

RITZ THEATRE ANNEX ADDITION

Design-Build RFP



① PROPOSED BUILDING
SCALE: 1/8" = 1'-0"

Abstract

The City of Toccoa is looking for qualified design-build firms to construct a 5,900 square-foot Annex Addition to the Historic Ritz Theatre.

City of Toccoa

92 North Alexander Street, Toccoa, GA 30577

1.0 Introduction

1.1 Purpose of Procurement

The City of Toccoa (The City), considered the “Owner” for this solicitation, is seeking proposals from design-build teams interested in providing turnkey design, construction, and delivery of the new approximately 5,900-square foot 1.5-story Annex Addition to the Historic Ritz Theatre.

The new addition will be located on land cleared immediately adjacent to the Historic Ritz Theatre – consisting presently as a city-owned parking lot.

This Request for Proposal (RFP) seeks to identify qualified design-build teams with a proven successful performance record of the services specified in this document. Respondents shall propose the most experienced and qualified design-build team for the construction of said Annex Addition. Respondents will be responsible for all aspects of design, construction, commissioning, and delivery of the facility in a turnkey manner.

1.2 Communications

All respondents to this solicitation are strictly subject to the instructions communicated in this document and any addenda thereto. The City of Toccoa’s Community Development Department (Issuing Officer[s]) shall be the only point of communications for all interested parties.

From the issue date of this RFP until a contractor is selected and engaged, Proposers shall not communicate for any reason with any staff excepted through the Issuing Officer(s) named herein, or as provided by existing work agreement(s). For violation of this provision, the City reserves the right to reject the Proposal. Submit all questions concerning this RFP via email to the Issuing Officer(s). Only written and formatted questions will be accepted. No response other than written will be binding upon the City. All pertinent questions and respective answers will be provided to interested Proposers in addenda format.

1.3 Tentative Schedule of Events

The following matrix is the “Tentative Schedule of Events”. All times indicated shall be prevailing times in Toccoa, Georgia. The City reserves the right to adjust the schedule.

Tentative Schedule of Events			
ITEM	EVENT	DATE ¹	TIME ²
1	Release Date of RFP – Post to GPR ³	Friday, October 7, 2022	5:00 PM
2	Deadline for submission of written questions and requests for clarification.	Friday, October 21, 2022	12:00 PM
3	<i>Proposal Closing Date & Time – Deadline for submission of solicitation.</i>	Thursday, November 17, 2022	10:00 AM
4	Public Bid Opening – Toccoa City Hall	Thursday, November 17, 2022	10:00 AM
5	Notice of Intent to Award	November 2022	TBD
6	Negotiations/Contracting Period	November 2022	TBD
7	Contract Effective Date	December 2022	TBD

¹ All dates and times are subject to change.

² All times shown are to be in local Toccoa, GA times.

³ GPR: Georgia Procurement Registry located at <https://ssl.doas.state.ga.us/gpr/>.

1.4 Questions Submittal

Direct all questions about this RFP in writing via email to the Issuing Officer(s):

Connie Tabor, Community Development Director
City of Toccoa
92 North Alexander Street, Toccoa, GA 30577
Phone: 706.282.3232 – chamilton@cityoftoccoa.com

Please submit your questions by the designated date and time in the following format.

QUESTION SUBMITTAL FORMAT	
COMPANY NAME:	
COMPANY CONTACT (name & email address):	
<i>Question</i>	<i>Referenced RFP Section</i>
1.	
2.	
3.	

1.5 Definition of Terms

- **Ritz Theatre:** Historic Ritz Theatre, owned and operated by the City of Toccoa
- **City:** City of Toccoa
- **GPR:** Georgia Procurement Registry – Official State of Georgia Bid Service
- **O.C.G.A.:** Official Code of Georgia Annotated (State Statute or Laws)
- **RFP:** This solicitation document
- **Proposer, Bidder:** Respondent to this Solicitation
- **Licensed Party:** The Proposer
- **Project Manager:** Contractor's authorized representative, or work manager/representative
- **Issuing Officer(s):** Procurement Officer or his/her designee

1.6 Contract Term

The term of the resulting contract shall correspond to the design-construction-delivery of facility period. The City reserves the sole right to extend the contract.

Failure to perform as contracted will prohibit the contractor from participating in any subsequent issued replacement solicitation.

1.7 Background

The City of Toccoa is responsible for the operation and maintenance of the Historic Ritz Theatre, located on the National Register of Historic Places and within the boundaries of the Downtown Toccoa Local Historic District.

In an effort to promote the building as an economic anchor, the design and construction of a 5,900-square foot Annex Addition is being solicited. Draft design renderings have already been completed by a certified architect. The chosen Proposer will utilize these renderings to create stamped construction drawings and provide construction services for project implementation.

2.0 Mandatory Requirements

All respondents must address the following items in their written response.

2.1 Proposer Qualification Requirements

- The Proposer (firm/company) shall have a minimum of ten (10) years verifiable experience providing similar services to clients with comparable requirements to those of this RFP.
- The Proposer must demonstrate experience with at least three (3) similar contracts within the last ten (10) consecutive calendar years.
- The Proposer must be currently incorporated and licensed in the State of Georgia or provide verifiable proof they are authorized to provide the required services pursuant to all applicable laws and the rules and regulations set forth by the Georgia Secretary of State. Please provide your written proof as an attachment to your proposal response.
- The Proposer must hold a current business license from the location of its home office/headquarters to perform the services required by this solicitation (RFP). Proposer must provide written proof of a license or permit with the proposal response.
- The Proposer shall have a verifiable “drug free workplace” program pursuant to all State of Georgia requirements. A “Georgia State Board of Workers’ Compensation’s Certificate” is preferred. The City will also accept published employee manuals.
- The Proposer will designate a central point of contact (project manager) for all aspects of this RFP:
 - The Proposer must submit the resume for the project manager.
 - Resume must reflect years of experience in the industry and the employer(s).
 - Resume must show percent of time project manager is expected to spend on the project.
 - Resume must show percent of time manager has available to spend on the project.
 - On the provided form, a list of at least five (5) verifiable references must be provided for the project manager.
- Proposer must be financially viable. Company must show its current and projected financial status and capability to provide the work as needed. **Should Proposer be awarded the project, a performance bond and payment bond shall be required.**

2.2 Business Requirements

- Proposer shall submit a rate sheet for all principals providing architectural services.
- Proposer shall submit preliminary justifiable estimate for cost of construction.
- The Proposer will designate a dedicated Project Principal (Executive) with at five (5) years of experience for all aspects of this RFP. Please provide the Project Executive’s resume and pertinent credentials in the Resume section.

2.3 Staffing Plan

- Proposer shall provide an organizational chart showing name, title, and duties for each position assigned to this work.
 - Proposer shall provide resumes for the individuals shown in the organizational chart. Resumes shall reflect pertinent education, duties, assignments, licensing, etc.
 - Proposer shall provide percent of assigned duties for each of the project principals.

2.4 Corporate Status

Proposer shall provide documentation of corporate status and proper licensing.

2.5 Firm Background

Proposer shall describe the firm's background, relevant experience and qualifications; include dates and contact information for each contractual engagement.

2.6 Company References

Proposer shall provide ten (10) company references pursuant to applicable form attached hereto.

2.7 Financials

Proposer shall provide required Financial Information as prescribed herein.

2.8 Business Litigation

Proposer shall disclose any business litigation in the form provided herein:

- Has the firm been involved in any litigation in the past five (5) years?
- Describe your experience with litigation with Owners or any other similar contract litigation.
- Proposer shall disclose if they have ever been removed from a contract or failed to complete a contract as awarded for a legal or other reason.

2.9 Lost Accounts

Proposer shall provide a list of lost accounts in the form provided and as prescribed in Section 2.0.

2.10 Stability/Suitability

Proposer shall include documentation of the viability of the firm such as the firm's years of successful operation, stability of management structure, and ownership. Proposer shall provide their suitability for the work.

2.11 Project Management

Proposer shall provide:

- Verifiable references attesting to the performance of the Project Manager on the attached form.
- Resume for Project Manager.
- Staff certifications and licensing proof of all assigned personnel.

2.12 Quality Control Program

Proposer shall provide their program to ensure that services rendered will meet or exceed the requirements of this contract.

2.13 Drug-Free Workplace

Proposer shall provide proof that the Proposer has implemented and is administering a compliant drug-free workplace program.

2.14 Fees

Proposer shall provide estimated fees needed to complete the work. If provided as a percent of the cost of the project, proposer shall estimate the cost of the project.

2.15 Required Attachments/Forms

Proposer shall complete and return all required forms designated as exhibits, attachments, and attached hereto or otherwise referenced. Proposer shall return documents with their proposal in the manner described. Failure to do so may result in the proposal being deemed unresponsive or the lowering of the proposal score.

3.0 Proposal

Submission Requirements

- Cover Letter – The proposal must contain a signed cover proposal letter on company letterhead identifying the company, its principals, home office physical address/phone, and emails of the project leads.
- Mandatory Requirements – As described herein.
- Technical Proposal detailing Proposer’s approach to performing the services required.
- Project Estimate.
- Sealed “Financial Proposal”.

3.1 Cover Letter (2 pages maximum)

Proposer shall identify current conditions, principals, and other pertinent information about the company and its project principals.

3.2 Mandatory Requirements (5 pages maximum)

Proposer shall provide answers and necessary documentation for all aspects of the “Mandatory Requirements” as set forth in Section 2.0 above.

3.3 Technical Proposal Summary (15 pages maximum)

In the Technical Proposal, the Proposer must demonstrate their ability to satisfy all technical requirements as set forth specifically in Section 4.0 below. Proposer shall detail their plan to perform the required services.

The City reserves the right to reject any or all responses or waive technicalities and informalities in order to protect its best interest. The City plans to award to one proposer or in the manner it deems to be in its best interest. The City may require interviews, clarifications, presentations, or other methods of discerning the most qualified respondent before award and beginning negotiations.

3.4 Company Background and Experience (10 pages maximum)

The Proposer shall describe the company background, relevant experience, and qualifications, including, but not limited to the following:

- A description of the firm’s background and relevant experience supporting qualification requirements; include dates and contact information for each contractual engagement.
- Documentation of corporate status and proper licensing including:
 - Disclosing its principal owners and their respective corporate locations.
 - Providing proof of their authorization to do business in Georgia prior to engagement.
 - Providing verifiable proof of their incorporation.
 - Providing state license number for Georgia-based commercial general contractors.
- Provide required financial information that would allow the City to determine the financial stability of the firm. A current audited financial statement from an independent auditor is acceptable. Also acceptable are the following:
 - The Provider may provide a copy of their most recent internal financial statements and a letter from their financial institution, on the financial institution’s letterhead, stating the Proposer’s financial stability.
- Disclose any involvement by the organization or any officer or principal in any material business litigation within the past five (5) years. The disclosure will include an explanation, as well as the status and/or disposition of the litigation.
- Disclose if the firm has ever been removed from a contract or failed to complete a contract as assigned for legal reasons during the past five (5) years.
- Provide a current Certification of Insurance confirming that the City can be made an “additional insured” party, and which provides for coverage as statutorily required and includes professional liability insurance.

3.5 Project Delivery Plan (10 pages maximum)

The Proposer must provide a Project Delivery Plan, which at a minimum, addresses:

- Manner in which the design will be managed to meet the City's requirements.
- Manner in which the Proposer will manage construction.
- Manner in which the Proposer will deliver the product.
- Estimated schedule of events showing critical path and project milestones.

3.6 Innovations and Project Cost Saving Factors (5 pages maximum)

- Proposers are asked to provide current innovation and cost saving measures in a narrative.
- Proposers are asked to be creative in their approach to the available space with heavy consideration to budget adherence.

3.7 Proposal Packaging

- Proposers must submit two individually wrapped proposals designated as follows:
 - Technical Proposal
 - Financial Proposal
- Proposers shall submit five (5) hard copy originals of each of the required proposals clearly marked as such. Proposers will also submit one complete flash thumb drive whose contents shall fully and clearly reflect the two proposals.
- The hard copy originals shall be the legally binding document.
- The primary package holding the proposals shall be fully sealed and plainly marked on the exterior with the following information:

Name of Company
Primary Contact for Company
Phone Number and Email of Primary Contact
Re: Ritz Theatre Annex Addition RFP

Proposers shall submit their proposal package to:

Attn: Connie Tabor
City of Toccoa
92 North Alexander Street
Toccoa, GA 30577

3.8 Proposal Period Validity

All proposals submitted in response to this solicitation shall remain valid for a period of sixty (60) consecutive calendar days after the solicitation closing date. The City reserves the right to request reasonable extension of all Proposals received.

3.9 Evaluation Process

The evaluation of offers received on time will be conducted by the City of Toccoa Selection Committee, who will consider the following in the phases shown:

- **Administrative Review.** The proposals will be reviewed for the following administrative requirements:
 - Separately packaged and sealed Technical and Financial Proposals.
 - All required documents, exhibits, forms, etc. have been submitted.
 - The Technical Submission will not include any information from the Financial Proposal.
 - All documents requiring a signature and/or notarization have been properly executed and included.
- **Mandatory Requirements Review.** Proposals, which pass the administrative review, will then be reviewed by the Technical Evaluation Team to ensure that all technical requirements identified

are addressed satisfactorily.

- **Technical Proposal Review.** Proposals, which pass the Mandatory Requirements Review, will be reviewed by the Technical Evaluation Team for quality and completeness. Technical proposals will be evaluated and scored in categories and may receive a maximum of 100 points.

The following are the maximum possible points of each category:

Technical Proposal Scoring		
Category	Maximum Pages Per Section	Maximum Points
Proposer Qualification Requirements	<i>Included</i>	0
Business Requirements	<i>Included</i>	0
Cover Letter	2	0
Staffing Plan (Resumes and Forms NOT Counted)	3	5
Mandatory Requirements	5	15
Technical Proposal Summary	15	40
Company Background and Experience	10	10
Project Delivery	10	20
Innovations and Project Cost Savings Factors	5	5
Proposal Packaging/Compliance	0	5
Total Pages Allowed	50	
Total Available Points/Technical		100

- **Financial Proposal Review.** Proposers shall provide financial response addressing the following two elements:
 - Proposed fee to perform a full design-build. This shall be done through value engineering so as to determine the best quality product for the most reasonable cost.
 - Estimated cost of construction.
- Financial proposals will be evaluated and scored on a simple category based on cost. The maximum score available is 100 points.

The Proposers' response will be considered **non-binding** should the Proposer be selected. The response is strictly for planning purposes. Proposers are asked to produce realistic estimates for an Annex Addition with the following basic parameters:

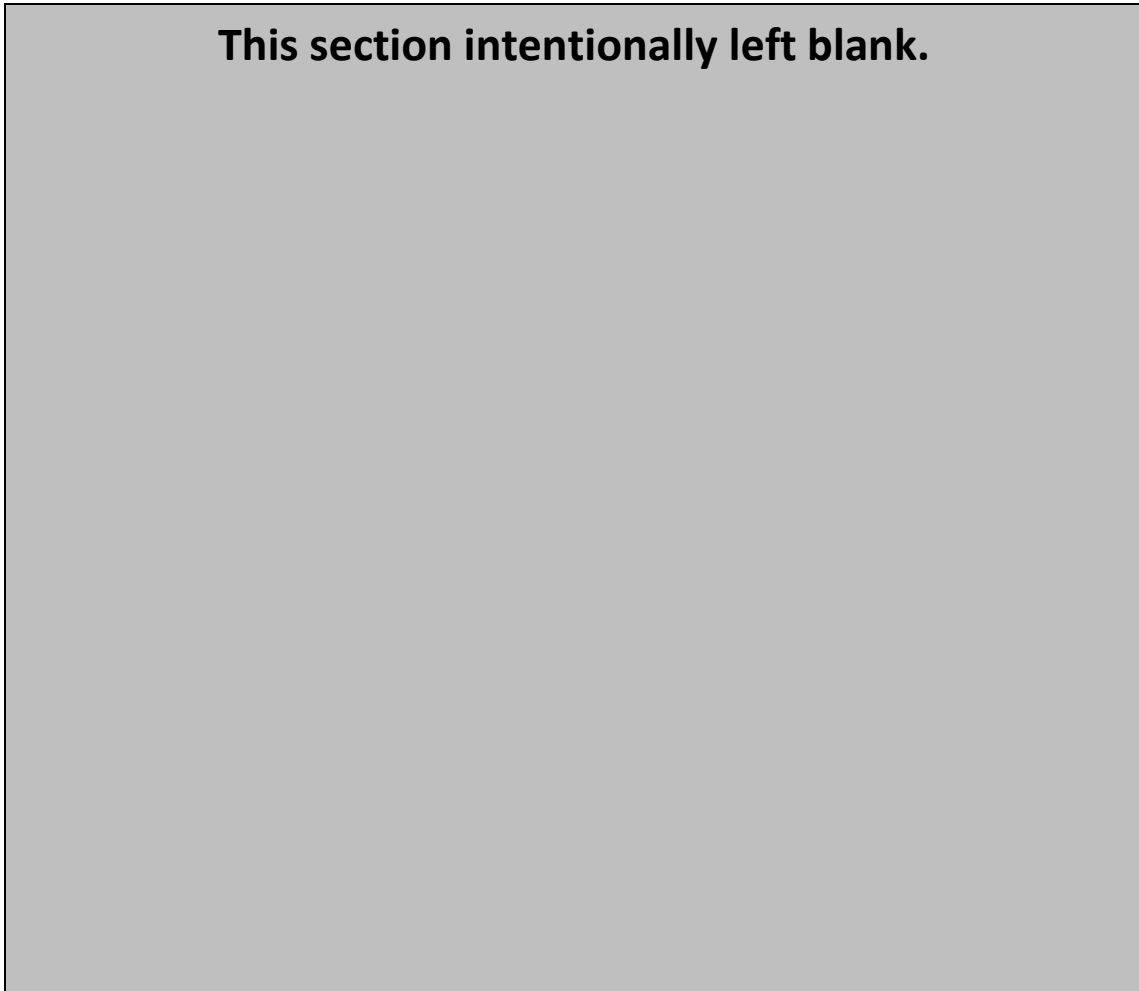
- Site grading and preparation.
- 5,900 square feet.
- A large hall and entry area.
- An exterior ticketing window.
- A concession stand.
- A merchandise stand.
- A meeting room.
- ADA-accessible bathroom facilities.
- A storage room with rear egress.
- A staircase with balcony access.
- Minor demolition inside the interior of the existing theatre.

Proposers are advised that all fees and project costs shall be negotiated within the budgetary parameters available to the City of Toccoa. Attention to cost and fiscal economies will be highly valued.

Financial Proposal Scoring	
Category	Maximum Points
Proposed Fee	100
Total Available Points/Financial	100

* The lowest-priced application will receive a maximum of 100 points. The second lowest-priced application will receive the second highest score. This will continue until all applications have been scored.

- **Identification of Apparent Successful Proposer.** The Proposer with the highest technical score and financial score, having addressed all elements of this RFP, will be designated as the apparent successful proposer/primary negotiating firm. Failure to successfully negotiate a contract with the primary negotiating firm shall result in the City (in its sole discretion) choosing the next ranked proposer to restart negotiations.
- Please note that the lowest bidder may not necessarily be awarded the contract. The City reserves the right to choose the bidder most qualified to complete the project, regardless of low bid.



4.0 Minimum Design-Build Standard Specifications & Expectations

4.1 General Requirements

Design-Build Contractor General Responsibilities. The Design-Build Contractor (DBC), which includes the Design-Build Team (DBT) members, shall design, obtain approval of, provide, construct, test, and provide to the City a complete turnkey, state-of-the-art Annex Addition to the Historic Ritz Theatre pursuant to all approved designs, plans, goals, and objectives agreed to by the design-build team. The City expects that the DBC will fully address all functionality of the building, including but not limited to, all systems and products as agreed to and specified for design and construction specific to project scope requirements. The DBC shall establish a DBT. It is expected, but not directed, that the team will consist of the Design Professional (Architect and Engineers), Construction Contractor, and Owner Representatives.

Design and construction shall comply with all current applicable federal, state, and local codes, including but not limited to ADA, NFPA, and State Building and Fire Protection Codes. Design shall also comply with the State Property Officer Standards Manual as applicable. If there are conflicts between the applicable laws, codes, standards, regulations, or specifications, the most stringent requirements shall apply.

The following are general parameters subject to negotiations, updates, City additional changes, and applicable cost savings, value engineering, or innovations.

4.1.1 Design Requirements

- The DBC shall provide as-built drawings in both PDF format and through t sets of physical plans utilizing existing design renderings.
- The design and all design documents shall become property of the City.
- The DBC shall provide a minimum of three design submittals (schematic design, design development, and construction documents) for review by the City.

4.1.2 Design Phases Required

- **Concept Plan.** Concept plan shall indicate program and scope concepts only and shall not act as a schematic design document. Careful attention should be paid to existing design renderings that will be provided to the awarded Proposer.
- **Schematic Design.** Schematic design plans will incorporate program and code requirements. Schematic designs will precede design development drawings.
- **Design Development.** After City approval of the schematic design, the DBT shall prepare design development documents showing revisions, incorporating basic structural, mechanical, electrical, and HVAC systems, and showing other design, code, or construction requirements. Provide building section(s) and show relationship to finish grade on elevations. Provide calculations for electrical and HVAC loads, and occupancy and egress requirements.
- **Construction Documents.** After approval of the design development documents, the DBT shall prepare the construction documents, showing all required details for construction and specifications for purchased materials. These drawings shall be provided for approval before proceeding with construction. Construction drawings shall include discipline-appropriate schedules with equipment performance characteristics, plumbing riser diagrams, and final calculations.
- **Please note that, as this project will make use of grant funding, all drawings must be submitted for approval by the City to the State Historic Preservation Officer and the Georgia Department of Community Affairs.**

4.2 Shop Submittals

- The DBC shall provide shop submittals of all project products, materials, and systems, unless noted otherwise. The DBC and DBT design professional must review, stamp, and sign each submittal indicating DBT approval and certification of compliance with the specifications, construction drawings, and project requirements.
- Unless otherwise noted, this specification allows for approved equals. Approved equals must meet or exceed the same physical/chemical properties and performance of the named material.
- The DBC shall have not more than 30 consecutive calendar days from Notice-to-Proceed to submit requests for substitutions. Requesting substitution does not guarantee acceptance.

4.3 Construction Administration

- The DBC shall submit a construction schedule showing planned and actual start and finish dates for each design and construction phase, sequencing, submission dates for required deliverables, and major milestones. The schedule shall begin with a Notice-to-proceed through Substantial Completion, ending with estimated Final Completion. Schedules shall be provided prior to Notice-to-Proceed.
- Mechanical, electrical, plumbing, and utility Contractors used for construction shall be licensed as an appropriate Contractor for the work described and in good standing with the City. All contractors and subcontractors utilized must be licensed as applicable in the State of Georgia and within the City Limits of Toccoa.
- Prior to construction, the DBC will hold a pre-construction meeting with all relevant city departments and utility providers. The DBC shall record the minutes and distribute them prior to construction.
- During construction, the DBC shall hold weekly progress meetings at the site, including the Owner, DBT members, and representatives of interested subcontractors. The DBC shall record meeting minutes and distribute them to attendees prior to the next progress meeting.
- BDT members shall make periodic visits to the construction site as required and shall be available to respond to questions.
- The DBC or assigned representative shall be on the site at all times of work to provide construction supervision, including when subcontractors are performing work.
- The DBT shall maintain a set of approved construction documents, with all approved revisions, at the site as a record mark-up of as-built conditions. These redlined plans shall be made available throughout the contract.
- The work site shall be maintained in a neat, orderly, and safe condition at all times. Store and disposal of waste in accordance with applicable codes and regulations. Do not burn waste materials. Do not burn any debris or excess materials property. Do not discharge volatile, harmful, or dangerous materials into drainage systems. All extra materials should be disposed of as directed by the City.
- Prior to final completion, the project shall receive a final cleaning of the entire building and site and made ready for occupancy, including: touch-up, repair, and restoration or replacement of exposed finishes and surfaces; removal of spills and stains; removal of construction equipment, tools, and materials; and cleaning of all exposed exterior and interior finishes with appropriate cleaning materials and agents. The contractor shall clean mechanical and electrical equipment to operate at full efficiency, including replacement of disposable air filters and cleaning of permanent air filters. The DBC shall hire an exterminator to make a final inspection and rid the project of all pests in compliance with local regulations.
- The work shall be Substantially Complete once a requested inspection is passed. The DBT shall prepare the Punch List of items to be completed or corrected and submit to the Owner for approval. Deficient construction shall be remedied immediately.
- The DBC shall provide operational and maintenance training of mechanical and electrical systems to designated City personnel.
- Prior to Final Completion, the DBC shall submit closeout documents including, but not limited to, release-of-liens, warranties, three sets of operation and maintenance manuals, which include

testing reports and as-built plans.

- Warranties shall be one year or Manufacturer's standard, whichever is greater.

4.4 General Responsibilities

- The City shall provide these specifications, project-specific information, and standard general conditions for contractual performance and requirements.
- Any City drawings will consist of conceptual plans. Site information may or may not locate the proposed new work. DBC shall not expect that the conceptual plans and these specifications provide a fully developed and detailed description of all elements to fulfill the delivery of the work.

4.5 HVAC

- All mechanical work shall be done in accordance with current industry standards and local codes.
- The facility shall have a mechanical room toward the rear in which to place equipment. Equipment in this room shall be installed on four-inch (4") nominal, housekeeping pads with chamfered edges.
- Access: Provide sufficient clearance around all equipment to allow for repairs and maintenance. Clearances shall be not less than those prescribed by NEC, Plumbing and Mechanical Codes, and by equipment manufacturer. Provide a minimum two (2) foot by two (2) foot access panel in drywall ceilings in locations that are convenient to components that require access.
- Air Conditioning equipment shall be consistent with the type and quality used in all City buildings.
- Any rooftop units shall have manual outdoor dampers set to minimum outdoor air requirements. Rooftop mechanical curb heights must conform to roof warranty requirements. Do not place mechanical equipment, including exhaust fans, on metal or shingled roof systems. Exhaust fans shall be located inside the building and be ducted through the roof to a roof cap.
- Any air-cooled chillers shall have two independent refrigerant circuits. Chillers of 60 tons and above shall have reciprocating semi-hermetic compressors.
- After the equipment and systems are installed and operational, the ductwork and hydronic piping systems shall be tested and balanced in accordance with appropriate industry standards by an independent specialist. The Owner shall be notified when the testing, adjusting, and balancing is scheduled to begin. All measurements of temperature, pressure, flow, current, rpm's, and other data shall be recorded, tabulated, and a report shall be submitted to the City for approval. Should any corrective measures to equipment and/or any portion of the air distribution system be needed to obtain satisfaction, such measures shall be completed and a rebalancing and revised report of the system shall be accomplished. The approved report shall include a copy of the applicable contract drawing sheets marked-up with the data points indicated in accordance with the balance report.

4.6 Power and Controls

As a general requirement, all electrical equipment shall meet the necessary scope and voltage requirements to power a building of the scope and purpose of the Ritz Theatre Annex Addition.

4.7 Electrical

All electrical work shall be done in accordance with IBC, NFPA, and NEC.

4.8 Doors

Proposer shall define expertise and experience within the boundaries of the Local Historic District.

4.9 Furnishings

Proposer shall define expertise and experience within the boundaries of the Local Historic District.

4.10 Security

Proposer shall incorporate additional security system for the Annex Addition within the existing framework of the presently installed system.

4.11 Communications

Proposer shall incorporate additional communications for the Annex Addition within the existing framework of the presently installed system.

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5.0 Terms and Conditions

5.1 Addenda

The City reserves the right to modify, alter, or otherwise withdraw this RFP prior to the bid due date. All addenda identifying any material change to the RFP shall be distributed to all interested parties. Proposers are encouraged to check the official City of Toccoa website (www.cityoftoccoa.com) frequently and are solely responsible for incorporation of all addenda.

5.2 Proposal Withdrawal

Prior to the Proposal due date, a submitted Proposal may be withdrawn by the Proposer without penalty by submitting a written request to the Issuing Officer. All such requests must be signed by a person authorized to sign for the Proposer.

5.3 Proprietary Information

All Proposals upon receipt become the property of the City of Toccoa. Notwithstanding current laws, to the contrary, labeling information provided in Proposals as “proprietary” or “confidential”, or any other designation of restricted use will not protect the information from public view. Subject to the provisions of the Open Records Act, the details of the Proposal documents will remain confidential until final award.

5.4 Right to Reject

The City reserves the right to reject all Proposals, to waive any irregularity or informality in a Proposal, and to accept or reject any item or combination of items, when to do so would be to the advantage of the City. It is also within the right of the City to reject Proposals that do not contain all elements and information requested in this document.

5.5 Small & Minority Business Policy

The City of Toccoa encourages all small and minority-owned businesses to compete for contracts to provide the services outlined within the scope of this RFP, and encourages contractors to solicit small and minority-owned businesses in procuring subcontractors and suppliers. The desire on the part of the City of Toccoa to encourage use of small and minority-owned businesses is not intended to restrict or limit competitive bidding or to increase the cost of the work. The City supports a healthy free market system that seeks to include responsible businesses and provides ample opportunity for business growth and development.

5.6 ADA Guidelines

The City of Toccoa adheres to the guidelines set forth in the Americans with Disabilities Act. All construction completed within the new Annex Addition shall adhere to ADA accessibility requirements.

5.7 Sales and Use Tax Registration

In compliance with §48-8-59 of the O.C.G.A., every company or individual doing business within the State of Georgia is required to file an application for a certificate of registration with the State Revenue Commissioner.

5.8 Compliance with Laws

The Contractor will comply with all State and Federal laws, rules, and regulations, including Davis Bacon Requirements.

5.9 Conflict of Interest

Proposers are advised that the City of Toccoa is a public agency and the solicitation for which you are submitting a Proposal involves public projects. As such and pursuant to the laws, rules, and Executive Orders of the State of Georgia, the City shall make every effort to avoid even the appearance of a conflict

of interest or any impropriety in the solicitation process, negotiations, and performance of any resulting contract.

5.10 Submittal Costs

All expenses for preparing and submitting responses to this solicitation shall be solely borne by the party submitting the response. The City of Toccoa is not obligated to any party to reimburse such expenses.

5.11 Award Conditions

This RFP does not guarantee that a contract will be issued by the City of Toccoa. Regardless of whether the bid is determined to be low, responsive, and responsible, it shall not be binding upon the City and does not obligate the City to procure or contract for any services. Neither the City nor any party submitting a Proposal response will be bound unless and until a written contract mutually accepted by both parties is negotiated as to its terms and conditions and is signed by both parties. The City reserves the right to waive non-compliance with any requirements of this RFP and to reject any or all bids submitted.

5.12 Order of Precedence

All attachments, exhibits, plans, specifications, addenda, and the like are hereby incorporated into this Proposal document by this reference. Proposers will be held responsible for all such documents and failure to properly execute, include, address, or otherwise acknowledge same may result in the disqualification of the Proposal response. This Proposal Document is to be considered in a comprehensive manner whereby no section, subsection, attachment, exhibit, plans, or specification outweighs or is more or less important than another.

5.13 Insurance

The minimum insurance required for services to be provided shall be as follows:

<i>Workers Compensation (WC)</i>	<i>Statutory Limits – No Exemptions</i>
<i>Commercial General Liability (CGL)</i>	
<i>Each Occurrence Limit</i>	<i>\$1 Million</i>
<i>Personal and Advertising Injury Limit</i>	<i>\$1 Million</i>
<i>General Aggregate Limit</i>	<i>\$1 Million</i>
<i>Products/Completed Ops. Aggregate Limit</i>	<i>\$1 Million</i>
<i>Automobile Liability</i>	
<i>Combined Single Limit</i>	<i>\$1 Million</i>
<i>Environmental Impairment Liability</i> <i>(with 1-year extended reporting period)</i>	
<i>Each Occurrence</i>	<i>\$1 Million</i>
<i>Aggregate</i>	<i>\$1 Million</i>
<i>Excess Umbrella Liability</i>	<i>\$1 Million</i>
<i>Professional Liability Insurance</i>	<i>\$1 Million</i>

Additional Insured: The Contractor shall add “The City of Toccoa, their officers, employees, and agents” as an additional insured under the commercial general, automobile, and professional environmental impairment liability policies. Please provide a Certificate of Insurance (COI) in with the foregoing information addressed.

6.0 Exhibits

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Exhibit 1: Proposal Certification

[Proposer to sign below and return with Proposal response.]

We propose to furnish and delivery any and all of the deliverables and services named in this Request for Proposals (RFP) for which prices have been set. The price or prices offered herein shall apply for the period of time stated in the RFP. We propose to provide all services pursuant to the policies of the State of Georgia and the City of Toccoa.

Any exceptions to the bid are noted in writing and included with the Proposal response. It is understood and agreed that the Proposal is an offer to perform, which when accepted in writing by the City of Toccoa and subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned at the City of Toccoa.

It is understood and agreed that the Proposer has read the specifications shown or referenced in the RFP and that this Proposal is made in accordance with the provisions of such specifications. By written signature on this sheet, Proposer guarantees and certifies that all items included in the Proposal meet or exceed all specifications.

I certify that this Proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same materials, supplies, equipment, or services, and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the proposal and certify that I am authorized to sign this proposal for the Proposer. I further certify that the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et. Seq. have not been violated and will not be violated in any respect. The Vendor further certifies that the Vendor and its Lobbyists have complied with the Lobbyist Registration Requirements in accordance with Georgia State Law.

Authorized Signature: _____ **Date:** _____

Print/Type Name: _____

Company Name: _____

Address: _____

Phone Number: _____ **Email:** _____

