

**City of Asheville, NC**

**REQUEST for LETTERS of INTEREST (RFLOI)**

**Coxe Ave. and S. Lexington Ave. Complete Streets Design**

**TITLE: Coxe Ave. and S. Lexington Ave. Complete Streets Design**

**ISSUE DATE: February 4, 2020**

**SUBMITTAL DEADLINE: March 31, 2020**

**ISSUING AGENCY: City of Asheville, NC**

**SYNOPSIS**

The project QBS (Qualification Based Selection) process will be utilized, in accordance with NC General Statute 143-64.31, to determine a qualified firm to complete professional services for the project. Submission by a firm to this RFLOI does not mean that the firm will be awarded a contract for this project. The City is seeking a firm whose combination of experience and expertise will provide timely, cost-effective and quality driven professional services to the City.

**SUBCONSULTANTS ARE PERMITTED UNDER THIS CONTRACT.**

**This contract shall be partially reimbursed with Federal-aid funding through the North Carolina Department of Transportation (hereinafter referred to as the Department). The solicitation, selection, and negotiation of a contract shall be conducted in accordance with all Department requirements and guidelines.**

**The primary and/or subconsultant firm(s) shall be pre-qualified by the Department to perform any combination of the work codes listed below for the City of Asheville. Work Codes required are:**

- **269 – Urban Roadway Design**
- **341 – Roadway Lighting**
- **235 – SUE – Subsurface Utility Engineering**
- **433 – Tier I Basic Hydrologic and Hydraulic Design**
- **207 – Signal Design**
- **155 – Pavement Marking Plans**

- **32 – Categorical Exclusions**
- **152 – Pavement Design**
- **270 – Utility Coordination**
- **132 – Landscape and Streetscape Design**

**WORK CODES for each primary and/or subconsultant firm(s) (*if Subconsultants are allowed under this RFLOI*) SHALL be listed on the respective RS-2 FORMS (see section ‘SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS’).**

This RFLOI is to solicit responses (LETTERS of INTEREST, or LOIs) from qualified firms to provide professional consulting services. The services required will be for the design, engineering, public engagement, and permitting of the Coxe Avenue Complete Streets Project (NCDOT TIP EB-5831) and South Lexington Avenue Complete Streets Project (NCDOT TIP EB-5830).

Planning and design are coordinated for these two projects. The projects will continue to be distinct construction projects, and will be tracked separately regarding costs, revenues, and construction timelines.

This project will/may include transportation engineering, street design and production of construction documents for comprehensive improvements to the street including design for traffic signals, pedestrian signals, sidewalk and streetscape improvements, pavement resurfacing, bicycle facilities, pedestrian safety improvements, stormwater improvements, utility coordination, sanitary sewer improvements, landscape plans, and also includes surveying, and siting of various street amenities informed by stakeholder input.

Generally, consultants shall have the capability to provide, or cause to be provided, public input meeting coordination and serve as the lead in these sessions, design, survey, construction documents, permitting, and if the project advances bidding and construction administration services as required for this project. Work may include, but shall not be limited to: detailed plan design, property owner and stakeholder identification, possible right of way or easement acquisition, preparation of and acquisition of all necessary environmental documents and permits, preparation of construction documents, and right of way plats.

This project will require the services of a landscape architect or engineer in a prime role to complete all services required to construct this project from concept design/master planning through construction administration services. All design plans must be sealed by a professional qualified to perform such services.

The ideal firm(s) will have experience with urban street design, NACTO standards, and green infrastructure.

Electronic LOIs should be submitted in .pdf format using software such as Adobe, CutePDF PDF Writer, Docudesk deskPDF, etc.

**LOIs SHALL be received by mail or hand delivery no later than 3:00 p.m. March 31, 2020’.**

**The address for mailings is:**

Dustin Clemens, Program Manager  
City of Asheville, Capital Projects Department  
PO Box 7148  
Asheville, NC 28804

**The address for hand-deliveries is:**

Dustin Clemens, Program Manager  
City of Asheville, Capital Projects Department  
70 Court Plaza, Suite 100C  
Asheville, NC 28801

**LOIs received after this deadline will not be considered.**

Except as provided below any firm wishing to be considered must be properly registered with the Office of the Secretary of State and with the North Carolina Board of Examiners for Engineers and Surveyors. Any firm proposing to use corporate subsidiaries or subcontractors must include a statement that these companies are properly registered with the North Carolina Board of Examiners for Engineers and Surveyors and/or the NC Board for Licensing of Geologists. The Engineers performing the work and in responsible charge of the work must be registered Professional Engineers in the State of North Carolina and must have a good ethical and professional standing. It will be the responsibility of the selected private firm to verify the registration of any corporate subsidiary or subcontractor prior to submitting a Letter of Interest. Firms which are not providing engineering services need not be registered with the North Carolina Board of Examiners for Engineers and Surveyors. Some of the services being solicited may not require a license. It is the responsibility of each firm to adhere to all laws of the State of North Carolina.

The firm must have the financial ability to undertake the work and assume the liability. The selected firm(s) will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of \$1,000,000.00. The firm(s) must have an adequate accounting system to identify costs chargeable to the project.

**SCOPE OF WORK**

The **City of Asheville** is soliciting proposals for the services of a firm/team for the following contract scope of work:

Purpose and Location

**Coxe Avenue Complete Street Project** (NCDOT TIP EB-5831 - Southside Ave. to Patton Ave)  
- Improve the experience for pedestrians, bicyclists and other users of the street through improvements to sidewalks, stormwater infrastructure, lighting and streetscape elements. Reconfigure the street cross-section to balance the space given to different user groups.

Conceptual designs for the project were produced as a part of the South Slope Visioning Process. Also, a “Tactical Urbanism” project is currently in place with temporary improvements

to the street (but only between Hilliard Avenue and Southside Avenue). These improvements may also inform the design.

Coxe Avenue was a ravine until a re-development project in the early 20th century filled it in, piped the streams, and built the road. Consequently, there are numerous drainage channels underground, and improvements are needed to the stormwater infrastructure.

**South Lexington Avenue Complete Streets Project** (NCDOT TIP EB-5830 - Southside Ave. to Patton Ave.) - Improve the experience for pedestrians, bicyclists and other users of through improvements to sidewalks, stormwater infrastructure, lighting and streetscape elements. The project includes a possible re-configuration of S.Lexington Ave., Banks Ave. and Church Street.

As part of a larger planning process, concept designs were developed for Coxe Avenue and South Lexington Avenue. The designs can be accessed at the link below. These are not approved or adopted plans. They are included here for reference and should only be used as a guide. Link to design concepts:

[https://drive.google.com/open?id=1pCJ7a\\_Q4dkYpTlb2IEZT\\_GZCS-xPcRS4](https://drive.google.com/open?id=1pCJ7a_Q4dkYpTlb2IEZT_GZCS-xPcRS4)

### Problem Statement

Coxe Avenue and South Lexington Avenue are important north-south transportation corridors connecting the CBD and south slope, and other areas including the hospital district and the Southside neighborhood. Currently, these streets do not have complete streets elements for all modes of transportation.

Coxe Avenue has sufficient width, but is incomplete with regard to bicycle facilities, sidewalk facilities, other pedestrian spaces, and access control. In addition, the corridor has significant place-making opportunities and will implement elements of the South Slope Vision Plan.

South Lexington Avenue has infrastructure deficiencies including missing sections of sidewalk, incomplete bicycle facilities, utility conflicts, sidewalk hazards, and stormwater deficiencies. There is existing parking in the corridor, some of which does not meet current standards. The street network at the southern terminus of S. Lexington Ave. has the potential for re-configuration to provide better connectivity and access.

### **Expected Outcome**

This project will meet City goals for complete-streets and safety by delivering improvements that meet the needs of business owners, pedestrians, bicyclists, and motorists, including needs for features such as improved sidewalks, bicycle facilities, signals and crosswalks, stormwater infrastructure, on-street parking, lighting, landscaping, and street furniture.

The designs should support the dense, vibrant environment of downtown Asheville and utilize the best practices and innovative approaches to urban street design.

### **Preliminary Scope of Work**

#### Data Collection and Analysis

- Detailed Surveys including Utility Location
- Stormwater Evaluation
- Existing Conditions Review

### Stakeholder and Public Involvement

The consultant is expected to lead an engagement process with community stakeholders, with a primary emphasis on businesses, institutions, and residents that would be directly impacted by changes to the transportation corridor.

In addition to outreach and meetings with stakeholder groups, it is anticipated that the design process will include two general public meetings, as well as between two and four presentations to public officials such as the Multimodal Transportation Commission or other boards and commissions. The consultant will serve as the lead in these sessions.

### Deliverables and Services

The deliverables and services are required for this project:

1. Design Concept Options
2. Design Submittals for each project at the conceptual level, and at 25%, 60%, 75%
3. Sealed 100% Construction Documents for each identified project
4. Cost Estimates
5. Right of Way Plats (if required)
6. Right of Way Appraisals (if required)
7. NEPA Approval (e.g. Categorical Exclusion Document)
8. Construction Permits
9. Presentation materials, illustrative cross-sections, maps and graphics

**PROPOSED CONTRACT TIME: APPROXIMATELY 10 MONTHS**

**PROPOSED CONTRACT PAYMENT TYPE: LUMP SUM**

## **SUBMITTAL REQUIREMENTS**

All LOIs are limited to **twenty (20)** pages (RS-2 forms are not included in the page count) inclusive of the cover sheet, and shall be typed on 8-1/2" x 11" sheets, single-spaced, one-sided.

*Fold out pages are not allowed. In order to reduce costs and to facilitate recycling; binders, dividers, tabs, etc. are prohibited. One staple in the upper left-hand corner is preferred.*

LOIs containing more than twenty (20) pages will not be considered.

***Five (5) hard copies and One (1) digital copy (e.g. thumb drive) of the LOI should be submitted.***

**Firms submitting LOIs are encouraged to carefully check them for conformance to the requirements stated above. If LOIs do not meet ALL of these requirements they will be disqualified. No exception will be granted.**

## **SELECTION PROCESS**

Following is a general description of the selection process:

- The City of Asheville's Selection Committee will review all qualifying LOI submittals.
- The City of Asheville's Selection Committee MAY shortlist a minimum of three (3) firms to be interviewed. IF APPLICABLE, dates of shortlisting and dates for interviews are shown in the section SUBMISSION SCHEDULE AND KEY DATES at the end of this RFLOI.
- In order to be considered for selection, consultants must submit a complete response to this RFLOI prior to the specified deadlines. Failure to submit all information in a timely manner may result in disqualification.

## **TITLE VI NONDISCRIMINATION NOTIFICATION**

The LGA in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all RESPONDENTS that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit LETTERS of INTEREST (LOIs) in response to this ADVERTISEMENT and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

## **SMALL PROFESSIONAL SERVICE FIRM (SPSF) PARTICIPATION**

The Department encourages the use of Small Professional Services Firms (SPSF). Small businesses determined to be eligible for participation in the SPSF program are those meeting size standards defined by Small Business Administration (SBA) regulations, 13 CFR Part 121 in Sector 54 under the North American Industrial Classification System (NAICS). The SPSF program is a race, ethnicity, and gender neutral program designed to increase the availability of contracting opportunities for small businesses on federal, state or locally funded contracts. SPSF participation is not contingent upon the funding source.

The Firm, at the time the Letter of Interest is submitted, shall submit a listing of all known SPSF firms that will participate in the performance of the identified work. The participation shall be submitted on the Department's Subconsultant Form RS-2. RS-2 forms may be accessed on the Department's website at [NCDOT Connect Guidelines & Forms](#).

The SPSF must be qualified with the Department to perform the work for which they are listed.

Real-time information about firms doing business with the Department and firms that are SPSF certified through the Contractual Services Unit is available in the Directory of Transportation Firms. The Directory can be accessed on the Department's website at [Directory of Firms](#) -- Complete listing of certified and prequalified firms.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firm.

## **City of Asheville Minority Business Plan**

In addition to the NCDOT's SPSF requirements referenced above, the City of Asheville's adopted Minority Business Plan encourages participation by women and minority businesses in the award of contracts. Bidders are hereby notified that this bid is also subject to the provisions of that Plan. Questions regarding the Minority Business Plan may be directed to Rosanna Mulcahy, Business Inclusion Manager, City of Asheville, Post Office Box 7148, Asheville, NC 28802-7148 or by phone at (828) 259-8050 or by e-mail at [rmulcahy@ashevollenc.gov](mailto:rmulcahy@ashevollenc.gov). You can access two sources for certified minority firms at [www.ips.state.nc.us/ips/vendor/searchvendor.aspx?t=h](http://www.ips.state.nc.us/ips/vendor/searchvendor.aspx?t=h) and [www.doa.state.nc.us/hub](http://www.doa.state.nc.us/hub) to search for vendors. It is the policy of the City to (1) provide minorities an equal opportunity to participate in all aspects of its contracting and procurement programs and (2) to prohibit any and all discrimination against persons or businesses in pursuit of these opportunities.

## **PREQUALIFICATION**

The Department maintains on file the qualifications and key personnel for each approved discipline, as well as any required samples of work. Each year on the anniversary date of the company, the firm shall renew their prequalified disciplines. If your firm has not renewed its application as required by your anniversary date or if your firm is not currently prequalified, please submit an application to the Department **prior to submittal of your LOI**. An application may be accessed on the Department's website at [Prequalifying Private Consulting Firms](#) -- Learn how to become Prequalified as a Private Consulting Firm with NCDOT. Having this data on file with the Department eliminates the need to resubmit this data with each letter of interest.

Even though specific DBE/MBE/WBE goals are not required for this project, the Department of Transportation is committed to providing opportunity for small and disadvantaged businesses to perform on its contracts through established Department goals. The Firm, subconsultant and subfirm shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract.

## **SELECTION CRITERIA**

**All prequalified firms who submit responsive letters of interest will be considered.**

In selecting a firm/team, the selection committee will take into consideration qualification information including such factors as:

- 1. Qualifications of the Firm(s) and Personnel – 30%**
- 2. Relevant Current / Past Projects and References – 30%**
- 3. Examples of Previous Work – 20%**
- 4. Project Approach – 20%**
- 5. Approach/Experience with Public Meetings – 10%**

After reviewing qualifications, if firms are equal on the evaluation review, then those qualified firms with proposed SPSF participation will be given priority consideration.

## **SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS**

The LOI should be addressed to **Dustin Clemens, Program Manager** and must include the name, address, telephone number, and e-mail address of the prime consultant's contact person for this RFLOI.

The LOI must also include the information outlined below:

### Chapter 1 - Introduction

The Introduction should demonstrate the consultant's overall qualifications to fulfill the requirements of the scope of work and should contain the following elements of information:

- Expression of firm's interest in the work;
- Statement of whether firm is on register;
- Date of most recent private engineering firm qualification;
- Statement regarding firm's(') possible conflict of interest for the work; and
- Summation of information contained in the letter of interest.

### Chapter 2 - Team Qualifications

This chapter should elaborate on the general information presented in the introduction, to establish the credentials and experience of the consultant to undertake this type of effort. The following must be included:

1. Identify recent, similar projects the firm, acting as the prime contractor, has conducted which demonstrates its ability to conduct and manage the project. Provide a synopsis of each project and include the date completed, and contact person.
2. If subconsultants are involved, provide corresponding information describing their qualifications as requested in bullet number 1 above.

### Chapter 3 - Team Experience

This chapter must provide the names, classifications, and location of the firm's North Carolina employees and resources to be assigned to the advertised work; and the professional credentials and experience of the persons assigned to the project, along with any unique qualifications of key personnel. Although standard personnel resumes may be included, identify pertinent team experience to be applied to this project. Specifically, the Department is interested in the experience, expertise, and total quality of the consultant's proposed team. If principals of the firm will not be actively involved in the study/contract/project, do not list them. The submittal shall clearly indicate the Consultant's Project Manager, other key Team Members and his/her qualifications for the proposed work. Also, include the team's organization chart for the Project / Plan. A Capacity Chart / Graph (available work



force) should also be included. Any other pertinent information should also be listed in this section.

**Note:** If a project team or subconsultant encounters personnel changes, or any other changes of significance dealing with the company, NCDOT should be notified immediately.

#### Chapter 4 - Technical Approach

The consultant shall provide information on its understanding of, and approach to accomplish, this project, including their envisioned scope for the work and any innovative ideas/approaches, and a schedule to achieve the dates outlined in this RFLOI (if any project-specific dates are outlined below).

Winter/Spring 2020:	Stakeholder input, data collection and analysis
Spring 2020:	Concept development and alternatives analysis
Summer 2020:	Preliminary designs and public input
Fall 2020:	Final Design (and Right of Way Plans if applicable)

#### APPENDICES-

##### CONSULTANT CERTIFICATION Form RS-2

Completed Form RS-2 forms SHALL be submitted with the firm's letter of interest. This section is limited to the number of pages required to provide the requested information.

Submit Form RS-2 forms for the following:

- **Prime Consultant firm**
  - Prime Consultant Form RS-2 Rev 1/14/08; and
- **ANY/ALL Subconsultant firms** to be, or anticipated to be, utilized by your firm.
  - Subconsultant Form RS-2 Rev 1/15/08.
  - In the event the firm has no subconsultant, it is required that this be indicated on the Subconsultant Form RS-2 by entering the word "None" or the number "ZERO" and signing the form.

Complete and sign each Form RS-2 (instructions are listed on the form).

The required forms are available on the Department's website at:

<https://connect.ncdot.gov/business/consultants/Pages/Guidelines-Forms.aspx>

[Prime Consultant Form RS-2](#)

[Subconsultant Form RS-2](#)

All submissions, correspondence, and questions concerning this RFLOI should be directed to **Dustin Clemens by email only at [dclemens@ashevillenc.gov](mailto:dclemens@ashevillenc.gov)**

All questions must be submitted not less than one week (seven calendar days) before the submittal deadline. Any questions received closer to the submittal deadline will not be answered.

Responses will be issued in the form of an addendum available to all interested parties. Any addendums to this LOI will be posted no later than 48 hours before the submittal deadline and will be posted at: <http://www.ashevillenc.gov/bids>

It is the responsibility of all firms submitting qualifications to check the City of Asheville website or the NC Interactive Purchasing System website for any addendums prior to submission.

## **SUBMISSION SCHEDULE AND KEY DATES**

RFLOI Release – **February 4, 2020**

Deadline for Questions - **March 6, 2020**

Issue Final Addendum - **March 10, 2020**

Deadline for LOI Submission - **March 31, 2020**

## **ADDITIONAL CITY AND NCDOT REQUIREMENTS**

Provide a statement of any legal judgments against your firm within the last 5 years associated with project performance or professional liability. Upon request the firm shall provide clarification of the judgment.

The specific individuals and sub-consultants listed in the proposal and assigned to key positions shall not be removed or replaced without the prior written approval of the City.

The selected firm shall be required to meet the following requirements as a minimum (and may be modified pending the date of the contract):

- Insurance: The Successful Firm (Contractor) agrees to keep and maintain for the duration of this Agreement including but not limited to commercial general liability, professional liability, auto liability, workers' compensation, employer's liability, with at least the minimum limits shown below. **Contractor shall provide evidence of insurance coverage consistent with this requirement prior to contract award.** The Contractor shall furnish the City with certificates of insurance for each type of insurance described herein, with the City listed as Certificate Holder and as an additional insured on the Contractor's general liability policy. In the event of bodily injury, property damage, or financial loss caused by the Contractor's negligent acts or omissions in connection with Contractor's services performed under this Agreement, the Contractor's Liability insurance shall be primary with respect to any other insurance which

may be available to the City, regardless of how the “Other Insurance” provisions may read. No work shall be performed until the Contractor has furnished to the City the above referenced certificates of insurance and associated endorsements, in a form suitable to the City.

- Commercial General Liability: \$1,000,000 per occurrence
  - Professional Liability: \$1,000,000 per claim-made
  - Auto Liability: \$1,000,000 combined single limit
  - Workers' Compensation: Statutory
  - Employer's Liability: \$100,000
- Indemnification: The Successful Firm (Contractor) shall indemnify, defend and hold harmless the City and its subsidiaries, divisions, officers, directors and employees from all liability, loss, costs, claims, damages, expenses, attorney fees, judgments and awards arising or claimed to have arisen, from any injury caused by, or allegedly caused by, either in whole or in part, any act or omission of the Contractor or any employee, agent or assign of the Contractor. This provision is not applicable to any claim arising out of or related to any active or primary negligence of or by City, its officers or employees. Nothing herein shall be construed as a waiver on the part of the City to any defense of any claim, including, but not limited to the defense of governmental immunity.
  - Ownership of Work Products: The City shall have exclusive ownership of all intellectual property rights in all designs, plans and specifications, documents and other work product prepared by, for, or under the direction of the selected firm pursuant to any contract under this RFLOI (collectively, the “Intellectual Property”), including without limitation the right to copy, use, disclose, distribute, and make derivations of the Intellectual Property for any purpose or to assign such rights to any third party.
  - The Intellectual Property shall be prepared in the City’s name and shall be the sole and exclusive property of the City, whether or not the work contemplated therein is performed. The City will grant the firm a royalty-free, non-exclusive license to use and copy the Intellectual Property to the extent necessary to perform the contract.
  - DRUG FREE WORK POLICY: The City of Asheville is a drug-free workplace employer. The Asheville City Council has adopted a policy requiring city construction and service contractors to provide a drug free workplace in the performance of any city contract. This policy may be viewed at: <http://www.ashevillenc.gov/Departments/Purchasing/DrugFreeWorkPolicy.gov>. By submitting a proposal, the prospective primary vendor certifies that it and all sub-vendors will comply with the City of Asheville drug- free workplace requirement. A false certification or the failure to comply with the above drug-free workplace requirements during the performance of contract shall be grounds for suspension, termination, or debarment.
  - E-VERIFY EMPLOYER COMPLIANCE: The Selected Firm and their subcontractors with 25 or more employees as defined in Article 2 of Chapter 64 of the NC General Statutes must comply with E-Verify requirements to contract with governmental units. E-Verify is a Federal program operated by

the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law. E-verify can be accessed via this link: <http://www.uscis.gov/e-verify/employers>

As an NCDOT/FHWA funded project, the selected firm will be required to submit a detailed man-hour estimate, wage rates, overhead, cost of capital, other miscellaneous expenses, and fees in accordance with NCDOT's "Policies and Procedures for Procurement and Administration of Major Professional or Specialized Services Contracts," and other current standards. The negotiated contract will be submitted to the Office of Inspector General, Consultant Audit Unit for review prior to issuance of an NTP.

**City of Asheville reserves the following rights:**

- Modify or cancel the selection process or schedule at any time.
- Waive minor irregularities.
- Reject any and all responses to this RFLOI and to seek new submittals if it is in the best interest of the City to do so.
- Seek clarification or additional information from responding firms as it deems necessary to the evaluation of the response.
- This Request does not obligate the City to enter into an agreement or pay any costs incurred by firms in preparation and submission of a statement of qualifications.
- Upon receipt by the City, each proposal becomes the property of the City. In general, documents that are submitted as part of the response to this RFLOI will become public records, and will be subject to public disclosure. North Carolina General Statutes Section 132-1.2 and 66-152 provide a method for protecting some documents from public disclosure. If the responding firm follows the procedures prescribed by those statutes and designates a document "confidential" or "trade secret", the City will withhold the document from public disclosure to the extent that it is entitled or required to do so by applicable law. Any firm that designates its entire proposal as a trade secret may be disqualified from consideration.
- In submitting a proposal, each firm agrees that the City may reveal any trade secret materials contained in such response to all City staff and City officials involved in the evaluation process and to any outside consultant or other third parties who serve on the evaluation committee or who are hired by the City to assist in the evaluation process.
- If the City determines that a document that the Responder has designated "confidential" or "trade secret" is not entitled to protection from public disclosure, the City will provide notice of that determination to the contact person designated by the firm, in any reasonable manner that the City can provide such notice, at least five business days prior to its public disclosure of the document. If the firm does not designate anyone to receive such notice, or if, within five business days after the designated person receives such notice, the firm does not initiate judicial proceedings to protect the confidentiality of the document, the City will not have any obligation to withhold the document from public disclosure.
- By submitting to the City a document that the firm designates as "confidential" or "trade secret", the firm agrees that in the event a third party brings any action against the City or any of its officials or employees to obtain disclosure of the document the firm will indemnify and hold harmless the City and each organization's affected officials and employees from all costs, including attorney's fees, incurred by or

assessed against any defendant, of defending against such action. The firm also agrees that at the City's request the firm will intervene in any such action and assume all responsibility for defending against it, and that the firm's failure to do so will relieve the City of all further obligations to protect the confidentiality of the document.

- Selection of a Firm by the City in response to this Request for Qualifications for professional services does not guarantee these services will be required. The City maintains sole discretion in assigning projects, if any, to the selected Firm(s) throughout the term of the contract. The City, additionally reserves the right to issue future Request for Qualifications, as may be needed and to solicit responses from firms not selected as part of this process.
- Firms responding to this request for qualifications are notified of City policy that prohibits contracting with persons or firms who are delinquent in the payment of ad valorem taxes owed to the City of Asheville.

This project is being advertised via the City of Asheville's Purchasing and Contracting website at <http://ashevillenc.gov/bids>