

**PHILADELPHIA ENERGY AUTHORITY,
PHILADELPHIA MUSEUM OF ART,
AND CITY OF PHILADELPHIA**

**REQUEST FOR PROPOSALS
for**

**A Guaranteed Energy Savings Agreement Project at the Philadelphia
Museum of Art**

2017

Issued by:

Philadelphia Energy Authority, Philadelphia Museum of Art and City of Philadelphia

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Request For Proposals

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Section 1- OVERVIEW

1.1 Project Overview

The Philadelphia Energy Authority (“PEA”), the Philadelphia Museum of Art (“PMA”) and the City of Philadelphia (the “City,” together with PEA and PMA referred to as the “Administrator”) intends to commence a guaranteed energy savings project (“Project”) for the PMA located at 2600 Benjamin Franklin Parkway, 2525 Pennsylvania Ave, and 2151 Benjamin Franklin Parkway, Philadelphia. The Administrator seeks qualified Energy Service Companies (“ESCOs”) to perform under an energy performance contract under the Pennsylvania Guaranteed Energy Savings Act (“GESA”). GESA addresses contracting by municipalities for energy conservation measures in existing buildings.

The Administrator is requesting proposals for these facilities that will comprehensively reduce energy costs. The ESCO proposals will guarantee savings that can be used to cover operating budget expenses and finance improvements. The ESCO will also implement an Economic Opportunity Plan (“EOP”) in its selection and use of diverse subcontractors and hiring of workers that ensure the employment of an appropriately diverse workforce.

This Request for Proposals (“RFP”) is the next step in the Administrator’s process of obtaining proposals from qualified ESCOs. Only those Respondents who have been deemed most qualified through the associated RFQ process by the Administrator are invited to participate in this Request for Proposals process. The Administrator will only consider proposals from ESCOs that are selected pursuant to this RFP.

1.2 Philadelphia Museum of Art

The Philadelphia Museum of Art is a 501(c)(3) non-for-profit organization originally established in 1875, and chartered in 1876. The museum, possesses more than 229,000 works of art, has world-renowned collections of the arts of the United States, Europe, Asia, and Latin America.

Opened in 1928, the Philadelphia Museum of Art Main Building is one of Pennsylvania’s most iconic buildings. The city-owned building is a designated Commonwealth Treasure and is a registered landmark. The Museum stands on the site of the former city reservoir and marks the easterly entry into the Fairmount Park system and the westerly end of the Benjamin Franklin Parkway. The main building is five floors (three at/above grade) comprising 669,000 square feet including a recent expansion for an art handling facility.

The Museum’s campus also includes the Ruth and Raymond G. Perelman Building (2525 Pennsylvania Avenue), which was purchased by the Museum in 2004. Completed in 1927 by one of three architectural firms that built the Main Building, the building originally served as the headquarters for the Franklin Mutual Life Insurance Company until 1972. The Perelman Building opened to the public as part of the Museum in 2008 after a full renovation and expansion of the facilities. When purchased, the building was 125,000 square feet and through the renovation, the Museum reclaimed an additional 59,000 square feet of space. The building is lavishly decorated with sculpture, color, and gilding, and is regarded as one of the finest Art Deco structures in Philadelphia.

The Museum embarked on the next phase of its Facilities Master Plan, the Core Project, in January 2017. The Core Project will focus on the Main Building, addressing decades of deferred maintenance, code, and life safety concerns, to ensure that this landmark building is safe and efficient for visitors and staff. Systems affected by these projects include chiller pumps, mechanical rooms & distribution, electrical service, lighting control systems, gas & water service, and domestic water & waste piping.

The Museum properties also include Philadelphia's historic Rodin Museum and Garden (2151 Benjamin Franklin Parkway) which ranks among the jewels of the City's cultural institutions. Administered by the Philadelphia Museum of Art (PMA) since 1939, it is renowned for the beauty of its grounds and architecture, and for the importance of its holdings—one of the largest collections of works by Auguste Rodin in the world.

1.3 Philadelphia Energy Authority- Energy Campaign

The Philadelphia Energy Authority is an independent municipal authority focused on issues of energy affordability and sustainability for Philadelphia's government and its citizens. Established in 2010 through the leadership of now-Council President Darrell Clarke and then-Mayor Michael Nutter, the PEA seeks systemic solutions to our energy challenges, supporting the work of a robust community of energy experts, advocates, and champions citywide. PEA holds long-term energy contracts on behalf of the City of Philadelphia and works closely with the Office of Sustainability and Energy Office to achieve our shared goals.

In February 2016, PEA and Council President Clarke launched the Philadelphia Energy Campaign, a 10-year initiative to leverage \$1 billion in investment in energy efficiency and clean energy projects across four key sectors: City buildings, the School District of Philadelphia, low-income residential housing and small businesses. Our goal is to create 10,000 jobs, reach 25,000 households and support 2,500 small businesses. The Energy Campaign is neighborhood-driven, and strives to strengthen communities, cut energy bills, reduce Philadelphia's carbon footprint and build our local economy equitably.

1.4 City of Philadelphia- Office of Sustainability- Energy Office and *Greenworks*

The City of Philadelphia, Pennsylvania is a municipal government governed under a Home Rule Charter authorized by the Commonwealth of Pennsylvania. Philadelphia is the largest city in Commonwealth of Pennsylvania and the fifth largest in the United States. The Mayor of Philadelphia, James Kenney continued the prioritization of sustainability at the start of his administration in 2016.

The City of Philadelphia's Office of Sustainability is responsible for implementing *Greenworks: A Vision for a Sustainable Philadelphia*, the City's comprehensive sustainability plan. Greenworks contains visions for a Philadelphia with clean energy and efficient buildings, and climate prepared and carbon neutral communities, and healthy air inside and outside. In support of these visions, the Office of Sustainability provides municipal energy management through its Energy Office. The Office of Sustainability and Energy Office are currently working on a municipal energy master plan for government operations which aims to reduce City government emissions, improve overall efficiency and reduce utility costs.

This RFP is being supported by the Energy Office as part of the Office of Sustainability with support from various City agencies as appropriate. The Energy Office frequently works on projects focused on large scale investments at City property. The overall mission of the Energy Office is to:

- Strategically procure cost effective, reliable, safe, clean energy and conventional energy systems for city government
- Promote energy conservation and efficiency within City facilities by providing education, technical expertise and analysis of energy used
- Develop and implement projects and programs that promote the efficient use of energy and reduce the City's environmental impact.

1.5 Defined Terms

The following capitalized terms used in this RFP have the following meanings:

“Administrator” means the PEA, PMA and the City either collectively or individually. Any activities or responsibilities identified in this RFP may be acted upon by the PEA, PMA or the City.

“City” means The City of Philadelphia.

“City’s Contract Terms” means the Attachment E “City Standard Contract Provisions”

“Contract” means the form of agreement or energy savings performance contract between the successful Proposer and a designee of the Administrator to provide energy conservation measures.

“Project Contact” means the person designated in Section 3.1.

“ECM” means energy conservation measures

“EOP” means an Economic Opportunity Plan.

“ESCO” means Energy Service Companies

“Evaluation Committee” means the committee established by the Administrator to evaluate the Proposals submitted in response to this RFP.

“GESA” means Pennsylvania’s Guaranteed Energy Savings Act.

“OEO” means the Office of Economic Opportunity.

“PEA” means the Philadelphia Energy Authority.

“Project” means energy conservation measures and improvements installed by the successful Proposer.

“Proposal” means the documents submitted in a timely manner to this RFP.

“Proposer” means a party that submits a proposal in response to this Request for Proposals.

“PMA” means the Philadelphia Museum of Art whose Main, Perelman and Rodin buildings are located at 2600 Benjamin Franklin Parkway, 2525 Pennsylvania Ave and 2151 Benjamin Franklin Parkway respectively, Philadelphia, Pennsylvania.

“Response” means a statement of qualifications submitted in a timely manner in response to the previous RFQ.

“Respondent” means the party that submits the Response.

“RFP” or “Request for Proposals” means this Request for Proposals issued by the Administrator for this Project to the qualified Respondents, including any addenda.

“RFQ” means the Request for Qualifications previously issued by the Administrator, including any addenda.

“Team Member” means each firm included in the Response/Proposal (including firms that are partners, members of the Respondent/Proposer, or shareholders in the Respondent/Proposer).

(End Section 1)

Section 2- PROJECT DESCRIPTION

2.1 Energy Conservation at the Philadelphia Museum of Art

The Administrator intends to commence a guaranteed energy savings project (Project) at the Philadelphia Museum of Art's Main, Perelman and Rodin Museum Buildings. The Administrator seeks a qualified, certified Energy Services Company (ESCO) to perform under an energy performance contract (Contract). The Pennsylvania Guaranteed Energy Savings Act (GESA) addresses contracting by municipalities for energy conservation measures in existing buildings.

The Administrator will be requesting proposals for these facilities that will comprehensively reduce energy costs. The ESCOs' proposals must guarantee savings that can be used to cover operating budget expenses and finance improvements. The maximum term for financing will be twenty years. The Selected Proposer will also implement an Economic Opportunity Plan in its selection and use of subcontractors that are registered with the Office of Economic Opportunity as Minority (MBE), Woman (WBE) and Disabled (DSBE) Owned Business Enterprises and in its employment of an appropriately diverse workforce. The Administrator has several ECMs that it is specifically interested in and additionally, is looking to leverage work planned in the Philadelphia Museum of Art's Core Project, as part of this scope.

The ECMs will be selected by a team represented by the PEA, PMA and the City. In the attachments to this RFP, the Administrator provides recent, available, and relevant energy audit, energy use data, and information for the evaluation of ECMs. In the RFQ, the Administrator provided an initial list of ECMs for exploration on this project. Additional technical information, facility descriptions and available information can be found in "Attachment C – Philadelphia Museum of Art-Technical Building Profiles".

2.2 Project Objectives

The Mayor of Philadelphia, James Kenney, has established a framework for the City's work, structuring efforts around five key areas:

- Improve educational opportunities and outcomes for all Philadelphia's children
- Improve economic opportunities for all Philadelphians
- Improve public safety for all Philadelphia while treating residents with respect and dignity
- Operate government efficiently and effectively
- Develop a diverse workforce that looks like Philadelphia and treat that workforce with respect

In this Project procurement, the Administrator is committed to supporting investments today that will yield significant energy and cost savings in future years. The objectives for this project include the following:

- Reduce the overall costs of the utilities to the City by contracting with an experienced ESCO for the installation of energy conservations measures.
- Improve coordination, reliability and operating efficiency of the buildings.

- Enhance the public perception of the PEA's, PMA's, and the City's efforts to pursue sustainable and progressive technologies.

2.3 Scope of Services

The Administrator is interested in contracting for a full range of energy services and energy-related capital improvements (ECMs), through a guaranteed energy savings contract, for the Project Site(s). The ECMs may include but are not limited to: the design, acquisition, installation, modification, maintenance, and training in the operation of existing and new equipment, which will reduce energy consumption and related costs associated with the heating, ventilation, and air conditioning system, lighting systems, control systems, building envelope, the hot water systems, water consumption, sewage costs, and other energy using devices. Additionally, savings which would not reduce consumption per se but are aimed at cost savings, such as fuel switching, demand side management, on-site generation, distribution upgrades, etc., may also be considered. ECMs may also include the training of facility staff with respect to routine maintenance and operation of all improvements.

ECMs must result in a guaranteed minimum energy savings with ESCO payments linked to actual documented energy and cost reductions. Any stipulated energy and/or operational cost savings that may be attributed to this project will be rigorously reviewed and, the ESCO will be required by the contract to thoroughly document and verify the savings, which must be approved by the Administrator. The savings achieved by the ECMs in any year must be guaranteed to provide not less than the project financing payment plus the service fees during that year for the duration of the contract. ESCOs will be required to guarantee energy and cost savings on an annual basis.

No credit for the achievement of savings above and beyond the annual guarantee will be credited to satisfy performance guarantees in future years of the contract. Annual reconciliation of the achieved savings will be required. Consistent with the provisions of Acts 57/77, no contract may exceed twenty (20) years in duration.

In 2012, the City completed a guaranteed energy savings project at its four large center city buildings in similarly energy efficiency focused project called the Quadplex Guaranteed Energy Savings Project. Funding for the Quadplex project came from a combination of revenue bonds and qualified energy conservation bonds issued by the Philadelphia Municipal Authority. Financing options for this project are still being determined, however the City does have access to additional Qualified Energy Conservation Bonds which may be made available for the project assuming QECCBs are deemed an allowable use. Attachment D, section 3.6 includes submission requirements related to financing.

2.4 Design Criteria

In addition to prevailing design codes, ECM design criteria shall be based on published ASHRAE and BSI standards/guidelines for relevant applications (museums/collections/cultural). In addition, all ECMs shall be submitted for approval by PMA and or a designee of the Administrator prior to construction in a later phase of the project.

2.5 Schedule

It is anticipated that the Project construction will coincide with the Philadelphia Museum of Art's Core project work. For planning purposes, Proposers should consider a construction start in early 2018 following project approval and financing.

A general outline of the procurement schedule has been provided below. The Administrators will make every effort to hold this schedule:

| Activity | Responsibility | Date & Time |
|--|-----------------------------------|--|
| Pre-proposal Conference | City, PMA | May 31 st 2017 at the Philadelphia Museum of Art. Additional details to follow via email. |
| Buildings walk through(s) | PMA | Week of June 12 th |
| Deadline to submit questions via email to energy@phila.gov | Proposers | June 16 th , 2017 5pm |
| Proposal must be received by energy@phila.gov | Proposers | July 6 th , 2017 5pm |
| Oral Interview – Location TBA | City, PMA, PEA, Proposers | Week of July 17 th |
| Selection of Recommended Proposer | City, PMA, PEA | Week of July 31 st |
| Investment Grade Audit Completed | Selected Proposer | Week of Sept 18 th |
| Project approval and contract signing | City, PMA, PEA, Selected Proposer | Late Fall/Early Winter 2017 |

2.7 Construction

Construction of the Project will be coordinated with the PMA and contractors responsible for work at the PMA.

The resulting Contract will be subject to the prevailing wage requirements under Section 17-107 of the Philadelphia Code, that all employees performing work under the contract shall be paid at least the applicable prevailing wages for the respective occupational classifications.

The resulting Contract may be subject to Section 17-107 of the Philadelphia Code, “Contractors: Labor Management Relationships,” and all regulations and procedures adopted thereunder.

Work for this Contract may be reviewed by the City’s Labor Standards Division to ensure compliance.

In addition, work on the Project may be subject to Project Labor Agreements (PLA) between the Philadelphia Building and Construction Trades Council and the prime

contractors on the construction projects. The PLA restricts strikes and lock-outs and requires all employees on site to participate in a drug and alcohol program that includes testing.

(End Section 2)

Section 3 - PROCUREMENT PROCESS

3.1 Project Contact and Related Agency

The only person who may be contacted regarding this RFP or other aspects of this procurement process (“Project Contact”) is:

Adam Agalloco, Energy Manager
(215) 686-4460 adam.agalloco@phila.gov

The participation of PEA in this project is authorized by the City’s Home Rule Charter. Authorities have assisted the City for more than 30 years in arranging for long-term contracts for the provision of equipment and services.

3.2 Procurement Phases

This is the second phase of Administrator’s procurement process. PEA, PMA, and the City are issuing this RFP to the firms designated as qualified in the RFQ phase. The RFP phase will conclude with the Administrators evaluation of the Proposals.

Upon completion of the RFP phase, contract negotiations may be initiated. As determined in the sole discretion of the Administration, such negotiations may be conducted with all or more than one Proposer simultaneously or with the top-ranked Proposer initially on the detailed terms and conditions for an agreement.

3.3 Evaluation Committee

Proposals will be evaluated in accordance with the criteria set forth in Section 4.4 as well as any other factors considered relevant to each Proposer’s ability to deliver the Project. A committee of Administrator representatives, including representatives of the Administrator’s consultants (“Evaluation Committee”), will evaluate Proposals.

3.4 Question and Answers

All questions concerning this RFP must be submitted in writing via email to the COP Contact at energy@phila.gov no later than June 16th, 2017 at 5pm. The Administrator will provide written responses to the submitted questions no later than June 22nd, 2017. These responses will be emailed to Proposers. Oral responses by any Administrator employee or agent of the Administrator are not binding and shall not in any way be considered as a commitment by the Administrator.

3.5 Addenda to RFP

If the Administrator deems it necessary to revise any part of this RFP before the proposal response date, the Administrator will contact each of the RFP recipients via email and the addenda will be made available.

3.6 Communications and Prohibited Contacts

All communications with the Project Contact regarding this RFP or any other aspect of the procurement process shall be in writing. All communication shall be exclusively directed to the Project Contact, unless otherwise directed in writing by such Project Contact. Other than with the written consent of the Project Contact, any person that is employed by or is otherwise associated or affiliated with a Proposer, or any of their affiliated companies, is prohibited from contacting any employee or official of the Administrator or any attorney or consultant of the Administrator, on any matter having to do with this procurement.

No oral communication or statement by the Project Contact or other representative of the Administrator may in any way modify this RFP or any other aspect of the procurement process. This includes communications and statements that may be made over the telephone or during pre-submittal conferences, interviews, or other meetings attended by the Administrator. This RFP or other aspect of the procurement process may be modified only through the issuance by the Administrator of a written addendum.

All communications regarding this RFP may be shared by the Administrator with all firms qualified to receive this RFP.

3.7 Miscellaneous

Additional conditions that apply to this RFP as well as to the balance of the procurement process include the following:

3.7.1 Public Disclosure and Confidential Information

All Responses, Proposals and other information submitted in response to this RFP are subject to the public disclosure requirements of applicable law, including the Pennsylvania Right to Know Law. To the extent permitted by applicable law, the Administrator will use its best efforts to keep from public access the specific information that is identified by the Proposer as confidential. If a Proposer claims an exception to public disclosure requirements and desires that the Administrator keep certain information from public disclosure, then the Proposal must include a notice as the front page in each volume as follows:

“Confidential Information Notice

The information on pages _____ of this Proposal, identified by a bold vertical line along the right hand margin, contains information that is excluded from public disclosure under applicable law. Proposer requests that such marked information be utilized by the Administrator only for evaluation of this Proposal, but Proposer understands that the Administrator is bound by applicable law and that such information may be disclosed in accordance with such law.

The legal basis for the claim for protection of the marked information from public disclosure is set forth as follows: [Proposer to provide basis]”

Notwithstanding any such notice, however, the Administrator may disclose such marked information to individuals participating in the review or evaluation of Proposals, including members of the Evaluation Committee, other Administrator employees, and advisors, attorneys, and consultants.

3.7.2 Costs

Any and all costs incurred by any Proposer, or other party in connection with this RFP or other aspect of the procurement process shall be at such party's expense and risk. Administrator accepts no liability and will not be responsible under any circumstance for any cost or expense incurred to respond to this RFP or otherwise participate in the procurement process.

3.7.3 Administrator Rights

The Administrator reserves the right to modify this selection process, which may be exercised in its sole discretion at any time during the procurement process:

- (a) to cancel this RFP or the procurement process, with or without the substitution of another pre-qualification or procurement process;
- (b) to waive any informality, defect, non-responsiveness, or deviation in a Proposal, or other submission, that is not material;
- (c) to require one or more Proposers to supplement or clarify its Proposal or to provide additional information after the submission of Proposals;
- (d) to take any action affecting the RFQ, RFP, or the procurement process that would be in the best interests of the PEA, PMA or City;
- (e) to conduct investigations and make inquiries concerning any aspect of any Proposal;
- (f) to reject any or all Proposals;
- (g) to reject a Proposer or firm that has been delinquent or unfaithful in the performance of any contract with or obligation to the PEA, PMA, or City is financially or technically incapable, or is otherwise not responsible;
- (h) to supplement or amend this RFP; and/or
- (i) to make judgments about the contents of any Proposal with respect to the requirements and criteria set forth in this RFP.

(End Section 3)

Section 4- SUBMITTAL REQUIREMENTS

4.1 General Instructions

An electronic copy of the complete Proposal must be submitted no later than the date and time set forth in Section 4.2 (“Submission Deadline”). Any Proposal received after the Submission Deadline will not be considered.

4.2 Submission Deadline

Proposals must be received no later than **5:00 P.M. on July 6th 2017**. Proposals should be electronically emailed to energy@phila.gov and be no larger than 10MB to ensure delivery.

In addition to the official electronic delivery of the Proposal, the Administrator requests that the Proposers provide two (2) double sided and bound copies of the Proposal within one week of the submission deadline. These hard copies should be mailed to:

Adam Agalloco
1515 Arch St.
13th Floor - Office of Sustainability
Philadelphia, PA 19102

4.3 Required Content

4.3.1 Substantive Content of Proposals.

Proposers are encouraged to be concise and to respond as directly as possible to the requirements set forth in this RFP.

The requirements set forth in this Section represent the minimum content required and, unless expressly stated otherwise, are not intended to limit substantive content. It is Proposer’s responsibility to include information in the Proposal that meets the minimum content requirements and any additional information that further demonstrates relevant experience and capabilities.

Proposers must include:

(a) Cover Letter

The cover letter shall be signed by an authorized representative of the company(s). The letter shall indicate that the Proposal shall be valid for a period of at least 240 days. The letter shall also include a brief narrative description of the company and its service offerings. It shall also identify the contact person for contractual negotiations, administration, and for arranging an oral presentation.

(b) Introduction and Executive Summary

Summarize the major factors or features of the Proposal, including any conclusions, assumptions, and generalized recommendations the Proposer desires to make. It should be designed specifically for use by individuals that may not

have a technical background. It should describe how the Proposer is best able to provide services that meet the PEA, PMA, and the City's objectives. It should provide an overview of the planned approach, the project timeline, and include a summary of the firm's experience with similar projects, and have maximum length of four (4) pages.

(c) Technical Submittal

As outlined in Attachment D – Technical Submittal Requirements, please provide a full set of information and completed Forms (D-1, D-2, D-3, D-4, and D-5) Including information related to :

- 1.0 Project Management
- 2.0 Organizational Chart and Project Team Members
- 3.0 Technical Site Assessment
- 4.0 Cost Submittal with utility rates and associated escalations provided in Attachment H – Utility Unit Cost Assumptions

(d) Form of Contract and Requested Exceptions to Contract Terms

A completed Contract may need to meet the terms of GESA as defined in the state statute. The Selected ESCO will negotiate with the PMA, City and PEA as to build the Contract. As the likely financial backer of a Contract, the City's Contract Terms will need to be incorporated into any Contract to meet the City's standards and obtain approval from the City's Law Department and Philadelphia City Council.

The City's Contract Terms for services on contracting opportunities are attached to this RFP as Attachment E and are not comprehensive to all City requirements for the Contract. It is understood that the City's Contract Terms will need to be adapted to fit the final form and type of contract.

Proposers must state clearly and conspicuously any modifications, waivers, objections or exceptions they seek to Attachment E in this section of the proposal entitled "Requested Exceptions to Contract Terms." For each Requested Exception, the Proposer must identify the pertinent Contract Term by caption and section number and state the reasons for the request. Requested Exceptions to the City's Contract Terms will be approved only when the City determines in its sole discretion that a Requested Exception makes business sense, does not pose unacceptable risk to the City, and is in the best interest of the City. By submitting its proposal, the Proposer agrees to accept all Contract Terms to which it does not expressly seek a Requested Exception in its proposal.

4.3.2 Proposal Submission Requirements.

Proposals must also include the following forms and certifications:

(a) Office of Economic Opportunity – Participation Commitment/ Diversity Reports

The Project resulting from this RFP will require an Economic Opportunity Plan which will provide significant opportunities for the participation of MBEs, WBEs and DSBEs (collectively, "M/W/DSBEs"). The City's Office

of Economic Opportunity will review and must approve the Economic Opportunity Plan. The Plan requires evidence that Proposer has exercised its Best and Good Faith Efforts to provide subcontracting opportunities for M/W/DSBEs in all phases of the Project and to employ a diverse workforce. This Plan expressly applies to all contracts awarded in connection with the Project.

Proposers must provide a completed EOP and M/W/DSBE Participation and Diverse Workforce Commitments Form that includes proposed project partners with their proposal. Attachment D, section 3.3 includes other submission requirements related to this section.

(b) Philadelphia Tax and Regulatory Status and Clearance Statement

The Proposing Firm must submit a completed Philadelphia Tax and Regulatory Status and Clearance Statement (see Attachment G) with the response to this RFP.

It is the policy of the City of Philadelphia to ensure that each contractor and subcontractor has all required licenses and permits and is current with respect to the payment of City taxes or other indebtedness owed to the City (including, but not limited to, taxes collected by the City on behalf of the School District of Philadelphia), and is not in violation of other regulatory provisions contained in the Philadelphia Code. To assist the City, through its Department of Revenue and Department of Licenses and Inspections, in determining this status, each Proposer is required to submit with its proposal the certification statement entitled City of Philadelphia Tax and Regulatory Status and Clearance Statement which is attached to this RFP as Attachment G.

If the Proposer is not in compliance with the City's tax and regulatory codes, an opportunity will be provided to enter into satisfactory arrangements with the City. If satisfactory arrangements cannot be made, Proposers will not be eligible for award of the contract contemplated by this RFP.

The selected Proposer will also be required to assist the City in obtaining the above information from its proposed subcontractors (if any). If a proposed subcontractor is not in compliance with City Codes and fails to enter into satisfactory arrangements with the City, the non-compliant subcontractor will be ineligible to participate in the contract contemplated by this RFP and the selected Proposer may find it necessary to replace the non-compliant subcontractor with a compliant subcontractor. Proposers are advised to take these City policies into consideration when entering into their contractual relationships with proposed subcontractors.

If a Proposer or a proposed subcontractor is not currently in compliance with the City's tax and regulatory codes, please contact the Revenue Department to make arrangements to come into compliance at 215-686-6600 or revenue@phila.gov.

Proposers need not have a City of Philadelphia Business Income and Receipts Tax Account Number (formerly Business Privilege Tax Account Number) and

Commercial Activity License Number (formerly Business Privilege License Number) to respond to this RFP, but will, in most circumstances, be required to obtain one or both if selected for award of the contract contemplated by the RFP. Applications for a Business Income and Receipts Tax Account Number or a Commercial Activity License may be made on line by visiting the City of Philadelphia Business Services Portal at <http://business.phila.gov/Pages/Home.aspx> and clicking on “Register Now.” If you have specific questions, call the Department of Revenue at 215-686-6600 for questions related to City of Philadelphia Business Income and Receipts Tax Account Number or the Department of Licenses and Inspections at 215-686-2490 for questions related to the Commercial Activity License.

(c) Local Business Entity or Local Impact Certification (Optional, if applicable)

Pursuant to Mayoral Executive Order No. 04 -12, the City will, in the selection of the successful Proposer, consider whether that Proposer has certified that either (1) Proposer meets the criteria stated in Section 17-109(3)(b) of the Philadelphia Code to qualify as a Local Business Entity or (2) in the performance of the resulting contract, Proposer will employ City residents, or perform the work in the City. Any Proposer who wishes to demonstrate its eligibility for this consideration shall do so by completing, executing and attaching to its application a completed Local Business Entity or Local Impact Certification, the form of which is attached to this RFP as Attachment I. The Proposer shall then also include in a separate section of the application, labeled “Local Business Entity or Local Impact Certification,” a statement that the Proposer believes it has met the Local Business Entity or Local Impact criteria “as set forth in the attached Local Business Entity or Local Impact Certification.” The City shall deem it a positive factor where the Proposer has, in the City’s sole discretion, met the Local Business Entity or Local Impact criteria.

(d) Required Disclosure

Pursuant to Chapter 17-1400 of the Philadelphia Code, Proposers are required to disclose their campaign contributions to political candidates and incumbents who are running for, or currently serving in, a local (Philadelphia) or state-wide elected office anywhere within the Commonwealth of Pennsylvania (federal campaign contributions are not included); any consultants used in responding to the RFP and contributions those consultants have made; prospective subcontractors; and whether Proposer or any representative of Proposer has received any requests for money or other items of value or advice on particular firms to satisfy minority-, woman- or disabled-owned business participation goals from City employees.

(f) Compliance with Philadelphia 21st Century Minimum Wage and Benefits Ordinance

Proposers are advised that any contract awarded pursuant to this RFP is a “Service Contract,” and the successful Proposer under such contract is a “Service Contractor,” as those terms are defined in Chapter 17-1300 of the

Philadelphia Code (“Philadelphia 21st Century Minimum Wage and Benefits Standard Ordinance”) Any subcontractor (as defined in the General Provisions attached to this RFP), and any sub-subcontractor at any tier proposed to perform services sought by this RFP, is also a “Service Contractor” for purposes of Chapter 17-1300. If any such Service Contractor (i.e. Proposer and subcontractors at any tier) is also an “Employer,” as that term is defined in Section 17-1302 (more than five employees), and is among the Employers listed in Section 17-1303 of the Code, then during the term of any resulting contract, it is subject to the minimum wage and benefits provisions set forth in Chapter 17-1300 unless it is granted a waiver or partial waiver under Section 17-1304. Absent a waiver, these minimum wage and benefits provisions, which include a minimum hourly wage that is adjusted annually based on the CPI, health care and sick leave benefits, are mandatory and must be provided to Proposer’s employees or the employees of any subcontractor at any tier who perform services related to the City contract resulting from this RFP. Proposers and any subcontractors at any tier proposed by Proposers are strongly encouraged to consult Chapter 17-1300 of the Philadelphia Code, the General Provisions, and the About/Minimum Wage and Equal Benefits Ordinances Impacting Some City Contractors links on the eContract Philly home page for further details concerning the applicability of this Chapter to, and obligations it imposes on certain City contractors and subcontractors at any tier. In addition to the enforcement provisions contained in Chapter 17-1300, the successful Proposer’s failure or the failure of any subcontractor at any tier to comply (absent an approved waiver) with the provisions of Chapter 17-1300, or any discrimination or retaliation by the successful Proposer or Proposer’s subcontractors at any tier against any of their employees on account of having claimed a violation of Chapter 17-1300, shall be a material breach of any Service Contract resulting from this RFP. By submitting a proposal in response to this RFP, Proposers acknowledge that they understand, and will comply with the requirements of Chapter 17-1300, and will require the compliance of their subcontractors at any tier if awarded a contract pursuant to this RFP. Proposers further acknowledge that they will notify any subcontractors at any tier proposed to perform services related to this RFP of the requirements of Chapter 17-1300.

(g) Certification of Compliance with Equal Benefits Ordinance

If this RFP is a solicitation for a “Service Contract” as that term is defined in Philadelphia Code Section 17-1901(4) (“A contract for the furnishing of services to or for the City, except where services are incidental to the delivery of goods. The term does not include any contract with a governmental agency.”), and will result in a Service Contract in an amount in excess of \$250,000, pursuant to Chapter 17-1900 of the Philadelphia Code (see footnote 3 for online access to the Philadelphia Code), the successful Proposer shall, for any of its employees who reside in the City, or any of its employees who are non-residents subject to City wage tax under Philadelphia Code Section 19-1502(1)(b), be required to extend the same employment benefits the successful Proposer extends to spouses of its employees to life partners of such employees, absent a waiver by the City under Section 17-1904. By submission of their Proposals in response to this RFP, all Proposers so acknowledge and certify that, if awarded a Service Contract pursuant to this RFP, they will

comply with the provisions of Chapter 17-1900 of the Philadelphia Code and will notify their employees of the employment benefits available to life partners pursuant to Chapter 17-1900. Following the award of a Service Contract subject to Chapter 17-1900 and prior to execution of the Service Contract by the City, the successful Proposer shall certify that its employees have received the required notification of the employment benefits available to life partners and that such employment benefits will actually be available, or that the successful Proposer does not provide employment benefits to the spouses of married employees. The successful Proposer's failure to comply with the provisions of Chapter 17-1900 or any discrimination or retaliation by the successful Proposer against any employee on account of having claimed a violation of Chapter 17-1900 shall be a material breach of the any Service Contract resulting from this RFP. Further information concerning the applicability of the Equal Benefits Ordinance, and the obligations it imposes on certain City contractors is contained in the General Provisions attached to this RFP and the About/Minimum Wage and Equal Benefits Ordinances Impacting Some City Contractors links on the eContract Philly home page.

4.4 Selection Criteria

Selection will be based on the following criteria, reviewed in an evaluation process conducted by COP and its expert advisors. These criteria are listed in no particular order.

- (a) Strength of the technical submittal of this Proposal
- (b) Financial strength of Proposer
- (c) Prior experience with projects and demonstration of completed projects in similar types of facilities
- (c) Industry position, longevity, and recognition
- (d) Extent to which the proposed solution completely addresses the project scope described herein
- (e) Customer references
- (f) Overall project team credentials and staffing
- (g) Responsiveness to Philadelphia antidiscrimination policy
- (h) Best value based on review of cost proposal for proposed solution and strengths, weaknesses, opportunities, and threats
- (i) Administrator's assessment of proposing vendor for this project scope at this location
- (j) Local/regional presence