunlap Creek Park, including walking trails at each park.**

Forms and specifications for RFP 19-04 may be obtained by contacting Chief Clerk Amy Revak at 724-430-1200 extension 1504 or via email at [arevak@fayettepa.org](mailto:arevak@fayettepa.org) or from the county website at [www.fayettecountypa.us](http://www.fayettecountypa.us).

Submit one (1) original and five (5) copies to this Advertisement to the Office of County Controller, Courthouse, 61 East Main Street, Uniontown, Pennsylvania, 15401.

If additional information on the project is needed, please contact Sue Martin, Project Coordinator, Office of Planning, Zoning and Community Development, at 724-430-1210, or email [smartin@fayettepa.org](mailto:smartin@fayettepa.org).

The Fayette County Commissioners reserve the right to reject any or all proposals or parts thereof. Selection will be based on a combination of qualifications and fees.

Scott Abraham  
Fayette County Controller

Advertise- May 28 and May 31, 2019  
Open: June 20, 2019

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