



REQUEST FOR PROPOSALS (RFP) ZONING ORDINANCE REWRITE

The City of Davenport is currently accepting proposals from qualified firms with expertise in zoning for leading a process resulting in the preparation of the new zoning ordinance for the City of Davenport.

Proposals received via the competitive bidding process will be reviewed by an evaluation committee comprised of City Staff and selected representatives with interests in zoning matters in the City of Davenport.

METHOD

This solicitation is a Request for Proposals (RFP). Proposals will be reviewed by a Selection Committee that will evaluate each proposal according to the selection criteria outlined in the RFP. Interviews may be requested with one or more firms responding to the RFP.

Award of this contract, if any, will be to the firm deemed best qualified, in accordance with the selection criteria, to perform the services outlined in this RFP and other services as deemed necessary by the City. Pricing, while an important factor; will be only one criterion used to evaluate the responses to the RFP.

Proposals will be opened at the date and time specified and each firm responding will be recorded as a respondent. Proposal content, including pricing, will be kept confidential until award of the contract.

The City may reject any proposal not in compliance with all prescribed public bidding procedures and requirements and may reject any or all proposals. The City reserves the right to waive any requirement or condition of the RFP upon finding that it is in the public's best interest to do so.

INQUIRIES

All requests for clarifications or interpretations shall be made in writing and shall be emailed to purchasing@ci.davenport.ia.us. Inquiries shall contain the firm's name, contact person, email address and fax number and be titled "**Zoning Ordinance Rewrite - RFP #16-112**". Deadline for inquiries is **Friday August 5, 2016 @ noon CDT.** Responses to all inquiries will be posted in the form of an addendum with the RFP documents at <https://davenport.ionwave.net> on or before **Friday August 12, 2016 @ 12:00 noon CST.**

PROPOSALS DUE

Sealed electronic proposals will be accepted until Monday **August 22, 2016, @ 2:00 pm CST.** Proposals must be submitted at <https://davenport.ionwave.net>. Vendors must be registered in order to submit a proposal. The registration is a one-time process and is available at no charge. Proposals received after the stated date and time will be considered unresponsive and will not be accepted by the electronic submission site. Faxed, paper, or emailed proposals are not acceptable.

INSURANCE

A current Certificate of Insurance should be submitted with your proposal showing General Liability, Workmen's Compensation and Vehicle Liability.

BACKGROUND

Community Profile.

Davenport, Iowa is the largest municipality in a metropolitan area known as the Quad-Cities. In 2015, the population of the Davenport was approximately 102,500 and the total Quad Cities population was 385,000. Davenport continues to grow at a modest rate of approximately 0.5% per year. The value of new construction in 2015 was approximately \$240,000,000.

Davenport contains a revitalized Downtown that is still attracting new residents and businesses, more listed National Register properties than any other City in Iowa, expanding neighborhoods, industrial parks and commercial corridors, as well as the dominant regional retail center for the Quad City Area. Perhaps most of all, Davenport is defined by its 9+miles of publically owned property along the magnificent Mississippi River.

With its rich history, Davenport is experiencing declining neighborhoods in the central city due to aging housing stock and the loss of viable neighborhood commercial districts due to population loss. New development, when it occurs, is often suburban-styled development that lacks context and often opposed by neighborhood groups.

Staff.

The City of Davenport's Community Planning and Economic Development Department (CPED) houses the Planning Division. The Planning Division consists of four professional planners; three are members of the American Institute of Certified Planners and one who is a Certified Floodplain Manager. The Division's Senior Manager will serve as Project Manager for the City.

It is anticipated that members of the City's Plan and Zoning Commission and Design Review Board will play large roles in the process by serving on the project's steering committee.

Davenport Comprehensive Plan.

The City utilizes an award-winning Comprehensive Plan, *Davenport 2025*, adopted in 2005. Implementation activities following adoption of the Plan have included:

- Increased emphasis on neighborhood planning, engagement and outreach through the Davenport Neighborhood Empowerment and Wellness (NEW) program, and adoption of four neighborhood action plans

- Urban design initiatives, such as through the adoption of an Older Commercial Corridor Study and Village of East Davenport Master Plan, and the creation of a Design Review Board
- Completion of *Davenport in Motion, a 21st Century Transportation and Mobility Plan*

An Update to *Davenport 2025* is nearing completion. It is focused on Land Use and is intended to provide policy basis for the new Zoning Ordinance.

Current Zoning Ordinance.

The state of the current Zoning Ordinance is not unusual:

- It has not been completely updated since the 1970s
- It is Euclidian in nature and contains design standards that are outdated and difficult to administer
- Numerous amendments have been made that sometimes are not consistent with the rest of the code.
- The entire code is designed to perpetuate suburban-styled development and lacks the ability to achieve context sensitive design in Davenport's many older neighborhoods and districts.
- It is inflexible and thus, the Zoning Board of adjustment is called upon to decide cases frequently.
- It is not user-friendly and lacks consistent graphics to improve readability.

The existing code can be accessed on the City's web site at <http://clerkshq.com/default.ashx?clientsite=davenport-ia>

SCOPE OF WORK

With assistance from City Staff, the selected consultant will conduct a public process to develop a new Zoning Ordinance for the City Davenport. It is anticipated that the consultant will work with the community to develop a "hybrid" zoning ordinance which incorporates form-based standards in established neighborhoods, updated but conventional zoning standards in newer, largely built out areas, and standards that support walkable, mixed use neighborhoods in yet-to-be developed areas of the City.

The final work program will be developed in conjunction with City staff but the scope of work should include the following:

- Current Zoning Ordinance Diagnosis. The consultant will work closely with City staff in producing a diagnosis of the existing code.

- Review of Comprehensive Plan. The consultant will review and identify Plan Goals, Objectives and Recommendations to ensure the new code will be consistent with recent planning documents
- Public Outreach. The consultant will develop a public outreach strategy designed to inform community stakeholders and the general public on the benefits of a hybrid code, as well as conducting regular meetings and web/social media interaction throughout the process.
- Evaluation of Existing Neighborhoods, Corridors and Districts. Davenport contains many unique areas that will warrant context-sensitive regulations. Staff will work with the consultant to identify these areas. There may be up to 15 such areas to be studied.
- Drafting the Document. The consultant will prepare drafts of the zoning ordinance, including graphics, for review by staff and the steering committee, culminating in a final version to be acted upon by the Plan and Zoning Commission and the City Council.
- Integration of the New Code into User-Friendly Formats. The consultant will work with City staff as well as its information technology vendors to make the new code accessible and interactive with the public, as part of a currently under-development online permitting system.
- Staff Training. The Consultant shall provide resources to assist City staff with implementation of the new code through a 'start-up' period not to exceed one year.

Funds for the project have been included in the City's Capital Improvement Program for Fiscal Years 2017 and 2018. Therefore, the schedule for the project should extend into the 2018 budget year, which begins July 1, 2017.

SELECTION CRITERIA

From the complete proposals received before the deadline, finalists shall be selected to present its proposal to a committee comprised of representatives of City staff and the community. Finalists shall be scored on a 100 point scale based on criteria that include:

- Relevant Experience of Firm (30 pts)
- Relevant Experience of Project Team (30 pts)
- Public Process (15 pts)
- Understanding of the Issues (15 pts)
- Clarity of Presentation (10 pts)

PROPOSAL REQUIREMENTS

Proposals should contain the following information:

1. An introduction to the contractor submitting the proposal.
2. A listing of References of similar projects completed by your firm and the name, address, phone number and email of the contact person for whom the project was completed. The City of Davenport reserves the right to contact these references to discuss their project experience with your firm.
3. A completed pricing form for the project. Pricing should not contain any sales tax, the City of Davenport is exempt. The pricing form must be signed by an authorized representative of the firm.

Failure to provide the above information may disqualify the proposal as non-responsive.

Proposals Not Confidential

Under Iowa Open Records Law, Chapter 22 of Iowa Code; *Disclosure of Proposal Content, "Examination of Public Records,"* all records of a governmental body are presumed to be public records, open to inspection by members of the public. Section 22.7 of the Iowa Code sets forth a number of exceptions to that general rule, establishing several categories of "confidential records". Under this provision, confidential records are to be kept confidential, "unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information". Among the public records which are considered confidential under this Iowa Code provision are the following:

- Trade secrets which are recognized and protected as such by law.
- Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.

Under Chapter 22 of the Iowa Code, the City, as custodian of the proposal submitted in response to a Request for Proposals or Qualifications, may, but is not required to, keep portions of such proposals confidential under either of the above exceptions (#3 and #6 in the Code). If a responding individual or firm determines that a portion or portions of its proposal constitute a trade secret, or should otherwise be kept confidential to avoid giving advantage to competitors, a confidentiality request may be submitted with the proposal identifying which portion or portions of the proposal or bid should be kept confidential and why. The burden will be on each individual proposer to make such confidentiality request and to justify application of a confidentiality exception to its proposal. The City will not under any circumstance consider the entire proposal to be a confidential record.

If a request is thereafter made by a member of the public to examine a proposal including the portion or portions thereof for which a confidentiality request has been made, the City will so notify the proposer and will keep confidential that portion of the proposal covered by the confidentiality request, pending action by the proposer requesting confidentiality to defend its request. In that notification, the proposer requesting confidentiality will be given not more than 5 calendar days within which to file suit in Scott County District Court seeking the entry of a declaratory order and/or injunction to protect and keep confidential such portion of its proposal. Absent such action by a proposer requesting confidentiality, and absent the entry of a court order

declaring such portion or portions of the proposal confidential, the entire proposal will be released for public examination.

If the process for selecting the best proposal, or most qualified firm, includes two or more evaluation stages, in which proposals are evaluated at each stage and the field of competing proposals is reduced, all proposals submitted shall be kept confidential, pursuant to Section 22.7 of the Iowa Code, subsection 6 cited above, until completion of the final stage of the evaluation process in order to avoid giving advantage to competing proposers. Upon completion of the final stage in the evaluation process, all competing proposals shall be subject to disclosure, if not otherwise determined confidential as above provided.

Other Provisions

Signature by Responsible Party. All proposals must be signed with the firm name and by a responsible officer or employee authorized to transact business on behalf of the firm, partnership or corporation. No consultant may assign or transfer any legal or equitable interest in his proposal after the date and hour set for the receipt of proposals.

City's Rights Reserved. The City reserves the right to accept or reject any or all proposals in whole or in part, to waive any irregularities in any proposal, to accept the proposal which, in the judgment of the City is most advantageous to the City and to re-advertise if desired.

Conflict of Interest. The consultant agrees that it presently has no interest, and shall acquire no interest, direct or indirect, that would conflict in any manner or degree with the performance of its services hereunder. The consultant further agrees that, in the performance of the agreement, no person having any such interest shall be employed.

Interest of Public Officials. No member, officer or employee of the City during this tenure or for one year thereafter, shall have any interest, direct or indirect, in this proposal or the proceeds thereof.

Indemnification. The consultant agrees to protect, defend, indemnify, and hold harmless the City, its elected and appointed officials, agents and employees from and against any and all liability, damages, claims, suits, liens, and judgments, of whatever nature, including claims for contribution and/or indemnification, for injuries to any person or persons, caused by consultant's proposals or subsequent submittals.

Consultant's obligation to protect, defend, indemnify, and hold harmless, as set forth hereinabove, shall include any matter arising out of any actual or alleged infringement of any patent, trademark, copyright or service mark, or any actual or alleged unfair competition, disparagement of product or service, or other business tort of any type whatsoever, or any actual or alleged violation of trade regulations.

Ownership. All documents and materials prepared pursuant to this proposal are the property of the City of Davenport. The City of Davenport shall have the unrestricted authority to publish, disclose, distribute and other use, in whole or in part, any reports, data or other materials prepared under this process.

Verbal Agreement. No verbal agreement or conversation with any elected or appointed official, agency or employee of any of the parties involved, either before, during or after the submittal of this proposal shall affect or modify any of the terms or obligations herein contained, nor shall such verbal agreement

or conversation entitle the consultant to any additional compensation or consideration whatsoever under the terms of this Request for Qualifications.

Changes. The City of Davenport may, from time to time, request changes in the Request for Qualifications issued, to be performed hereunder. Such changes shall be incorporated in written amendments to this Request for Qualifications.

Anti-Discrimination. The vendor shall not discriminate against any person or applicant for employment because of race, color, creed, religion, sex, gender identity or expression, national origin or ancestry, sexual orientation, age, marital status, familial status, physical or mental disability, or political beliefs or affiliations.