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

CITY OF PHILADELPHIA

Janet Hagan
Acting Procurement Commissioner

October 31, 2007

BID NUMBER: T8D0231P

TITLE: Disposal of Wastewater By-Products

DEPARTMENT: WATER DEPARTMENT

DATE TO OPEN: November 15, 2007 at 5:00 PM

ADDENDUM T-1

TO ALL BIDDERS:
You are hereby notified of the following changes to the above mentioned bid:

Delete Paragraph 1.1 in its entirety and replace with the following:

1.1 **Scope of Work**
The City of Philadelphia, through its Procurement Department (hereinafter the "City"), issues this Request for Proposals ("RFP") for the City of Philadelphia Water Department's Disposal of Wastewater By-Products, specifically anaerobically digested dewatered biosolids and grit, screenings, and scum. References in the body of this RFP to "Addenda 1 through 5" are references to those addenda originally issued for the canceled S8D0231-P; these addenda are attached and incorporated herein. Any new addenda will be distinguished with the label "T "and numbered sequentially.

Any Contract(s) resulting from this RFP shall be executed by the Procurement Department and managed by the Procurement Department and Water Department.

Delete Paragraphs 2.10 and 2.10.1 in their entirety and replace with the following:

2.10 **Participation Of Minority, Women And Disabled Owned Business Enterprises In City Contracts**

2.10.1 This RFP is subject to the Mayor's Executive Order, 02-05. See Attachment I for the document entitled "Participation of Minority, Women, and Disabled Owned Business Enterprises in City Contracts" for the instructions and contract provisions, including participation ranges, that apply to this RFP. Compliance with Executive Order 02-05 is an element of responsiveness to this RFP.

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.

_____
Buyer, H. Ortman

_____
AUTHORIZED SIGNATURE

_____
FIRM NAME (PRINT)

_____
DATE

HO/cs

City of Philadelphia
Minority Business Enterprise Council (MBEC)
Mayor's Executive Order 02-05

INSTRUCTIONS, FORMS AND CONTRACT PROVISIONS FOR THE PARTICIPATION OF MINORITY, WOMEN AND DISABLED BUSINESS ENTERPRISES (M/W/DSBE)

This Request for Proposal (RFP) is subject to the **Mayor's Executive Order 02-05**. The following instructions, forms and contract provisions, as well as Executive Order 02-05 (a copy of which may be obtained at the MBEC Office) are hereby incorporated in and made a part of any contract resulting from this Request for Proposal.

Respondent is subject to the provisions of Mayoral Executive Order 02-05 and is required to respond to the ranges specified in this Request for Proposal (RFP) for participation by Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE") and Disabled Business Enterprises DSBEs (collectively, ("M/W/DSBE") as those terms are defined in Executive Order 02-05.

Respondent must submit a **"Solicitation for Participation and Commitment Form" (S & C Form)** identifying its solicitations and certifying that Respondent has met the ranges specified in this RFP for M/W/DSBE participation in the contract; in the event that Respondent has not achieved the ranges, Respondent must respond to and submit, in addition to the **S & C Form**, **a brief narrative explaining its reasons for not submitting a proposal within the projected range(s)** (more fully discussed herein).

The S & C Form (and, in the event Respondent has not achieved the ranges, the brief narrative), must be submitted with the proposal, although the MBEC reserves the right to request these documents as well as any additional or clarifying information at any time prior to contract award. The submission of a S & C Form and a narrative, if required, is an element of responsiveness to this RFP and the failure to submit a S & C Form and narrative may result in the rejection of the proposal. Respondent hereby verifies that all forms, information and documentation submitted to the MBEC are true and correct and is notified that the submission of false information by Respondent is subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

PARTICIPATION RANGES

Under the authority of the Mayor's Executive Order 02-05, the MBEC has established the following MBE, WBE and DSBE participation range(s) for this Request for Proposal:

MBE and/or[1] WBE	5% - 10%
DSBE	Encouraged

[1] Respondents should make its best efforts to provide an appropriate balance of both certified MBEs, WBEs and DSBEs in the project.

These participation ranges serve exclusively as a guide in determining Respondent responsibility. These ranges represent the percentage of MBE, WBE and DSBE participation that should be attained from business opportunities available in this RFP absent discrimination in the solicitation and selection of these businesses. These ranges are based upon an analysis of factors such as the size and scope of the contract and the availability of MBEs, WBEs and DSBEs to perform various elements of the contract.

A. Solicitation for Participation and Commitment.

1. Respondent must submit an S & C Form responsive to each of the range(s) established for this Request For Proposal. If Respondent does not make commitments within each of the established ranges, Respondent must request a reduction of participation by providing a brief narrative statement for not achieving the participation range(s) on its firm's *letterhead* and signed by its *Chief Executive Officer* (*CEO*) or their designee.

(a) S & C Form. Respondent must demonstrate that its firm did not discriminate in subcontracting work for the contract. To do so, Respondent must complete the S & C Form. The S & C Form shall contain:

The company name, address, contact name, telephone number, fax number and MBEC certification number of each MBE, WBE and DSBE solicited for participation in the contract, regardless of whether commitments resulted from this solicitation. If Respondent receives unsolicited quotations from a MBE(s), WBE(s) or DSBE(s) or if Respondent makes solicitations of MBE(s), WBE(s) or DSBE(s) but receives no quotations, these MBE(s), WBE(s) or DSBE(s) must also be identified on the S & C Form if you do not achieve the ranges for participation.

If Respondent has entered into a joint venture arrangement with a MBE, WBE and/or DSBE partner, Respondent must complete and submit with the proposal, in addition to the S & C Form, the Joint Venture Eligibility Information Form available at the Office of the MBEC.

A detailed description of the services/supply effort that was solicited and a quotation received for each MBE, WBE or DSBE. This description shall include the services or the supply effort solicited/quoted, describing such service or supply effort as it relates to a distinct element of the contract as determined by the RFP. Respondents should avoid utilizing one-word descriptions of the services to be performed or the material to be supplied and should provide a detailed description.

Disclosure of any second tier subcontracts. If the listed MBE, WBE or DSBE subcontractor with whom Respondent has a commitment, intends to subcontract more than ten percent (10%) of the described work (not including the cost of materials, equipment or supplies incident to the performance of services under the contract), Respondent must provide, on a duplicate copy of the S & C Form, the name and address of each second tier subcontractor(s) (identifying whether it is or is not a MBE, WBE or DSBE), a detailed description of the services, and dollar amount of the subcontracted services.

- The dollar amount and percentage of commitment made reflected by the quotation provided to Respondent by each identified MBE, WBE and/or DSBE.

- The reason(s) if no commitment is made or no quote is received from each identified MBE, WBE and/or DSBE.

Upon completion of the **S & C Form**(s), Respondent should indicate at the bottom of each form the total percentage commitment made to the type of business. If the total percentage commitment is less than that established for this RFP, Respondent must request a reduction of participation by providing a brief narrative of Respondent's reasons for not achieving the participation range(s).

Request for Reduction of Participation.

1. If Respondent does not fully meet each of the range(s) for participation established for this RFP, Respondent must request a reduction of participation by submitting a brief narrative, on its company's letterhead, documenting Respondent's reasons for not making commitments commensurate with the participation ranges. The narrative shall contain and discuss, at a minimum, the following:

(a) If no MBE/WBE/DSBEs were solicited for the type of services or materials to be contracted, please give reason(s) why no such solicitation was made.

(b) Indicate whether any non-MBE/WBE/DSBEs were solicited for the type of services to be contracted for, whether quotes were received and whether any commitments resulted therefrom;

(c) Provide reasons for not committing with a MBE/WBE/DSBE that have submitted a quote, regardless of whether the quote was solicited by Respondent.

(d) Provide any additional evidence pertinent to Respondent's conduct relating to this RFP including sufficient evidence which demonstrates to the MBEC that Respondent has not engaged in discriminatory practices in the solicitation of and commitment with contract participants. In describing Respondent's affirmative actions, Respondent may submit any corroborating documentation (e.g., copies of advertisements for participation).

2. The Respondent's narrative will be reviewed to ascertain whether discrimination has occurred in the solicitation or selection of contract participants. The approval/disapproval review will include consideration of the following:

(a) Whether the Respondent's actions were motivated by considerations of race or gender or disability. For example, the MBEC may investigate the Respondent's contracting activities and business practices on similar public and private sector contracts;

(b) Whether MBE/WBE/DSBEs were treated as equally as other businesses in the solicitation and commitment process. For example, the MBEC will investigate whether MBE/WBE/DSBEs are given the same information, access to the

RFP and amount of time to prepare a quote as others who were solicited. The MBEC will also investigate whether MBE/WBE/DSBEs were accorded the same level of outreach as non-MBE/WBE/DSBEs, for example whether Respondent short listed MBE/WBE/Ds-BEs for participation in the contractor negotiated subcontract opportunities;

(c) Whether the Respondent's solicitation and commitment decisions were based upon policies which disparately affect MBE/WBE/DSBEs.

C. Proposal Evaluation

If Respondent has submitted a Proposal within each of the projected range(s) for MBE, WBE and DSBE participation, we will rebuttably presume that the Respondent has not discriminated in its selections and will be considered responsive and responsible. If Respondent has not submitted a Proposal within the projected range(s), the MBEC will evaluate whether discrimination has occurred. After review of Respondent's submission and any other evidence MBEC deems relevant to its evaluation, the MBEC will make a recommendation to the Department Head or his/her designee. If the Department head, after review of the MBEC's recommendation and supporting documentation concurs that discrimination has occurred, Respondent will be deemed not responsible and its proposal rejected.

A Proposal so rejected (due to a determination of discrimination) may result in the suspension of the Respondent from submitting future Proposal(s) and/or participating in any future City contracts for a period of up to three (3) years.

GENERAL PROVISIONS

1. Any M/W/DSBE that is listed on the S & C Form or the Joint Venture Eligibility Information Form must be certified by the MBEC in accordance with Executive Order 02-05 in order to be credited towards the participation range(s) to the RFP or in the case of a **Joint Venture Agreement**, prior to the contract award.

2. No Respondent that seeks to meet the participation range(s) by entering into subcontracts with any M/W/DSBE subcontractor shall be considered to meet the participation range(s) if the M/W/DSBEs subcontractor does not perform a commercially acceptable function ("CAF"). A M/W/DSBE is considered to perform a CAF when it engages in meaningful work that provides for a distinct element of the subcontract (as required by the services to be performed in accordance with this RFP). The distinct element is worthy of the dollar amount of the subcontract value and where the M/W/DSBE carries out its responsibilities by actually performing, managing and supervising the work involved. The MBEC may evaluate the amount of work subcontracted, industry practices and any other

relevant factors in determining whether the M/W/DSBE is performing a CAF. If it is determined during the review of the **S & C Form** that the work described on the form does not constitute a CAF, the proposal may be rejected.

3. Listing of a M/W/DSBE as a subcontractor on the **S & C Form,** constitutes a representation by Respondent, that such M/W/DSBE is capable of completing the subcontract with its own workforce, and that the Respondent has made a **BINDING COMMITMENT** with the firm prior to the submission of the **S & C Form.** This listing is also a representation by Respondent that if awarded the contract, Respondent will subcontract with the listed firm(s) for the work described and dollar/percentage amount(s) set forth on the **S & C Form,** unless the City alters the scope of services prior to the commencement of the contract. M/W/DSBE percentage commitments are to be maintained throughout the term of the contract and shall apply to the total dollar amount of the contract and any additional increases.

4. If a joint venture arrangement has been entered into with a MBE, WBE or DSBE, the following criteria must be met in order to receive credit toward the participation range:

The MBE, WBE or DSBE partner(s) must be certified by the MBEC;

The MBE, WBE or DSBE partner(s) must derive substantial benefit from the arrangement;

The MBE, WBE or DSBE partner(s) must be substantially involved in all phases of the contract including, but not limited to, the performance, with its own workforce, of a portion of the on-site work where appropriate, and administrative responsibilities such as bidding, 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 interests, contributes working capital and other resources, etc).

If Respondent has entered into a joint venture arrangement, the joint venture partners must complete and submit a "Joint Venture Eligibility Information Form" (available at the MBEC Office). This form should be submitted with the proposal and the form will be reviewed by the MBEC for approval or disapproval of the joint venture arrangement. If the joint venture arrangement is not approved by the MBEC, Respondent will not receive credit toward the applicable participation range(s) and the proposal may be rejected.

5. In calculating the percentage of participation by a M/W/DSBE, Respondent shall apply the standard mathematical rules in rounding off numbers. For example, if the stated MBE participation range is 15% - 25%, the MBE participation must equal 14.5% or greater to fall within the range. In the event of an inconsistency between the dollar and percentage amounts listed on the S & C Form, the percentage will govern.

6. 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, MBE and DSBEs or WBE and DSBE), will only be credited in **one** category i.e., either as a Minority (MBE), Woman (WBE) or Disabled (DSBE) Business Enterprise; Respondents will designate on the **S & C Form** which category, MBE, WBE or DSBE, is submitted for credit.

7. Certification of a business by the MBEC shall not be a representation of the firm's financial or technical ability to perform specified work. The City reserves the right to evaluate a firm's ability to satisfy financial, technical or other criteria separate and apart from certification before or after selection of the successful Respondent or award of the contract.

8. If Respondent is a certified M/W/DSBE submitting a proposal as a prime Respondent, Respondent must still respond to the participation range(s) specified in this RFP unless Respondent requests and receives a reduction in participation; a certified M/W/DSBE submitting a proposal as the prime Respondent **will** receive credit toward the ranges for its own work on this RFP, and must seek to fulfill the other applicable ranges. The participation of an MBE, WBE or DSBE who is a part of a joint venture created for this contract, may be credited towards the applicable participation range to the extent of the partner's ownership interest in the joint venture provided that the joint venture arrangement is acceptable to the MBEC.

9. Except as otherwise provided herein, no changes or modifications to the participation arrangements specified on the **S & C Form** or Joint Venture Eligibility Information Form, including but not limited to substitutions for the listed firms, changes or reductions in described work and/or listed dollar/percentage amounts, shall be permitted.

(a) Following contract award, the successful Respondent may, under appropriate circumstances and with the prior written approval of the MBEC, make changes or modifications to the participation arrangements contained in its original submission. Requests for such changes or modifications must be submitted to the MBEC in writing with appropriate justification.

(b) The MBEC may from time to time request revised form(s) or other documentation from the successful Respondent to ensure

(c) compliance with the change order/amendment provision set forth in Paragraph 11.

10. Notwithstanding compliance with the requirements set forth herein, the City reserves the right to reject any or all Proposals as deemed in the best interest of the City.

11. In the event the successful Respondent’s contract is increased by change order (sometimes referred to as a modification) and/or amendment, it shall be the responsibility of the successful Respondent to apply the participation range(s) to the amended amount in order to maintain the participation range(s) committed to on the total dollar amount of the contract at the time of contract completion.

12. The successful Respondent agrees to cooperate with the MBEC in its compliance monitoring efforts and to submit, within the time limits prescribed by the MBEC, all documentation which may be requested by the MBEC, including but not limited to, copies of subcontracts with the M/W/DSBEs, invoices, telephone logs and correspondence with the M/W/DSBEs, canceled checks, etc. These documents shall be maintained by the successful Respondent for a period of three (3) years following acceptance of final payment under the contract. The successful Respondent also agrees to submit reports and other documentation to the MBEC as deemed necessary by the MBEC to ascertain the successful Respondent's fulfillment of its M/W/DSBE participation commitments.

13. It is understood and agreed that the successful Respondent's compliance with the requirements for participation is material to the contract. Any failure to comply with these requirements shall constitute a substantial breach of the contract. It is understood and agreed that if the Director of Finance determines that the successful Respondent hereunder has failed to comply with the requirements for M/W/DSBE participation, the City may, in addition to any other rights and remedies the City may have under the contract, any bond filed in connection therewith or at law or in equity, exercise one or more of the following remedies which shall be deemed cumulative and concurrent:

(a) Withhold payment(s) or any part thereof until corrective action is taken.

(b) Terminate the contract, in whole or in part.

(c) Suspend the successful Respondent from proposing on and/or participating in any future City contracts for a period of up to three (3) years.

(d) Recover as liquidated damages, one percent of the total dollar amount of the contract for each one percent (or fraction thereof) of the shortfall toward the applicable M/W/DSBEs commitment.

(NOTE: The "total dollar amount of the contract" shall include approved change orders and amendments.)

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Should you have any questions related to the Contract Provisions, please call Ms. Julie Simmons, MBEC at (215) 686-6390 or facsimile (215) 686- 3878.

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

CITY OF PHILADELPHIA

Janet Hagan
Acting Procurement Commissioner

November 5, 2007

BID NUMBER: T8D0231P

TITLE: Disposal of Wastewater By-Products

DEPARTMENT: WATER DEPARTMENT

DATE TO OPEN: November 15, 2007 at 10:30 AM

ADDENDUM T-2

TO ALL BIDDERS:
You are hereby notified of the following changes to the above mentioned bid:

The attached MBEC Participation & Commitment Form is now part of Attachment 1. It is already included as part of the RFP available on eContracts Philly but is missing from the RFP available on Bids Online. It must be returned both electronically with any eContracts submittals AND in hard copy with submittals from Bids Online.

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.

_____
Buyer, H. Ortman

_____
AUTHORIZED SIGNATURE

_____
FIRM NAME (PRINT)

_____
DATE

HO/cs

SOLICITATION FOR PARTICIPATION AND COMMITMENT FORM *(PROPOSAL)* *Minority (MBE), Women (WBE), and Disabled (DSBE) Business Enterprises*		DEPARTMENT OF FINANCE *MINORITY BUSINESS ENTERPRISE COUNCIL (MBEC)*	
RFP TITLE -	*Name of Proposer*	*Proposal Submission Date*	

List below ALL MBE/WBE/DSBEs that were solicited regardless of whether a commitment resulted therefrom. - Photocopy this form as necessary.

☐ MBE ☐ WBE ☐ DS-BE	Work to be Performed	Date Solicited		Commitment Made		Give Reason(s)
Company Name		By Phone	By Mail	Yes *(If Yes, give date)*	NO	If No Commitment
Address						
Contact Person		Quote Received		Amount Committed To		
Telephone Number / Fax #		YES	NO	Dollar Amount		
				$		
MBEC CERTIFICATION #				Percent of Total Proposal		
				%		

☐ MBE ☐ WBE ☐ DSBE	Work to be Performed	Date Solicited		Commitment Made		Give Reason(s)
Company Name		By Phone	By Mail	Yes *(If Yes, give date)*	NO	If No Commitment
Address						
Contact Person		Quote Received		Amount Committed To		
Telephone Number / Fax #		YES	NO	Dollar Amount		
				$		
MBEC CERTIFICATION #				Percent of Total Proposal		
				%		

☐ MBE ☐ WBE ☐ DSBE	Work to be Performed	Date Solicited		Commitment Made		Give Reason(s)
Company Name		By Phone	By Mail	Yes *(If Yes, give date)*	NO	If No Commitment
Address						
Contact Person		Quote Received		Amount Committed To		
Telephone Number / Fax #		YES	NO	Dollar Amount		
				$		
MBEC CERTIFICATION #				Percent of Total Proposal		
				%		

☐ MBE ☐ WBE ☐ DSBE	Work to be Performed	Date Solicited		Commitment Made		Give Reason(s)
Company Name		By Phone	By Mail	Yes *(If Yes, give date)*	NO	If No Commitment
Address						
Contact Person		Quote Received		Amount Committed To		
Telephone Number / Fax #		YES	NO	Dollar Amount		
				$		
MBEC CERTIFICATION #				Percent of Total Proposal		
				%		

Rev. (7/2005)clh

[1] MBE/WBE/DS-BES listed above must be certified by the MBEC prior to proposal submission date.

[2] Failure to give reason may result in rejection of your proposal. Use additional pages if necessary.

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

CITY OF PHILADELPHIA

Janet Hagan
Acting Procurement Commissioner

November 9, 2007

BID NUMBER: T8D0231P

TITLE: Disposal of Wastewater By-Products

DEPARTMENT: WATER

DATE TO OPEN: November 15, 2007 @ 5:00 PM

ADDENDUM # T3

TO ALL BIDDERS:
You are hereby notified of the following changes to the above mentioned bid:

The submittal date for the referenced RFP has been postponed. The new submittal date and time is **Thursday, November 29, 2007 @ 5:00 PM.**

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.

_____
Buyer, H. Ortman

_____
AUTHORIZED SIGNATURE

_____
FIRM NAME (PRINT)

_____
DATE

HO/mv