

**PROCUREMENT DEPARTMENT**  
Rm 120 Municipal Services Building  
Philadelphia, PA 19102-1685  
FAX: (215) 686-4716

# CITY OF PHILADELPHIA

Hugh Ortman  
Procurement Commissioner

November 7, 2014

**BID NUMBER:** S5Z60960  
**TITLE:** Trees and Tree Planting  
**DEPARTMENT:** Various  
**DATE TO OPEN:** November 24, 2014 at 10:30 AM

## ADDENDUM # 1

### TO ALL BIDDERS:

**You are hereby notified of the following changes to the above mentioned bid:**

Attached, please find the details for Appendix B "Tree Planting and Staking Details" located in Procurement Specifications 26-P-2h:14.

Please sign, date and return this addendum with your bid to the Procurement Department, 1401 J.F.K Boulevard, Bid Room 170A, Philadelphia, PA 19102-1685 as it now becomes a part of the proposal.

  
S. Brown, Buyer

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
FIRM NAME (PRINT)

\_\_\_\_\_  
DATE

Attachment

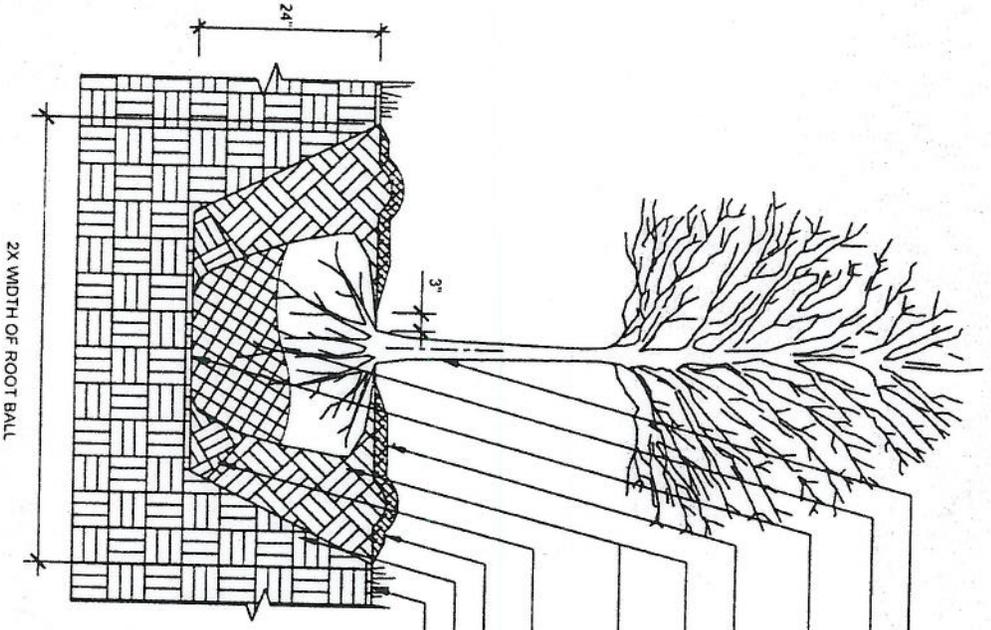
SB/bws

## **APPENDIX B**

### **TREE PLANTING AND STAKING DETAILS**

- **Tree Planted in Lawn**
- **Tree Staked in Lawn**
- **Tree Planted in Existing Sidewalk**
- **Tree Staked in Existing Sidewalk**

**TREE IN LAWN**



TREE SET PLUMB IN ALL DIRECTIONS

CUT AND REMOVE WIRE BASKET, BURLAP AND ROPE FROM TOP TWO-THIRDS OF ROOT BALL AND REMOVE FROM SITE. DO NOT LEAVE IN HOLE OR FOLD DOWN.

ROOT BALL TO REST ON UNDISTURBED, NON-YIELDING SUBGRADE. IF HOLE IS OVERDUG, REPLACE EXCAVATED MATERIAL AND TAMP THOROUGHLY TO BRING ROOT BALL TO PROPER LEVEL.

2" LAYER OF DOUBLE SHREDED HARDWOOD MULCH. DO NOT PLACE MULCH WITHIN 3" OF TREE ROOT FLARE.

EXCAVATE PIT TO 2X THE WIDTH OF ROOT BALL AND TO A DEPTH OF 24". IF EXISTING SUBGRADE SOIL IS ACCEPTABLE, A "PEDESTAL" OF UNDISTURBED SOIL SHALL REMAIN UNDERNEATH THE CENTER OF THE ROOT BALL FOR SUPPORT.

BACKFILL WITH EXISTING SOIL OR SPECIFIED PLANTING SOIL. REMOVE ALL FOREIGN DEBRIS FROM EXISTING SOIL AND ALL ROCKS LARGER THAN 1" BEFORE BACKFILLING. BACKFILL IN 6" LEVELS, FIRMLY TAMPING EACH LIFT TO PREVENT SETTLEMENT. HAND RAKE SURFACE TO BE LEVEL AND EVEN WITH SURROUNDING GRADE. REMOVE EXCESS SOIL FROM SITE.

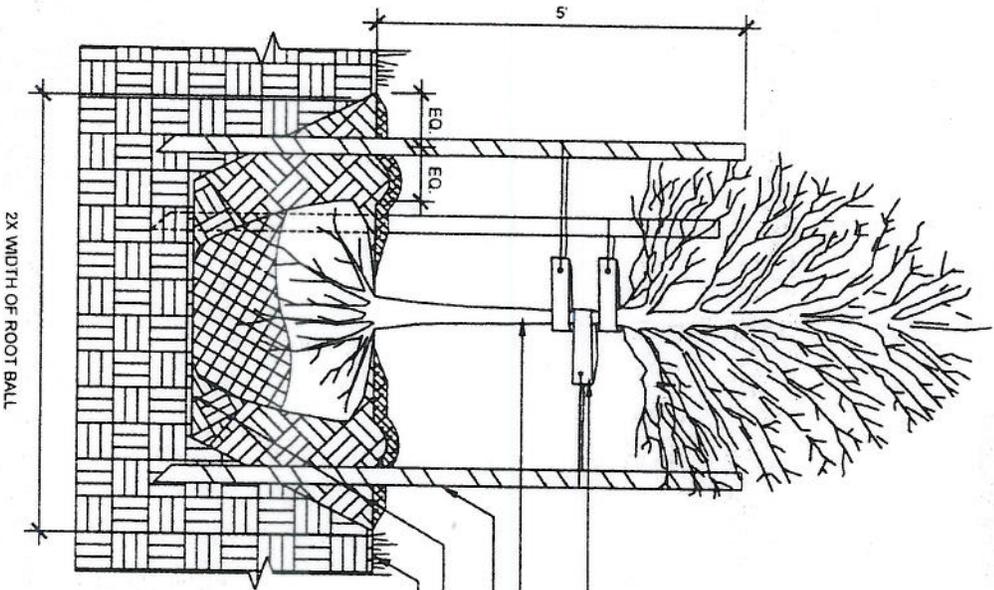
TAMP SOIL AROUND ROOT BALL BASE FIRMLY WITH FOOT PRESSURE SO THAT ROOT BALL DOES NOT SHIFT.

3" HIGH EARTH SAUCER PLACED AT OUTSIDE EDGE OF ROOT BALL.

2:1 SLOPED SIDES (SCARIFIED) FINISHED GRADE

**NOTES:**

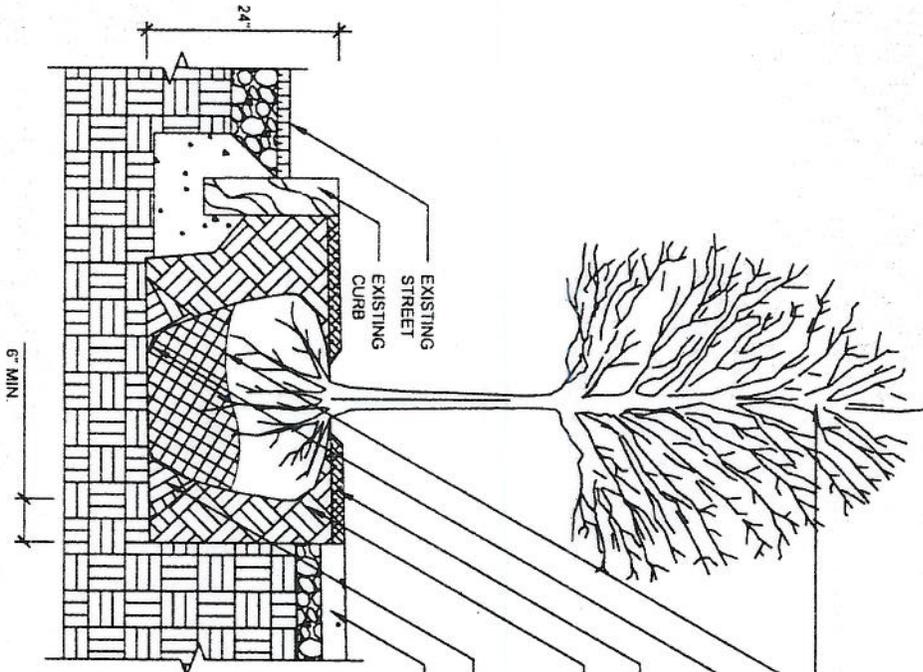
- CONTRACTOR SHALL ENSURE THE HIGHEST TREE ROOT FLARE IS LOCATED PRIOR TO EXCAVATING. CONTRACTOR SHALL EXCAVATE PIT TO A DEPTH THAT ENSURES THE HIGHEST ROOT FLARE IS FLUSH WITH EXISTING GRADE. THE TREE MUST REST ON UNDISTURBED OR COMPACTED SUBGRADE. TREES PLANTED LOW OR HIGH WILL BE REJECTED.
- PRIOR TO PLANTING, THE CONTRACTOR SHALL NOTIFY PPR. IF SOIL CONDITIONS ARE DEEMED BY CONTRACTOR DETRIMENTAL TO PLANT GROWTH, UNSUITABLE SOIL SHALL BE REPLACED WITH SPECIFIED PLANTING SOIL.
- CONTRACTOR SHALL VERIFY TREE PIT IS FREE DRAINING AND NOTIFY PPR IF IT IS NOT.
- CONTRACTOR SHALL NOTIFY PPR OF BELOW GRADE OBSTRUCTIONS PRIOR TO PLANTING.
- THE TRUNK OF THE TREE SHALL NOT BE USED AS A LEVER IN POSITIONING OR MOVING THE TREE.
- CONTRACTOR SHALL REMOVE TREE WRAP AND/OR SHIPPING MATERIALS FROM TREE ONCE PLANTING IS COMPLETE.
- DO NOT PRUNE THE TREE AT PLANTING, EXCEPT TO REMOVE CO-DOMINANT LEADERS, BROKEN, DEAD OR DAMAGED BRANCHES. PRUNE WITH A CLEAN CUT PER ANSI A300 & ISA (2008) STANDARDS. DO NOT CUT TREE LEADER.



- 1.5 - 27" NYLON STRAPS. PLACE NYLON STRAPS 6 - 8' BELOW THE LOWEST TREE BRANCH. TIE WITH 2-PLY JUTE TO WOODEN STAKE
- TREE TO BE SET PLUMB IN ALL DIRECTIONS
- 2' X 3' X 8' WOODEN STAKE. POINTED ON END
- THREE STAKES PLACED EQUIDISTANT AROUND TREE
- STABLE AND NON-YIELDING SUBGRADE
- FINISHED GRADE
- SEE DETAIL (TREE IN LAWN)

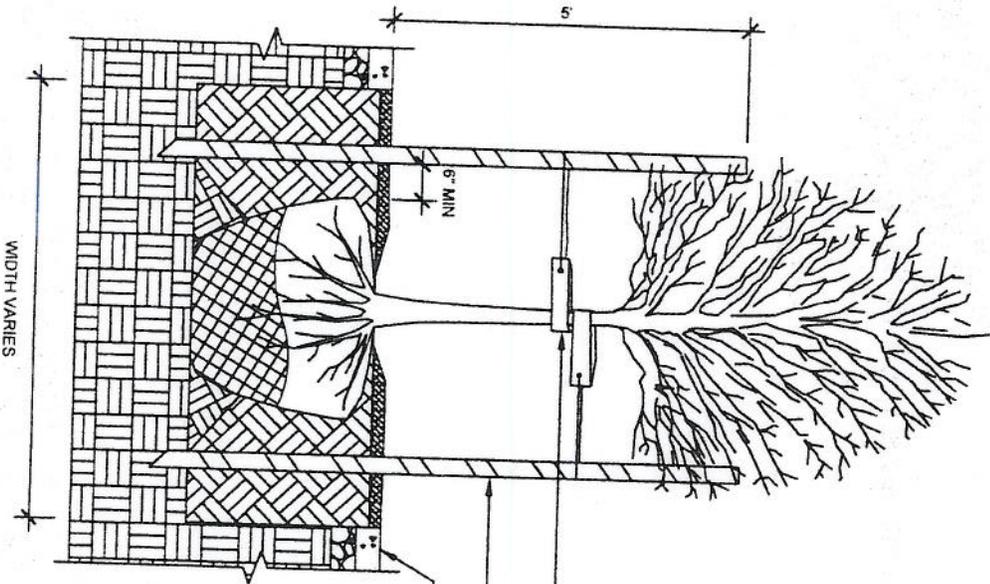
**TREE STAKED IN LAWN**

# STREET TREE IN EXISTING SIDEWALK



- TREE SET PLUMB IN ALL DIRECTIONS AND CENTERED IN PLANTING PIT
- CUT AND REMOVE WIRE BASKET, BURLAP AND ROPE FROM TOP TWO-THIRDS OF ROOT BALL AND REMOVE FROM SITE. DO NOT LEAVE IN HOLE OR FOLD DOWN.
- ROOT BALL TO REST ON UNDISTURBED, NON-YIELDING SUBGRADE. IF HOLE IS OVERDUG, REPLACE EXCAVATED MATERIAL AND TAMP THOROUGHLY TO BRING ROOT BALL TO PROPER LEVEL.
- 2" LAYER OF DOUBLE SHREDED HARDWOOD MULCH.
- DO NOT PLACE MULCH WITHIN 3" OF TREE ROOT FLARE.
- EXCAVATE PIT TO EXTENT OF SIDEWALK CUT AND TO A DEPTH OF 24". REMOVE UNSUITABLE FILL MATERIAL, FOREIGN DEBRIS AND ALL STONES. REPLACE UNSUITABLE FILL WITH SPECIFIED PLANTING SOIL. BACKFILL IN 6" LIFTS, FIRMLY TAMPING EACH LIFT TO PREVENT SETTLEMENT. REMOVE EXCESS SOIL FROM SITE.
- TAMP SOIL AROUND ROOT BALL BASE FIRMLY WITH FOOT PRESSURE SO THAT ROOT BALL DOES NOT SHIFT.
- EXISTING SIDEWALK

- NOTES:
- CONTRACTOR SHALL ENSURE THE HIGHEST TREE ROOT FLARE IS LOCATED PRIOR TO EXCAVATING.
  - CONTRACTOR SHALL EXCAVATE PIT TO A DEPTH THAT ENSURES THE ROOT FLARE IS TWO (2) INCHES BELOW THE ADJACENT SIDEWALK ELEVATION TO ACCOMMODATE MULCH.
  - TREES PLANTED LOW OR HIGH WILL BE REJECTED
  - PRIOR TO PLANTING, THE CONTRACTOR SHALL NOTIFY PPR IF SOIL CONDITIONS ARE DEEMED BY CONTRACTOR DETRIMENTAL TO PLANT GROWTH. UNSUITABLE SOIL SHALL BE REPLACED WITH SPECIFIED PLANTING SOIL.
  - CONTRACTOR SHALL VERIFY TREE PIT IS FREE DRAINING AND NOTIFY PPR IF IT IS NOT.
  - CONTRACTOR SHALL NOTIFY PPR OF BELOW GRADE OBSTRUCTIONS PRIOR TO PLANTING.
  - THE TRUNK OF THE TREE SHALL NOT BE USED AS A LEVER IN POSITIONING OR MOVING THE TREE.
  - CONTRACTOR SHALL REMOVE TREE WRAP AND/OR SHIPPING MATERIALS FROM TREE ONCE PLANTING IS COMPLETE.
  - DO NOT PRUNE THE TREE AT PLANTING. EXCEPT TO REMOVE CO-DOMINANT LEADERS, BROKEN, DEAD OR DAMAGED BRANCHES. PRUNE WITH A CLEAN CUT PER ANSI A300 & ISA (2008) STANDARDS. DO NOT CUT TREE LEADER.



- 1.5 - 2" NYLON STRAPS PLACE NYLON STRAPS 6 - 8" BELOW THE LOWEST TREE BRANCH. TIE WITH 2-PLY JUTE TO WOODEN STAKE
- 2" X 3" X 8' WOODEN STAKE POINTED ON END PLACE TWO(2) STAKES PARALLEL TO CURB EXISTING SIDEWALK

NOTE: SEE DETAIL (STREET TREE IN EXISTING SIDEWALK)

TREE STAKED IN EXISTING SIDEWALK

NTS

**PROCUREMENT DEPARTMENT**  
Rm 120 Municipal Services Building  
Philadelphia, PA 19102-1685  
FAX: (215) 686-4716

# CITY OF PHILADELPHIA

Hugh Ortman  
Procurement Commissioner

November 18, 2014

**BID NUMBER:** S5Z60960  
**TITLE:** Trees and Tree Planting  
**DEPARTMENT:** Various  
**DATE TO OPEN:** November 24, 2014 at 10:30 AM

## ADDENDUM # 2

### **TO ALL BIDDERS:**

**You are hereby notified of the following changes to the above mentioned bid:**

- 1. Bid S5Z60960 has been postponed and will now open on December 3, 2014 at 10:30 AM.**
- 2. Please delete the following participation ranges from the bid:**

M-BE: 10% to 15%  
AND/OR  
W-BE: 5% to 10%  
DS-BE: 0% to 0%

### **Replace with the following participation ranges:**

M-BE: 15% to 20%  
AND  
W-BE: 10% to 15%  
DS-BE: 0% to 0%

- 3. The cover page and the OEO Instructions Form for bid S5Z60960 have been revised to reflect the changes to the new participation ranges and are attached. The revised cover page and the revised OEO instructions will ONLY be accepted for Bid S5Z60960.**
- 4. The attendance sheet from the Mandatory Pre-Bid Meeting held on November 10, 2014 is attached.**
- 5. Please see the questions and answers below resulting from the Mandatory Pre-Bid Meeting.**

**Question #1:** Will trees that are fall planting hazards only be planted in the spring?

**Answer #1:** Yes

**Question #2:** And if planted in the fall, is the guarantee voided?

**Answer #2:** No, the trees will either be held for spring planting, or we will find another alternative (container).

**Question #3:** Most local nurseries will not start digging material until mid-late March, depending on weather. Is it possible to adjust the spring planting dates and percentages?

**Answer #3:** Yes, PP&R will make that determination, and adjust according to the weather.

**Question #4:** Does the City of Philadelphia have a site to dispose of concrete?

**Answer #4:** No

**Question #5:** Or does the contractor need to dispose of the concrete and assume the disposal cost?

**Question #5:** Yes

**Question #6:** When is the on-site soil suitable for backfill use, and who will make that determination?

**Answer #6:** The specifications state: "At minimum, all concrete cut locations and removal replanting locations must have the existing soil replaced with the soil amendment to the full soil volume of the pit." In the case of planting in an open area, if the material is clearly fill soil, which may include gravel, wood or other debris, it should be replaced. The contractor will use best judgment to make that determination on site, but PP&R will provide guidance if required.

**Question #7:** How many trees were planted last fall (2013) and spring (2014)?

**Answer #7:** The Purchase Order for Fiscal Year 14 was for 3,044 trees, which were planted during the fall of 2013 and spring of 2014.

**Question #8:** What number of trees is anticipated for the upcoming seasons?

**Answer #8:** We anticipate 2500 trees per planting season (spring and fall) for all 5 districts, averaging 500 trees per district per season.

Please sign, date and return this addendum with your bid to the Procurement Department, 1401 J.F.K Boulevard, Bid Room 170A, Philadelphia, PA 19102-1685 as it now becomes a part of the proposal.



S. Brown, Buyer

\_\_\_\_\_  
AUTHORIZED SIGNATURE

\_\_\_\_\_  
FIRM NAME (PRINT)

\_\_\_\_\_  
DATE

Attachments

SB/bws



# Trees and Tree Planting

## S5Z60960

Issued by: **CITY OF PHILADELPHIA PROCUREMENT DEPARTMENT**  
Required by: **Various Departments**

**Pre-Bid Meeting Date:** November 10, 2014  
**Bid Opening Date:** December 3, 2014  
**Bid Opening Time:** 10:30 AM Philadelphia Local Time  
**Location for Bid Opening:** MUNICIPAL SERVICES BUILDING - ROOM 170A  
1401 JFK BOULEVARD, PHILADELPHIA PA 19102  
**Buyer:** S. Brown  
**Spec. Writer:** S. Justice

This Invitation and Bid with your quotations must be received prior to the above cited bid opening date and time.

BIDDER AGREES TO COMPLY WITH ALL CONDITIONS OF THIS BID. UNSIGNED BIDS WILL NOT BE ACCEPTED. BIDDER MUST COMPLETE THE INFORMATION BELOW:

**Office of Economic Opportunity (OEO)**  
**Anti-Discrimination Policy**  
**Executive Order 03-12 – Bidder Requirements**

NAME AND ADDRESS OF FIRM:

FEDERAL EIN/SOCIAL SECURITY NUMBER:

This Invitation and Bid is issued under the Anti-Discrimination Policy described in the Mayor's Executive Order, policy and guidelines as attached. Specific instructions must be adhered to and forms completed. Bidders are advised to review the instructions carefully. Failure to comply may disqualify the bidder. The specified ranges represent the percentage of Minority, Woman and Disabled participation that should be attained by the Bidder. Any and all questions about Executive Order 03-12 and bidder compliance should be directed to the Office of Economic Opportunity (OEO) office at (215) 683-2000.

### **BID QUESTIONS**

All questions concerning this Invitation and Bid, including specifications and conditions, must be presented prior to the bid opening date and time. Contact the Procurement Department Customer Service Unit by emailing [Bid.Info@phila.gov](mailto:Bid.Info@phila.gov) or by calling (215) 686-4720 with questions.

### **PARTICIPATION RANGES:**

M-BE: 15% to 20%  
AND  
W-BE: 10% to 15 %  
DS-BE: 0% to 0%

***FOR PROCUREMENT USE ONLY. DO NOT MAKE ANY MARKS IN THIS BOX.***

Bid Security Fee Yes No Method (if paid with bid) \_\_\_\_\_ Check or M/O # \_\_\_\_\_  
Bid Processing Fee Yes No Method \_\_\_\_\_ Check or M/O # \_\_\_\_\_

**Hugh Ortman**  
**Procurement Commissioner**

**CITY OF PHILADELPHIA  
OFFICE OF ECONOMIC OPPORTUNITY  
ANTIDISCRIMINATION POLICY- MINORITY, WOMAN AND DISABLED OWNED BUSINESS  
ENTERPRISES  
FORMS, INSTRUCTIONS AND SPECIAL CONTRACT PROVISIONS  
(SEALED BID CONTRACTS)**

Under the authority of Executive Order No. 03-12, the City of Philadelphia has established an antidiscrimination policy ("Policy") relating to the participation of Minority (MBE), Woman (WBE) and Disabled (DSBE) Owned Business Enterprises in City contracts. Executive Order 03-12 is administered by the City's Office of Economic Opportunity ("OEO").

The purpose of this Policy is to provide equal opportunity for all businesses and to assure that City funds are not used, directly or indirectly, to promote, reinforce or perpetuate discriminatory practices. The City is committed to fostering an environment in which all businesses are free to participate in business opportunities without the impediments of discrimination and participate in all City contracts on an equitable basis. In accordance with the contracting requirements of the City, the City's Policy is applicable to this Invitation and Bid (hereinafter, "Bid").

The Office of Economic Opportunity has approved the following projected ranges of participation for this Bid which serve as a guide in determining each bidder's responsibility:

MBE	15%	to	20%
		AND	
WBE	10%	to	15%
DSBE	0%	to	0%

These ranges represent the percentage of MBE, WBE, DBE<sup>1</sup> and/or DSBE (collectively, "M/W/DSBE") participation that should be attained by M/W/DSBEs from business opportunities existing in the available market absent discrimination in the solicitation and selection of these businesses and through bidder's exercise of Best and Good Faith Efforts. Best and Good Faith Efforts are those efforts, the scope, intensity and appropriateness of which are taken to achieve meaningful and representative opportunities for participation by M/W/DSBEs. These ranges are based upon an analysis of factors such as the size and scope of the contract and the availability of certified M/W/DSBEs to perform various elements of the contract. The submission of a Solicitation For Participation and Commitment Form and any supporting documentation (more fully discussed below) is an element of responsiveness to the Bid and failure to submit the required information will result in rejection of your bid.

**Bidder hereby verifies that all forms, information and documentation submitted to OEO are true and correct and is notified that the submission of false information by bidder is subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities which may include payment of a fine of at least \$1,000 and a term of imprisonment of not more than two years. Bidder also acknowledges that under 18 Pa.C.S. §4107.2 (a)(4) it is a felony in the third degree, punishable by a term of imprisonment of not more than seven years in addition to the payment of any fines or restitution, if, under any contract awarded pursuant to this Bid, bidder fraudulently obtains public moneys reserved for or allocated or available to minority business enterprises or women's business enterprises.**

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<sup>1</sup>"DBE" or "Disadvantaged Business Enterprise" means a socially and economically disadvantaged minority or woman owned business that is certified under 49 C.F.R. Part 26. If Bidder makes solicitation(s) and commitment(s) with a DBE, Bidder shall indicate which category, MBE or WBE, is submitted for credit.

## **A. M/W/DSBE PARTICIPATION**

1. Only firms that are certified by an approved certifying agency<sup>2</sup> and identified in the OEO Certification Registry by the time of contract award will be credited toward the participation ranges on City contracts. An OEO Certification Registry is maintained by the OEO and is available online at [www.phila.gov/OEO/directory](http://www.phila.gov/OEO/directory). Firms owned and controlled by minority persons, women or disabled persons, which are certified as MBE, WBE, DSBE or DBE by an approved certifying agency may apply to the OEO for listing in its OEO Certification Registry.
2. No bidder that seeks to meet the participation range(s) for participation by entering into a subcontract with any M/W/DSBE participant shall be considered to meet the range(s) if the M/W/DSBE participant does not perform a commercially useful function (“CUF”). An M/W/DSBE performs a Commercially Useful Function when it performs a distinct element of a City Contract (as required by the services to be performed in accordance with the Bid Specification) which is worthy of the dollar amount of the M/W/DSBE Subcontract and the M/W/DSBE carries out its responsibilities by managing and supervising the services involved and actually self-performing at least twenty percent (20%) of the work of the Subcontract with its own employees. For suppliers, an M/W/DSBE performs a Commercially Useful Function when it is responsible for sourcing the material, negotiating price, determining quality and quantity, ordering the material and paying for it from its own funds. Commercial usefulness will be evaluated and determined by the OEO on a bid by bid basis as informed by prevailing industry standards and the M/W/DSBE’s NAIC codes. Participation that is not commercially useful will not be counted.
3. In order to maximize opportunities for as many businesses as possible, a firm that is certified in two or more categories (e.g. MBE and WBE and DSBE or WBE and DSBE) will only be credited toward one participation range as either an MBE or WBE or DSBE. The firm will not be credited toward more than one category. Bidders will note with their submission which category, MBE or WBE or DSBE, is submitted for credit.
4. An MBE/WBE/DSBE submitting as the prime bidder is required, like all other bidders, to submit a bid that is responsive to the Policy and will only receive credit toward the relevant participation ranges (e.g., MBE range or WBE range or DSBE range) for the amount of its own work or supply effort on this Bid. In addition, the participation of an M/W/DSBE partner, as part of a joint venture created for this bid, may be credited towards the participation ranges only to the extent of the M/W/DSBE partner’s ownership interest in the joint venture in accordance with the following criteria:
  - The MBE, WBE or DSBE partner(s) must be identified in the OEO Registry prior to contract award;
  - The M/W/DSBE partner(s) must derive substantial benefit from the arrangement;
  - The M/W/DSBE partner(s) must be substantially involved in all phases of the contract including planning, staffing and daily management;
  - The business arrangement must be customary (i.e., each partner shares in the risk and profits of the joint venture commensurate with their ownership interest, contributes working capital and other resources, etc).

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<sup>2</sup>Approved certifying agencies are identified on the OEO webpage found at [www.phila.gov/OEO](http://www.phila.gov/OEO). Applicant is strongly encouraged to search the Pennsylvania Unified Certification Program (“PaUCP”) Directory which offers a robust listing of DBEs; the PaUCP Directory is found at [www.paucp.com](http://www.paucp.com).

5. In listing participation commitments on the Solicitation for Participation and Commitment Form, bidders are required to list a detailed description of the work or supply effort, the dollar amount of the quotation, and percentage of the contract the participation represents. In calculating the percentage amount, bidders may apply the standard mathematical rules in rounding off numbers. The OEO reserves the right to request clarifying information in the event of an inconsistency or ambiguity in the Solicitation For Participation and Commitment Form.

**B. RESPONSIVENESS**

1. A Bid responsive to the Policy is one which contains documentary evidence of the M/W/DSBEs that have been solicited and that will be used by the Bidder on the contract, if awarded; where the Bid satisfies the M/W/DSBE participation ranges for that contract, the Bidder is rebuttably presumed not to have discriminated in its selection of contract participants.
2. Bidders must submit documentary evidence of MBEs, WBEs and DSBEs who have been solicited and with whom commitments have been made in response to the participation ranges included in this Bid. Failure to submit the Solicitation For Participation and Commitment Form will result in the rejection of the Bid as nonresponsive, although the City, at its sole discretion, may allow Bidders to submit or amend the Solicitation For Participation and Commitment Form at any time prior to award. The Solicitation For Participation and Commitment Form must contain the following information:
  - Documentation of all solicitations (regardless of whether commitments resulted therefrom) as well as all commitments made on the enclosed document entitled "Solicitation For Participation and Commitment Form". Bidders should only make actual solicitations of M/W/DSBEs whose work or materials are within the scope of this Bid. Mass mailing of a general nature to M/W/DSBEs or similar methods will not be deemed solicitation, but rather will be treated as informational notification only. A reasonable period of time should be given to all solicited firms to ensure that they have sufficient time to adequately prepare their quotes/subproposals. The bidder's listing of a commitment with an M/W/DSBE constitutes a representation that the Bidder has made a legally binding commitment to contract with such firm, upon receipt of a contract award from the City.
  - If the Bidder has entered into a joint venture with an MBE, WBE and/or DSBE partner, the bidder is also required to submit along with the Solicitation For Participation and Commitment Form, a document entitled "Joint Venture Eligibility Information Form," available at OEO, for the City's review and approval of the joint venture arrangement.
3. If bidder does not fully meet each of the range(s) for participation established for this Bid, bidder must demonstrate that it exercised Best and Good Faith Efforts to achieve the M/W/DSBE participation ranges along with a written request, on its letterhead, for the reduction of part or all of the M/W/DSBE participation ranges ("Request For Reduction/Waiver"). Bidder, through the submission of documentary evidence must show that bidder took all necessary steps and made reasonable efforts to achieve the M/W/DSBE participation ranges, even if these efforts were not fully successful. OEO will evaluate the scope, intensity and appropriateness of these efforts to ascertain whether they could reasonably be expected to achieve M/W/DSBE participation commensurate with the ranges.

Failure to submit the documentary evidence will result in rejection of the bid as nonresponsive; the City, at its sole discretion, may allow bidders to submit or amend their submission at any time prior to award which may result in revision to bidder's participation commitments. The submission shall contain and discuss, at a minimum, the following:

- Provide reasons for not committing with any M/W/DSBEs that submitted a quote/subproposal, regardless of whether the quote/subproposal was solicited by Bidder.
- Provide list of all certification directories used to solicit participation for this Bid.
- Provide any additional evidence pertinent to Bidder's conduct relating to this Bid including sufficient evidence which demonstrates to the OEO that Bidder has not engaged in discriminatory practices in the solicitation of and commitment with contract participants. In describing Bidder's efforts to achieve participation within the ranges, Bidder may submit any corroborating documentation (e.g., copies of advertisements for participation).

The bidder's documentary evidence will be reviewed by the OEO to determine whether bidder exercised Best and Good Faith Efforts in response to the participation ranges.

**Bidder's expressed desire to self-perform work with its own employees will not excuse bidder from exercising Best and Good Faith Efforts to include M/W/DSBEs in its bid and cannot be used as a basis for requesting a reduction or waiver of the participation ranges.** OEO's review will include consideration of the following:

- Whether the bidder's actions were motivated by considerations of race or gender or disability. The OEO may investigate the bidder's contracting activities and business practices on similar public and private sector contracts. For example, if bidder rejects any M/W/DSBE based on price, bidder must fully document its reasons for the rejection and also demonstrate that bidder subjects non-M/W/DSBEs to the same pricing standards. OEO will investigate whether there was any attempt at good faith negotiation of price.
- Whether M/W/DSBEs were treated equally as other businesses in the solicitation and commitment process. For example, the OEO will investigate whether M/W/DSBEs are given the same information, access to the plans and requirements of the contract and given adequate amount of time to prepare a quote/subcontract as others who were solicited by bidder. The OEO will also investigate whether M/W/DSBEs were accorded the same level of outreach as non-M/W/DSBEs, for example whether bidder short listed M/W/DSBEs for participation or solicited M/W/DSBEs at any pre-bid meetings.
- Whether the bidder's contracting decisions were based upon policies which disparately affect M/W/DSBEs. OEO will ascertain whether bidder selected portions of work or material needs consistent with the capacity of available M/W/DSBE subcontractors and suppliers. OEO will consider whether bidder employed policies which facilitate the participation of M/W/DSBEs on City contracts such as segmentation of the contract or prompt payment practices.

4. After review of the bidder's submission and other information the OEO deems relevant to its evaluation, the OEO will make a written determination that will be forwarded to the awarding City Department.

- If the bid is determined nonresponsive by the OEO, the applicant will be notified and may file a written appeal with the Executive Director of OEO within forty-eight (48) hours of the date of notification; the decision of the Executive Director of OEO shall be final.

### **C. RESPONSIBILITY**

1. Upon award, the completed Solicitation For Participation and Commitment Form and accompanying documents regarding solicitation and commitments with MBEs, WBEs and DSBEs become part of the contract and the successful bidder is required to enter into legally binding agreement(s) ("M/W/DSBE Subcontract(s)") with its M/W/DSBE participants for the work and in the dollar amount(s) and percentage(s) as so committed (the "Contract Commitment(s)"). M/W/DSBE percentage commitments are to be maintained throughout the term of the contract and shall apply to the total contract value (including amendments). Any change in commitment, including but not limited to, substitutions for the listed firm(s), changes or reductions in the work and/or listed dollar/percentage amounts, must be pre-approved in writing by the OEO.
2. The Successful Bidder shall, within five (5) business days after receipt of a payment from the City for work performed under the contract, deliver to its M/W/DSBE subcontractors the proportionate share of such payment for work performed (including the supply of materials) by its M/W/DSBE subcontractors. In connection with payment of its M/W/DSBE subcontractors, the Successful Bidder agrees to fully comply with the City's payment reporting process which may include the use of electronic payment verification systems.
3. No privity of contract exists between the City and any M/W/DSBE subcontractor identified in any contract resulting from this Bid. The City does not intend to give or confer upon any such M/W/DSBE subcontractor(s) any legal rights or remedies in connection with the subcontracted services under Executive Order 03-12 or by reason of any contract resulting from the Bid except such rights or remedies that the M/W/DSBE subcontractor may seek as a private cause of action under any legally binding contract to which it may be a party.
4. If the OEO determines that the bidder has discriminated against a M/W/DSBE at any time during the term of the contract, the OEO may recommend to the Procurement Commissioner the imposition of sanctions on the Bidder including debarment of the bidder from submitting and/or participating in future City contracts for a period of up to three (3) years.

### **D. ACCESS TO INFORMATION**

1. The OEO shall have the right to make site visits to the Bidder's place of business and/or job site and obtain documents, such as quotations, and information from any Bidder, subcontractor, supplier, manufacturer or contract participant that may be required in order to ascertain a Bidder's responsiveness and responsibility.
2. Failure to cooperate with the OEO in its review may result in a recommendation to terminate the contract.

**E. RECORDS AND REPORTS**

1. The Successful Bidder shall maintain all books and records relating to its M/W/DSBE commitments (e.g. copies of quotations, subcontracts, joint venture agreement, correspondence, cancelled checks, invoices, telephone logs) for a period of at least three (3) years following acceptance of final payment. These records shall be made available for inspection by the OEO and/or other appropriate City officials. The Successful Bidder agrees to submit reports and other documentation to the OEO as deemed necessary by the OEO to ascertain the successful bidder's fulfillment of its M/W/DSBE commitments.

**F. REMEDIES**

1. The successful applicant's compliance with the requirements of Executive Order 03-12 is material to the contract. In the event the City determines that the successful applicant has failed to comply with any of the requirements of this Antidiscrimination Policy, including substantial compliance with any Contract Commitment, the City may, in addition to any other rights and remedies it may have under the Contract which includes termination of the Contract, exercise one or more of the following remedies which shall be deemed cumulative and concurrent:

- Debar successful bidder from bidding on and/or participating in any future contracts for a maximum period of three (3) years.
- Withhold from the contract payment(s) or any part thereof until corrective action is taken. If corrective action is not taken to the satisfaction of OEO, the City may, without institution of a lawsuit, deduct money in an amount equal to the M/W/DSBE shortfall which amount shall be collected and considered not as a penalty but as liquidated damages for the successful bidder's failure to comply with the contract.

The remedies enumerated above are for the sole benefit of the City and City's failure to enforce any provision or the City's indulgence of any non-compliance with any provision hereunder, shall not operate as a waiver of any of the City's rights in connection with any contract resulting from this Bid nor shall it give rise to actions by any third parties including identified M/W/DSBE participants.

**SIGN-IN SHEET**  
**PROCUREMENT DEPARTMENT**  
**MANDATORY PRE-BID MEETING**  
**Monday, November 10, 2014 AT 1:00 PM**  
**S5-Z6096-0**  
**TREES AND TREE PLANTING**

NAME	COMPANY NAME OR DEPARTMENT/Unit	Phone/Email
1. <u>Stephen Gansz</u>	<u>All Seasons Landscaping</u>	<u>ASL PLANT @ AOL.CC</u>
2. <u>MATT JAVIS</u>	<u>RAINBOW LANDSCAPE</u>	<u>215-651-0403 MJJAVIS@RAINBOWLHC.COM</u>
3. <u>Mike Kratzer / Robert Hennessy</u>	<u>A Veterans Serv.</u>	<u>guptkransservices@gmail.com 252-423-1411</u>
4. <u>Joe Levins</u>	<u>Bustleton Services</u>	<u>jlevins@bustletonservices.com</u>
5. <u>Robert Lowes</u>	<u>Greenscape</u>	<u>Green 39398 @ AOL.CC 215 Tree cut</u>
6. <u>MARK BACHMANN</u>	<u>TOWNSCAPE INC</u>	<u>MARKBACH34@COMCAST.NET (215) 676-0039</u>
7. <u>Frances Piller</u>	<u>PPR</u>	<u>215-685-4363 frances.piller@philva.gov</u>
8. <u>PAUL MARTIN</u>	<u>M-M Lawn Care East</u>	<u>215-677-8631 MMLAWNCAREMARTIN@GMAIL.COM</u>
9. <u>[Signature]</u>	<u>Picture Perfect</u>	<u>856-963-2695 FAX 856-963-4781</u>
10. <u>Shaunese Brown</u>	<u>Procurement</u>	<u>6-4705</u>

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**PROCUREMENT DEPARTMENT**  
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**Monday, November 10, 2014 AT 1:00 PM**  
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**TREES AND TREE PLANTING**

NAME	COMPANY NAME OR DEPARTMENT/Unit	Phone/Email
1. <u>Sanchez Justice</u>	<u>City-Proc</u>	<u>Sanchez.Justice@phila.gov</u> <del>267</del> 215.686-4775
2. <u>Julie Simmons</u>	<u>OREO</u>	215-683-2083 <u>Julie.Simmons@Phila.Gov</u>
3. <u>David Cupps</u>	<u>PP+R</u>	215-685-4362 763 <u>Dave.Cupps@Phila.Gov</u> 215-683-0215
4. <u>JOAN BLAUSTEIN</u>	<u>PP+R</u>	<u>JOAN.BLAUSTEIN@PHILA.GOV</u>
5. <u>Joe Tootley</u>	<u>PP+R</u>	215-685-4363 <u>Josept.Tootley@Phila.gov</u>
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____