

# CITY OF PITTSBURGH

## Office of Management & Budget

*on behalf of the*

Department of City Planning



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Request for Proposal

*for*

Uptown Art in EcoInnovation District

RFP 18000254

## 1 Introduction

Proposals are requested for a public art project to be located at Tustin Park in Uptown. Artists are asked to propose a concept, and the selected artist will work with City Planning and the community to develop this concept into a permanent art installation.

Proposed concepts must relate to the themes of the Uptown/West Oakland EcoInnovation District Community Plan, as outlined in Section 3.2.

All proposals will be due by **4pm EST May 16, 2018**. Submission requirements can be found in Section 4. The Committee will announce the Awardee in March.

The compensation for this project is up to \$24,500. This will include all planning, materials, fabrication, installation, insurance, and artist fee.

## 2 Background

The Public Art and Civic Design Division (PA+CD) of the Department of City Planning is currently seeking proposals from an artist, an artist collective, an arts institution, educational institution, or designers, to implement a public art project within the Uptown EcoInnovation District (EID). Artists should propose a concept for the project. The artist will be selected based on this concept and will work with City Planning staff and the community to develop a final proposal. This will be the first of a series of three permanent art installations within the EID. PA+CD will be working with the Uptown neighborhood planner on this project, which aligns the soon to be released **Art Plan** with the goals and objectives of the recently adopted **Uptown/West Oakland EcoInnovation District (EID) Community Plan**.

**The Art Plan** calls for the integration of art as an element of urban and building design as a means of reinforcing public gathering places, infrastructure, neighborhoods, and communities. There is a need to employ public art as a means of empowering disadvantaged communities. As Pittsburgh rebuilds its economy and population, the nature of its communities is changing. Newcomers are settling in certain neighborhoods while the city as a whole is struggling with aging populations and a lack of resources and investment. Race, age, and income levels divide well-off and under-resourced communities, thus resulting in a need for community empowerment and investment. While public art can't solve all community challenges, it can be utilized as a means of encouraging residents of marginalized and under-resourced communities to participate in community revitalization. Quality of art and design can contribute to quality of life.

**The EID** is a groundbreaking initiative that combines the goals of EcoDistricts and Innovation Districts, which have helped to positively transform communities across the country. An EcoDistrict emphasizes a bottom-up model of planning and development to create a resilient and sustainable community. They reflect a new approach to development focused on economic opportunity, universal access,

smart and efficient infrastructure, and green building practices. An Innovation District is focused on job growth and economic opportunity. Innovation districts that are walkable, bikeable, and transit-oriented result in healthier, happier lifestyles for local residents, foster greater equity in access, and create a better environment for businesses to succeed.

Focused on Uptown and West Oakland communities, the EcoInnovation District is creating a new model for urban growth that is inclusive, innovative, and environmentally sound. The plan for the district is community-driven, with residents, community organizations and major employers working with the City of Pittsburgh for two years to establish the plan's vision, goals and strategies. During the planning process, more than 550 people attended public events attendees, 700 people completed surveys and over 20 focus groups were held. There were eight community meetings, a steering committee of community partners met nine times, and the project team conducted over 50 interviews and 25 focus groups.

The EID Plan can be found here: <http://www.ecoinnovationdistrict.org/read-draft-plan-here>

## 3 Proposal Guidelines

### 3.1 Project Overview

Applicants are asked to make creative links between the EID plan and the community by way of an artistic implementation. The proposed project may be 2-Dimensional, 3-Dimensional, or mixed-media; may use or include light and sound; or may be a small-scale functional intervention.

Preference may be given to installations that create an interactive experience or otherwise utilize artistic components and media to activate the space. The definition of an interactive experience for the purpose of this RFP is an intervention that raises awareness, creates dialogue, spurs evolution of new ideas, activates the space and/or gives voice to the community.

The awarded individual or team will receive a total not to exceed \$24,500. This will include all planning, materials, fabrication, installation, insurance, and artist fee.

The artist/team must propose community involvement in their response. The materials proposed for the project must be durable and be considered permanent, meaning that the artwork will have a lifespan of at least 10-15 years.

The site that will be utilized for this initial project installation will be the surface area and any vertical projections within Tustin Park, located at 2028 Tustin St, Pittsburgh, PA 15219. The intervention may occur on one or both of the areas shown in Section 3.6 of this RFP. The work should be integrated into the park, with a focus on education and/or a sense of playfulness. The City of Pittsburgh (the "City") and the Pittsburgh Water and Sewer Authority are also in the

process of planning potential green infrastructure improvements that would take place in the right-of-way on this stretch of Tustin Street. The applicant should take into consideration the nearby residential area as well as other important characteristics of the neighborhood when designing the artistic implementation.

After installation the artwork will be considered a gift to the City, as outlined in an agreement in which terms will be defined. The City will retain ownership of the final product that is produced. The artist or team should also be aware that the process may be video-recorded for documentation purposes at various points.

### 3.2 **Conceptual Guidelines**

Proposals should address the thematic concerns of **Equity** and **Identity**, as defined in the EID Plan, as well as one of the following: **Health**, **Connectivity**, or **Performance** (see below).

#### 3.2.2. **Equity and Identity** (Both must be addressed in proposal)

##### **Equity**

*Foster a vibrant, diverse community where residents are a vital part of the community's future.*

Equity in the Uptown/West Oakland community will be achieved when all residents of Uptown/West Oakland are an active and vital part of the community's future, benefit directly from improvements and don't solely bear the burden of systems that largely serve other communities. It's important to Uptown that those who live in Uptown and the rest of the Greater Hill gain skills and jobs as the neighborhood transforms into a model sustainable community.

##### **Identity**

*Embrace neighborhood heritage and reinforce culture and history.*

Uptown has long been a hub for moving goods and people from downtown and the river to the rest of the city. By the mid-20th Century a vibrant neighborhood full of shops, warehouses and housing has formed. Sizable Eastern European immigrant and African-American communities that once called Uptown home dwindled over the last 50 years. Today a small but engaged resident population enjoy Uptown's easy access to surrounding employment hubs, build community gardens, and create a uniquely rich tapestry of public art. University students and medical professionals are flocking to the area to be near Duquesne University and UPMC Mercy.

#### 3.2.3 **Health, Connectivity, and Performance** (Choose one to address in proposal)

##### **Health**

*Support active lifestyles, healthy food choices and access, and the creation of safe places.*

Due to geography, elevation and close proximity to major transportation corridors, Uptown has significant air quality and stormwater issues. Improvements to air quality will

take multiple approaches including increasing landscaping and tree canopy and may involve the installation of air scrubbing equipment at key locations. Stormwater causes combined sewer overflow events with sewage backing up into the street. Beyond these issues, a lack of fresh food options, open space, and recreation opportunities mean residents have fewer options to make healthy lifestyle choices.

**Connectivity:**

*Create stronger physical and/or cultural linkages to surrounding areas and natural features.*

Uptown has a shared history with the Greater Hill District but can feel somewhat disconnected from the adjacent residential area. The Crosstown Expressway creates a physical barrier between Uptown and Downtown. While Uptown enjoys dramatic visual connections to the South Side, a cliff face and the Eastside Expressway separate Uptown from the Monongahela River. And although many residents and employees often move between Oakland and Uptown during their day, a stretch of winding undeveloped hillside separates the two. Crossing these divides is not only a physical problem.

**Performance**

*Pursue solutions for water, building systems and district energy supplies.*

The Uptown community aspires to be a leader in sustainable community building and has high expectations that each new building, piece of infrastructure, open space and public art contributes to this vision and to sustainable lifestyles. Art can be a key way of communicating this to visitors while educating residents about the natural systems they are seeking to repair.

### **3.3 Material and Design Guidelines**

As stated in the project scope, the proposed materials for the projects must be durable and be considered permanent, meaning the artworks will have a lifespan of at least 10-15 years.

The maximum height for the art proposal is 20 ft. A 5 ft setback from the rear property lines is required.

Proposals should address any potential impacts to adjacent homes/residents particularly if the proposal includes sound or lighting or is likely to emit glare onto adjacent structures or streets.

If sound is proposed: No installation shall generate noise in excess of forty-five (45) dB(A), or three (3) dB(A) above Background Sound Level, whichever is greater, between the hours of 10:00 p.m. and 6:00 a.m. or in excess of fifty-five (55) dB(A), or three (3) dB(A) above Background Sound Level, whichever is greater, at all other times, as measured at the lot line of any adjacent parcel.

If lighting is proposed: Lighting shall be arranged and controlled so as to deflect light away from any lot line of any adjacent parcel. Any light or combination of lights that casts light on a public street shall not exceed one (1) foot-candle (meter reading) as measured from the

centerline of such street. Any light or combination of lights that cast light on any lot line of any adjacent parcel shall not exceed 0.4 foot-candles (meter reading), as measured no more than three (3) feet inside the lot line of any adjacent parcel.

**3.4 Applicant Requirements**

The final selected applicant will be required to:

- Meet with PA+CD staff and the neighborhood planner, key stakeholders, and experts of the community to discuss the initial concept proposal.
- Hold a public meeting/workshop to gather public input and investment in the project.
- Work with the PA+CD staff, Zoning Division and the Department of Permits, License and Inspections, if necessary, depending on the proposed artistic implementation.
- Adjust/formulate a final proposal after listening to ideas and community input in relation to the project.
- Work with City Planning staff to host a public open house meeting to present the final design to the community including adjustments made based on input from the workshop.
- Work with PA+CD staff to put together an application for the City’s Art Commission and present said application at a, Art Commission hearing.
- Work with PA+CD and the Law Department to draft an agreement.
- Work with PA+CD and the Department of Public Works on an installation plan as well as a maintenance plan.

**3.5 Timeline**

RFP released:	April 18, 2018
Cut-off for questions:	April 2, 2018 4pm EST
Proposal submission deadline:	May 16, 2018 4pm EST
Proposal Review & Supplier Scoring	Week May 21, 2018
Contract award:	May 2018
Council Approval	May 2018
Project start date:	Date of Contract Execution

**3.6 Project Site**

Plan View



Street View



### 3.7 Maintenance

The selected individual/team will work with PA+CD and DPW to create a viable maintenance plan for the artistic implementation.

### 3.8 Expectations and Deliverables

The awarded individual or team will complete the requirements outlined above which will include all planning, materials, fabrication, installation, and artist fee not to exceed \$24,500.

The selected artist will be expected to create final technical drawings which include: a site plan, elevations, renderings, and a landscape plan. The selected artist will be required to present to the Art Commission in collaboration the Department of City Planning. Design must be submitted to PA+CD and have final approval prior to submission to the Art Commission.

The selected individual or team will be expected to enter into a contract with the City of Pittsburgh and the respective departments involved in this project. A copy of the City's Standard Professional Services Contract is attached for your review.

*The City reserves the right to modify the scope of services at any time before execution of a contract to add, delete, or otherwise amend any item(s), as it deems necessary, in its sole judgment, and in the best interest of the City.*

## 4 Submission & Format Requirements

### 4.1 Submission Process

All proposals will be due by **4pm EST May 16, 2018**.

Responses to this RFP shall include the information described in this section. Provide the information in the specified order. Failure to include all of the elements specified may be cause for rejection. Additional information may be provided, but should be succinct and relevant to the goals of this RFP. Excessive information will not be considered favorably.

1. All applicants must register on Beacon to submit a bid for this opportunity. The registration link can be found here: <http://pittsburghpa.gov/beacon/registration.html>
2. If additional assistance is needed with registration or submitting a proposal in response to the RFP, please email support [webprocure-support@proactis.com](mailto:webprocure-support@proactis.com) or call the support line at 866-889-8533.
3. Once registered, applicants must login and find the RFP that they intend to apply to. The list of RFPs can be found here: <http://pittsburghpa.gov/beacon/bid-opportunities.html>

4. Bidding participants must submit their proposals electronically on Beacon by **4pm EST on May 16, 2018**.
5. Bidding participants are to provide one (1) electronic copy of your proposal in either MS Word or PDF.
6. Questions regarding proposals should be delivered **ONLY** to the OMB RFP Coordinator. They must be submitted in writing **no later than 4pm EST on April 2, 2018** and directed to:

Edward Pikula  
Procurement Coordinator  
Office of Management and Budget  
City-County Building, Room 502  
414 Grant Street  
Pittsburgh, PA 15219  
[edward.pikula@pittsburghpa.gov](mailto:edward.pikula@pittsburghpa.gov)

7. If the RFP Coordinator above is not available, please email [vendors@pittsburghpa.gov](mailto:vendors@pittsburghpa.gov)

Additional submission considerations:

- a. The City of Pittsburgh shall not be responsible for proposals delivered to a person or location other than that specified herein.
- b. Late proposals shall not be accepted or considered.
- c. All submittals, whether selected or rejected, shall become the property of the City of Pittsburgh and will not be returned.
- d. All costs associated with proposal preparation shall be borne by the applicant.

#### **4.2 Format Requirements**

The following information must be included in all applications. Applications information should be grouped into sections, in the order listed below.

##### **Section 1: Project Description**

The section should be no more than two pages in length and include the following information:

- a. A narrative describing the proposed project, any necessary background information, and how it relates to the themes outlined in Section 3.2.
- b. A discussion of you or your team's approach to the successful completion of the scope of services outlined in this RFP.
- c. A proposed work schedule to accomplish all of the required tasks within the desired timeline. If applicable, identify the staff roles who would be assigned to each major task, including sub-consultants.

**Section 2: Visual Samples**

As necessary, please include any photographs, renderings, samples, or other visual images that will clarify your concept or provide contextual background.

**Section 3: Qualifications, Experience & References**

This section should be no more than two pages in length and include the following information:

- a. A description of the applicant, including a statement of the applicant's qualifications for providing the scope of services.
- b. A current resume or curriculum vitae.
- c. At least three professional references, with complete addresses, phone numbers, and email addresses
- d. Five images of past artwork or relevant portfolio images. These images should be provided in jpeg or similar format and be clearly labeled. They should not be larger than 800 pixels x 800 pixels at 72 dpi. An annotated list describing each work should also be provided. These descriptions must include: title, date, medium, size, location, and if a commissioned project, the commissioned budget.
- e. If a collective or team is proposed: a description of each team member, including a brief summary of their qualifications and experience, length of time with the company, and resume.
- f. The qualifications/experience of any intended sub-consultant or sub-contractor, if applicable.

**Section 4: Cost Proposal**

Provide a total cost proposal for all services to be delivered, and a breakdown of costs delineated by major phase and/or deliverable as described in your project plan. Include a schedule of hourly rates for all proposed staff and the amount of time each person will devote to this project. Define any reimbursable expenses (e.g., travel) requested to be paid by the City. If travel expenses are included, the rate assumptions generally should not exceed the United States General Services Administration (GSA) rates for Pittsburgh. The total cost should not exceed \$24,500.

PLEASE NOTE: The City does not agree to late fees, penalties, interest, attorney's fees or other contingent liability. In no event shall the City be liable for special, indirect, incidental, reliance, lost profits or other business interest damages.

Electronic submission on Beacon are required. Applicants who wish to submit an optional hard copy may send it to the address in Section 4.1. Hard copies should be bound or contained in a loose leaf binder. Document pages shall be 8-1/2 inches by 11 inches in size or folded to such a size. Sections should be ordered as above.

## 5 Evaluation & Selection

### 5.1 Selection Procedure

Each proposal will be reviewed by an Advisory Committee comprised by the Public Art and Civic Design Manager of the City of Pittsburgh; the Arts, Culture, and History Specialist of the City of Pittsburgh; the Uptown neighborhood planner; one staff member from the Office Management and Budget; two business owners or stakeholders; two residents of Uptown; and two visual artists selected by PA+CD staff.

Semi-finalist proposals will be evaluated for responsiveness, and responsive submittals will further be screened by a City Selection Committee in accordance with the criteria listed below. The applicant(s) submitting the highest rated proposal(s) may be invited for interviews.

### 5.2 Criteria

All proposals will be evaluated using the following criteria while addressing the guidelines mentioned in Section 4 of this RFP:

1. Project Description(50 points)
  - a. Overall concept of project with regard to creativity, innovation, aesthetics, public value, and material presence.
  - b. How the project addresses the goals of both **Equity** and **Identity**.
  - c. The inclusion of one additional goal: **Connectivity**, **Health**, or **Performance**.
  - d. Integration of the project at the site in relation to:
    - i. Education: How the project will increase community understanding of the EID.
    - ii. Leadership: How the design process creates partnerships and/or a model for sustainable local leadership that can continue to engage residents to take action in the community.
    - iii. Opportunity: How the project raises awareness of the creative activities, training, and potential employment pathways available to residents.
2. Applicant's Qualifications, Experience and References (30 points)
  - a. Previous experience and/or educational background of the individual or team
3. Cost Proposal (20 points)
  - a. Applicant provides cost proposal not to exceed \$24,500

## 6 Award & Contract

### 6.1 Award

After the City has received all proposals and conducted its initial Evaluation, described above, the City Selection Committee may invite one or more applicants to a follow-up interview to further discuss their proposal(s).

The City Selection Committee may decide to accept the proposal of one or more applicants. It may decide to reject all proposals. Once a proposal is accepted, the contract negotiation process will commence. This RFP and your response to it, in the form of your entire proposal, will become part of the Contract. If a real or apparent conflict should arise between this RFP/proposal and other language contained in the final Contract, the language of the final Contract shall control.

### 6.2 Contracting Process

The final selected individual or team will be required to enter into a professional services agreement and/or other applicable agreements with the City. The final agreement or agreements are subject to review and approval of the City Solicitor and contingent upon the approval of City Council. This Contract will be directed and managed by the issuing department and the Office of Management & Budget. A copy of the City's Standard Professional Services Contract is attached for your review.

Work cannot commence on the Scope of the RFP until it a contract is **fully executed**. The City cannot process invoices nor approve payments until this Contract has been fully executed by the Respondent and all required City signatories, including the issuing department, the Law Department, and the City Controller.

City laws and policies mandate the incorporation of various custom terms and conditions into all City contracts. For this reason the City will not sign any standard contract proffered by the selected artist, artists collective or designer.

An agreement shall not be binding or valid with the City unless and until it is fully executed by authorized representatives of the City and of the Proposer. Once the Contract is fully executed the City will notify Respondent in writing and give the order to proceed.

## 7 General Terms & Conditions

### 7.1 Examination of Proposal Documents

The submission of a proposal shall be deemed a representation and certification by the applicant that they:

**7.1.1** Have carefully read and fully understand the information that was provided by the City to serve as the basis for submission of the proposal.

**7.1.2** Have the capability to successfully undertake and complete the responsibilities and obligations of the proposal being submitted.

**7.1.3** Represent that all information contained in the proposal is true and correct.

**7.1.4** Did not, in any way, collude; conspire to agree, directly or indirectly, with any person, firm, corporation or other proposer in regard to the amount, terms or conditions of this proposal.

**7.1.5** Acknowledge that the City has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by a proposer, and proposer hereby grants the City permission to make these inquiries, and to provide any and all related documentation in a timely manner.

No request for modification of the proposal shall be considered after its submission on the grounds that the proposer was not fully informed to any fact or condition.

### 7.2 RFP Term

Respondent's proposal shall remain firm and effective, subject to the City's review and approval, for a period of one hundred twenty (120) days from the closing date for the receipt of proposals.

The City may enter into negotiations with one or more applicants during the one hundred twenty (120) day period during which all proposals will stay effective. The purpose of such negotiations will be to address questions and identify issues as the parties move towards the execution of a final contract or contracts.

### 7.3 RFP Communications

Unauthorized contact regarding this RFP with employees or officials of the City of Pittsburgh other than the RFP Coordinator named in Section 4.1 of this document may result in disqualification from this procurement process.

Neither applicant(s) nor any person acting on applicant(s)'s behalf shall attempt to influence the outcome of the award by the offer, presentation or promise of gratuities, favors, or anything of value to any appointed or elected official or employee of the City of Pittsburgh, their families or staff members. All inquiries regarding the solicitation are to be directed to the designated RFP Coordinator identified in Section 4.1 of this document. Outside of pertinent RFP questions directed to the City of Pittsburgh as specified above, any other attempts to contact any City of Pittsburgh personnel regarding this RFP, without prior approval by the contact listed in Section

4.1, will be considered grounds for dismissal and immediate disqualification from the RFP process. This includes, but is not limited to, all verbal, voice, text, e-mail, and social media (e.g. LinkedIn) contact.

**7.3.1** Interested parties must direct all communications regarding this RFP as outlined in this document.

**7.3.2** The City shall not be responsible for nor bound by any oral instructions, interpretations or explanations issued by the City or its representatives.

**7.3.3** Each proposer shall assume the risk of the method of dispatching any communication or proposal.

**7.3.4** The RFP Coordinator must receive all written comments, including questions and requests for clarification, no later than the Deadline for Submission Questions listed in the tentative project schedule.

**7.3.5** The City reserves the right to determine, at its sole discretion, the appropriate and adequate responses to written comments, questions, and requests for clarification. The City's official responses and other official communications pursuant to this RFP shall constitute an addendum of this RFP.

**7.3.6** The City will publish all official responses and communications pursuant to this RFP to the City of Pittsburgh procurement website. It is the responsibility of each proposer to check the site and incorporate all addenda into their response.

NOTE: All addenda for this RFP will be distributed via the City of Pittsburgh procurement website at [procurement.pittsburghpa.gov/beacon/opportunities](http://procurement.pittsburghpa.gov/beacon/opportunities)

**7.3.7** Only the City's official, written responses and communications shall be considered binding with regard to this RFP.

#### **7.4 Addenda/Clarifications**

Should discrepancies or omissions be found in this RFP or should there be a need to clarify this RFP, questions or comments regarding this RFP must be put in writing and received by the City as outlined in Section 4.1 of this document

#### **7.5 Withdrawal of Proposals**

A proposer may withdraw its proposal at any time before the expiration of the time for submission of proposals as provided in this RFP by delivering a written request for withdrawal signed by, or on behalf of, the proposer.

#### **7.6 Public Record**

Applicant, by submittal of a proposal, acknowledges that all proposals may be considered public information in accordance with the Commonwealth of Pennsylvania Right to Know laws.

Subject to award of this RFP, all or part of any submittal may be released to any person or firm who may request it. Therefore, proposers shall specify in their proposal response if any portion of their submittal should be treated as proprietary and not releasable as public information.

Proposers should be aware that all such requests may be subject to legal review and challenge.

Any information considered proprietary should be indicated as such or not included in the response.

**7.7 Non-Conforming Proposal**

A proposal shall be prepared and submitted in accordance with the provisions of these RFP instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from or to a proposal may be sufficient grounds for non-acceptance of the proposal, at the sole discretion of the City.

**7.8 Disqualification**

Factors such as, but not limited to, any of the following may be considered just cause to disqualify a proposal without further consideration:

- 7.8.1** Evidence of collusion, directly or indirectly, among proposers in regard to the amount, terms or conditions of this proposal;
- 7.8.2** Any attempt to improperly influence any member of the evaluation team;
- 7.8.3** Existence of any lawsuit, unresolved contractual claim, or dispute between the proposer and the City;
- 7.8.4** Evidence of incorrect information submitted as part of the proposal;
- 7.8.5** Evidence of proposer's inability to successfully complete the responsibilities and obligation of the proposal; and
- 7.8.6** Proposer's default under any previous agreement with the City, which results in termination of the agreement.

**7.9 Restrictions on Gifts and Activities**

The City of Pittsburgh Ethics Code and Chapter 198 of the City Code (Code of Conduct) was established to promote public confidence in the proper operation of our local government. These resources outline the requirements for disclosure of interests and restricted activities as related to public procurement processes. Proposers are responsible to determine the applicability of these requirements to their activities and to comply with its requirements.

**7.10 Rights of the City of Pittsburgh**

This RFP does not commit the City to enter into a contract, nor does it obligate the City to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract. The City reserves the right to:

1. Reject any and all proposals;
2. Issue subsequent Requests for Proposals;
3. Cancel this RFP with or without issuing another RFP;
4. Remedy technical errors in the Request for Proposals process;
5. Approve or disapprove the use of particular sub-consultants;
6. Make an award without further discussion of the submittal with the proposer (therefore, the proposal should be submitted initially on the most favorable terms that the firm or individual might propose);
7. Meet with select proposers at any time to gather additional information;
8. Make adjustments to the scope of services at any time if deemed by the Office of Management and Budget to be in the best interest of the City;

9. Accept other than the lowest offer.
10. Waive any informality, defect, non-responsiveness, or deviation from this RFP that is not material to the Respondent's proposal;
11. Reject the proposal of any Respondent who, in the City's sole judgment, has been delinquent or unfaithful in the performance of any contract with the City;
12. Reject the proposal of any Respondent who, in the City's sole judgment, is financially or technically incapable of performing in accordance with this RFP;
13. Negotiate with any, all, or none of the Offerors and to enter into an agreement with another Offeror in the event that the originally selected finalist defaults or fails to execute an agreement with the City.
14. Award a contract to the firm(s) that presents the best qualifications and whose proposal best accomplishes the desired results; and/or
15. Enter into an agreement with another proposer in the event the originally selected proposer defaults or fails to execute an agreement with the City.
16. Require a performance bond and/or other "failure to deliver" agreement by the awardee at time of contracting.

## 8 Acknowledgements

### 1. Conflict of Interest

By submission of a proposal to this RFP, Respondent agrees that it presently has no interest and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of the services required under this RFP.

### 2. Code of Ethics

By submission of a proposal to this RFP, Respondent agrees to abide by the Code of Ethics of The City of Pittsburgh. The full Ethics Handbook can be found here:  
[http://pittsburghpa.gov/personnel/files/policies/10\\_Ethics\\_Handbook.pdf](http://pittsburghpa.gov/personnel/files/policies/10_Ethics_Handbook.pdf)

### 3. Fair Trade Certification

By responding to this RFP, the Respondent certifies that no attempt has been made, or will be made, by the Respondent to induce any other person or firm to submit or not to submit a submission for the purpose of restricting competition.

### 4. Non-Disclosure

By responding to this RFP, the Respondent acknowledges they may be required to sign a Non-Disclosure Agreement during the contracting process if they are the successful bidder.

### 5. Debarment

This RFP is also subject to Section 161.22 of the City of Pittsburgh Code related to debarment from bidding on and participating in City contracts.

**6. Financial Interest**

No proposal shall be accepted from, or contract awarded to, any individual or firm in which any City employee, director, or official has a direct or indirect financial interest in violation of applicable City and State ethics rules. Entities that are legally related to each other or to a common entity which seek to submit separate and competing proposals must disclose the nature of their relatedness.

**7. Full Fee Disclosure**

Pursuant to Section 161.36 of the Pittsburgh City Code, a Respondent must include a disclosure of any finder's fees, fee splitting, firm affiliation or relationship with any broker-dealer, payments to consultants, lobbyists, or commissioned representatives or other contractual arrangements of the firm that could present a real or perceived conflict of interest.