**REQUEST FOR PROPOSAL**
**for**
**THE PHILADELPHIA MARATHON**
Issued: Friday, March 16, 2012
Deadline for Proposals: Monday, April 2, 2012 5:00 PM E.S.T.

2012 Philadelphia Marathon
Fund for Philadelphia
1515 Arch Street, 12th Floor
Philadelphia, PA 19102
215-683-2060

**Proposals must be received no later than 5:00 PM E.S.T. on Monday, April 2, 2012.**

**Respondents must submit five (5) copies and one (1) original to the Philadelphia Marathon Office, 1515 Arch St, 12th Fl, Philadelphia, PA 19102 as well as adhere to the Mandatory On-line Submission Requirements outlined under Request for Proposals/Section B.**

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## Background

Now in its 19th year, the Philadelphia Marathon is composed of 3 days of events (November 16-18, 2012) featuring the Runners Health & Fitness Expo, Kid's Fun Run, the Rothman Institute 8K, the Philadelphia Half Marathon, and the 26.2 mile Philadelphia Marathon. The event will bring more than 25,000 participants and their families to Philadelphia to participate in one of the top 10 marathons in the United States. Participants come from all 50 States and over 30 countries around the world. On race day thousands of enthusiastic onlookers will line the 26.2 mile course to cheer on friends and family members.

This request for proposals is to identify a qualified Administrative Coordinator for the 2012 Philadelphia Marathon. Applicants will also find attached to this RFP the specifications for bids for services to be used for the Philadelphia Marathon. Consultant/vendor evaluation criteria will include relevant experience, quality of products and services, and competitive cost.

## Organizational Overview

The race is administered by the City of Philadelphia's Office of the City Representative (OCR) and Fund for Philadelphia (Fund), a non-profit business management agency that provides services to projects that promote Philadelphia. It is produced by a team of administrative, operational, marketing, public relations, and community outreach professionals.

The Office of the City Representative serves as the marketing, promotion, public relations and branding arm for the City of Philadelphia responsible for developing and promoting events to attract commerce, visitors and new residents while raising the quality of life for its citizens. The Office collaborates with various regional agencies and institutions to ensure that a unified Philadelphia marketing message is perceived by regional, national and global audiences.

## Scope of Services

### ADMINISTRATIVE COORDINATOR

The Philadelphia Marathon is seeking proposals from qualified and experienced consultants to support the Administrative Director in oversight of the event timelines and schedules, budgetary accounting, insurances, and other administrative aspects of the 2012 Philadelphia Marathon Weekend.

**Administrative Duties**

- Coordinate weekly Marathon Committee meetings with direction from the Executive Director and Administrative Director and take detailed notes at meetings
- Oversee marathon office files by processing, copying, filing and archiving all accounting documents, contracts and agreements and insurance forms
- Create customized transmittals and internal office forms for tracking program activity
- Order and maintain inventories for office supplies, stationery, and equipment
- Collect and distribute Marathon mail from remote Post Office Box
- Vendor and pricing research as needed
- Maintain contact lists for vendors, contractors, City Departments, etc.
- Process all office shipments using express shipping methods including courier, Fed-ex, UPS, etc. and manage all express shipment accounts
- Maintain office postage meter
- Attend meetings, conferences, and seminars as needed or assigned
- Assist Special Event Office staff with computer upgrading , IT needs and office renovations

**Event Production Duties**

- Organize Marathon Mayor's Reception including managing invites and RSVPs, event set-up, catering, AV and gift bags
- Provide back-up support to Marathon Organizers by assisting with event set-up and staffing during event production

**Accounting Duties**

- Process all check request and deposit forms and ensure that all appropriate signatures are obtained and supporting documentation is provided to the accountant
- Serves as a liaison for the Administrative Director, the Marathon accountant and the Fund for Philadelphia
- Monitor Credit Card Equipment usage by doing the following: Process credit card contributions for all program accounts as needed for projects; Set-up and staff credit card machines for events as needed; Mail receipts for all credit card transactions

## Proposal Format and Contents

### A. Proposal Requirements

All proposals should include the following:

(1) Introduction / Executive Summary / Company or Agency Profile
(2) Related Experience
(3) Summary of References
(4) Summary of current Clients and Partners
(5) Proposed Scope of Work – how will you meet the stated objectives?
(6) Proposed Schedule and Milestones
(7) Cost Proposal

Participation of Minority, Women, or Disabled Business Enterprises

See **Appendix A** for requirements related to the fulfillment of the Mayor's Executive Order 02-05 regarding the participation of minority, women, and disabled business enterprises (M/W/DSDE).

Disclosure of Litigation

The respondent shall describe any pending, contemplated or ongoing administrative or judicial proceedings material to the Respondent's business or finances. This includes, but is not limited to, any litigation, consent orders or agreements with any state or federal regulatory agency issued to the Respondent or to any subcontractor the Respondent plans to use for the services described in this RFP.

### B. Disclosure Requirements

As part of its proposal, respondents are required to complete and submit disclosure forms detailing any campaign contributions to local and state political candidates and incumbents; any consultants used in responding to this RFP and contributions those consultants have made; prospective subcontractors; and whether Respondent or any representatives of Respondent has received any requests for money or other items of value or advise on particular firms to satisfy minority-, women-, or disabled-owned business participation goals from Fund or City employees. This information, as well as a proposal or any other response document required, are part of your application. For more information on the disclosure requirements, please consult reference materials provided by the City of Philadelphia on its eContract Philly website found at: https://secure.phila.gov/eContract/ under "Disclosure/Eligibility".

### C. Mandatory Online Application Requirements

The respondent must send their proposals electronically in order to be eligible for award of the posted opportunity. Proposals or any other response to a Notice of Contracting Opportunity will not be considered unless you have electronically submitted your proposals to PhiladelphiaMarathon@gmail.com with "PM RFP: Administrative Coordinator in the subject line. The disclosure forms as well as a proposal or any other response document required should be included in the consultant's proposal. See **Appendix B** for disclosure forms.

### D. Evaluation of Proposals

Proposals will be evaluated by a small team of operations and event professionals organized by the Philadelphia Marathon. Proposals will be analyzed based on the following:

- Cost
  - -Cost-effectiveness, cost-efficiency, proposed savings, expense reduction
  - -Price, fee caps and other cost control measures
- Experience
  - -Specialized experience
  - -Documented prior experience in handling project(s) of similar size and scope
  - -Demonstrated ability to meet deadlines
- Proposed plan of action/strategy/solution for Department project(s)
  - -Utilization of most efficient methodology
  - -Innovativeness of solution
  - -Utilization of best practices
  - -Ability to meet project deadlines under proposed solution/project plan
  - -Staffing model
- Consultant/vendor capacity
- Staffing qualifications (e.g., staff prior experience, education, licenses, professional achievements)
  - -Technical, administrative, financial capacity
  - -Specific licensure requirements for organizations/businesses
- Expressed willingness to comply with City and/or department standards for contracting (e.g., indemnification, nondiscrimination)
- Consultant/vendor profile
  - -For-profit versus non-profit status if relevant
  - -Business integrity and reputation in the industry relevant to the consultant/vendor or area of work
  - -Shared commitment, with department, to achieving the objectives of Executive Order 02-05 which strives for the inclusion of Minority, Women and Disabled Businesses in all phases of City contracting;
- Superior prior experience, as confirmed by references
- Superior skill and reputation, including timeliness and demonstrable results, as confirmed by references;
- Superior qualifications of Project Team members, as confirmed by degrees, licenses, publications, training, and/or accreditations;
- Benefit of promoting long-term competitive development and allocation of experience to new or small businesses, including those owned by minority, women or disabled persons;
- Administrative and operational efficiency, requiring less City oversight and administration, as confirmed by references; and
- Meets qualification requirements as set forth in the RFP.

**E. City Employee Conflict Provision**

No proposal shall be from, or contract awarded to, any Philadelphia Marathon employee or official who submits a proposal or solicits any contract in which he or she may have any direct or indirect interest.

**F. Proposal Binding**

By signing and submitting its bid, each respondent agrees that the contents of its bid are available for establishment of final contractual obligations for a minimum of 180 calendar days from the application deadline for this bid. Order specifications may be changed after bids are awarded. A respondent's refusal to enter into a contract which reflects the terms and conditions of this notice of contract opportunity, the Marathon Contract or respondent's proposal may, in the Marathon's sole discretion, result in rejection of respondent's proposal or termination of any negotiations with the respondent.

## Administrative Information and Requirements

**a. Procurement Schedule**

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|---|---|---|
| RFP Release Date | ~~Friday, February 24, 2012~~ | Friday, March 16, 2012 |
| Questions due regarding the RFP | ~~Friday, March 2, 2012~~ | Friday, March 23, 2012 |
| Answers Provided | ~~Monday, March 5, 2012~~ | Monday, March 26, 2012 |
| Proposal Submission | ~~Monday, March 12, 2012~~ | Monday, April 2, 2012 at 5:00 PM EST |

**Interviews and Specification meetings may be required as part of the review and selection process. Only a portion of the respondents will be asked to participate in interviews.*

**b. Questions relating to the RFP**

All questions must be submitted in writing via email to Aasha Cameron at PhiladelphiaMarathon@gmail.com no later than Friday, March 23, 2012 (1:00 PM EST). The Marathon will provide written responses to the submitted questions no later than Monday, March 26, 2012. These responses will be posted at www.phila.gov/rfp with the original question noted. Oral responses by any Marathon employee or agent of the Marathon are not binding and shall not in any way be considered as a commitment by the Marathon.

**c. Revisions to Bid Specifications**

The Marathon reserves the right to change, modify or revise the RFP at any time. Any revisions prior to award will be posted on the City of Philadelphia website www.phila.gov/rfp with the original Opportunity Details. It is the respondent's responsibility to check the www.phila.gov/rfp website frequently to determine whether additional information has been released.

**d. Contract Term**

The contract resulting from this RFP will commence as of the date of execution of the contract and will terminate no later than one year after commencement. Up to three (3) additional one-year term extensions may be granted, at the sole option of the Philadelphia Marathon.

**e. Compensation**

The Philadelphia Marathon will pay the consultant/vendor based on the arrangement agreed upon. The consultant/vendor will invoice the Philadelphia Marathon, terms to be agreed upon at time of contract execution.

**f. Contract Requirements**

These requirements are in addition to the terms and conditions set forth in the attached form of agreement. The successful respondent shall agree to the following:

1. Non-Indebt Clause
   Respondent hereby certifies and represents that Respondent and Respondent's parent company(ies) and subsidiary(ies) are not currently indebt to the City and will not, if awarded the Agreement, at any time during the term of the Agreement (including any extensions or renewals thereof) be indebt to the City, for or on account of any delinquent taxes (including, but not limited to, taxes collected by the City on behalf of the School District of Philadelphia), liens, judgments, fees or other debts for which no written agreement or payment plan satisfactory to the City has been established. In addition to any other rights or remedies available to the City at law or in equity, the successful Respondent acknowledges that any breach or failure to conform to this certification may, at the option of the City, result in the withholding of payments otherwise due to the successful Respondent under the Agreement and, if such breach or failure is not resolved to the City's satisfaction within a reasonable time frame specified by the City in writing, may result in the offset of any such indebtedness against said payments and/or the termination of this Agreement for default (in which case the successful Respondent shall be liable for all excess costs and other damages resulting from the termination).

The successful Respondent shall require all sub-consultants performing work in connection with the Agreement to be bound by the preceding provision and the successful Respondent shall cooperate fully with the City in exercising the rights and remedies described below or otherwise available at law or in equity.

2. Insurance
   Unless otherwise specified, the successful respondent shall, at its sole cost and expense, procure and maintain or cause to be procured and maintained, in full force and effect throughout the term of the Agreement, the types and minimum limits of insurance specified by the Philadelphia Marathon per type of goods and/or services supplied.

   All insurance shall be procured from reputable insurers authorized to do business in the Commonwealth of Pennsylvania. All insurance required herein shall be written on an "occurrence" basis and not a "claims-made" basis unless stated otherwise. At least thirty (30) days prior written notice must be given to the City in the event coverage is materially changed, cancelled or non-renewed. The successful Respondent will provide Certificates of Insurance evidencing the required coverage at least ten (10) days before work is begun and at least ten (10) days before each insurance renewal date. The ten (10) day requirement for advance documentation of coverage may be waived in situations where such waiver will benefit the Marathon, but under no circumstances shall Respondent actually begin work (or continue work, in the case of insurance renewal) without providing the required evidence of insurance. The Marathon reserves the right to require Respondent to furnish certified copies of the original policies of all insurance required under the Contract at any time upon ten (10) days prior written notice to Respondent. The insurance requirements set forth herein are not intended and shall not be construed to modify, limit or reduce the indemnifications made in the Contract by Respondent to the Marathon or to limit Respondent's liability under the Contract to the limits of the policies of insurance required to be maintained by Respondent hereunder.

3. Indemnification
   The successful Respondent shall indemnify, defend and hold harmless the Philadelphia Marathon, City of Philadelphia, Fairmount Park, and any and all of its officers, employees and agents, from and against any and all losses, costs (including, but not limited to, litigation and settlement costs and counsel fees and expenses), claims, suits, actions, damages, liability and expenses, occasioned wholly or in part by Respondent’s act or omission or negligence or fault or the act or omission or negligence or fault of Respondent’s agents, subcontractors, independent contractors, suppliers, employees or servants in connection with the Contract that may result from this Bid request. This includes, but is not limited to, those in connection with loss of life, bodily injury, personal injury, damage to property, contamination or adverse effects on the environment, intentional acts, failure to pay any Subcontractors and suppliers, any breach of the Contract, and any infringement or violation of any proprietary right (including, but not limited to, patent, copyright, trademark, service mark and trade secret).

4. Business Interests in Northern Ireland
   In accordance with Section 17-104 of The Philadelphia Code, the Respondent by execution of a Contract certifies and represents that (1) Respondent (including any parent company, subsidiary, exclusive distributor or company affiliated with Respondent) does not have, and will not have at any time during the Term of the Contract (including any extensions of the Term), any investments, licenses, franchises, management agreements or operations in Northern Ireland; and (2) No product to be provided to the City under the Contract will originate in Northern Ireland, unless Respondent has implemented the fair employment principles embodied in the MacBride Principles.

   In the performance of the Contract, the Respondent agrees that it will not use any suppliers, Subcontractors or subconsultants at any tier (1) Who have (or whose parent, subsidiary, exclusive distributor or company

affiliate have) any investments, licenses, franchises, management agreements or operations in Northern Ireland; or (2) Who will provide products originating in Northern Ireland unless said supplier, subconsultant or Subcontractor has implemented the fair employment principles embodied in the MacBride Principles.

## Reservation of Rights and Confidentiality

By applying for a notice of contract opportunity, the Respondent understands and agrees to this reservation of rights.

**I. Marathon's Reservation of Rights in Connection with the Notice of Contract Opportunity Process**

The Marathon reserves and may exercise any one or more of the following rights and options with respect to its notice of contract opportunity process:

1. To reject any and all proposals and to reissue a notice of contract opportunity at any time prior to execution of a final contract;
2. To issue a new notice of contract opportunity with terms and conditions substantially different from those set forth in a previous notice of contract opportunity;
3. To issue a new notice of contract opportunity with terms and conditions that are the same or similar as those set forth in a previous notice of contract opportunity in order to obtain additional proposals;
4. To extend a notice of contract opportunity in order to allow for time to obtain additional proposals prior to the notice of contract opportunity application deadline; or,
5. To cancel a notice of contract opportunity with or without issuing another notice of contract opportunity.

**II. Proposal Selection Process and Marathon's Reservation of Rights in Connection with Selection of Proposal(s) for Review**

The Marathon reserves and may exercise any one or more of the following rights and options with respect to its selection process:

1. To reject any proposal if, in the Marathon's sole discretion, the proposal is incomplete, the proposal is not responsive to the requirements of a notice of contract opportunity or it is otherwise in the best interest of the Marathon to reject the proposal;
2. To supplement, amend, substitute or otherwise modify a notice of contract opportunity at any time prior to award of one or more Respondents for negotiation;
3. To reject the proposal of any Respondent that, in the Marathon's sole judgment, has been delinquent or unfaithful in the performance of any contract with the Marathon, is financially, or technically incapable or is otherwise not a responsible Respondent;
4. To reject as informal or non-responsive, any proposal which, in the Marathon's sole judgment, is incomplete, is not in conformity with applicable law, is conditioned in any way, deviates from the notice of contract opportunity or contains erasures, ambiguities, alterations or items of work not called for by the notice of contract opportunity;
5. To waive any informality, defect, non-responsiveness and/or deviation from the notice of contract opportunity that is not, in the Marathon's sole judgment, material to the proposal;
6. To permit or reject, at the Marathon's sole discretion, amendments (including information inadvertently omitted), modifications, clarifying information, alterations and/or corrections to proposals by some or all of the Respondents following proposal submission and before contract award and/or contract execution.
7. The Marathon further reserves the right to conduct on-site investigations of the Respondents' facilities or of those facilities where the Respondent performs its services. Proposals will be evaluated, in part, according to whether the Respondent meets the minimum qualifications and submits a proposal complying with all of the requirements of the notice of contract opportunity.
8. The Marathon reserves the right to enter into negotiations with any or all Respondents regarding price, scope of services, or any other term of their proposals, and such other contractual terms as the Marathon may require, at any time prior to execution of a final contract.

9. The Marathon may, at its sole election, enter into simultaneous, competitive negotiations with multiple Respondents or negotiate with individual Respondents either together or in a sequence. Negotiations with Respondent(s) may result in the expansion or reduction of the scope of services, or changes in other terms and the submitted proposals. In such event, the Marathon shall not be obligated to inform other Respondents of the changes, or to permit them to revise their proposals in light thereof unless the Marathon, in its sole discretion, determines that doing so is in the Marathon's best interest. The Marathon may accept or reject any or all of the items in any proposal and award the contract in whole or in part if it is deemed in the Marathon's best interest.
10. In the event negotiations with any Respondent(s) are not satisfactory to the Marathon, the Marathon reserves the right to discontinue such negotiations at any time; to enter into or continue negotiations with other Respondents; to reissue the notice of contract opportunity in order to solicit new Respondents. The Marathon reserves the right not to enter into any contract with any Respondent, with or without the re-issuance of a notice of contract opportunity, if the Marathon determines that such is in the Marathon's best interest.

**IV. Confidentiality and Public Disclosure**

The successful Respondent shall treat all information obtained from the Marathon, which is not generally available to the public as confidential and/or proprietary to the Marathon. The successful Respondent shall exercise all reasonable precautions to prevent any information derived from such sources from being disclosed to any other person. The successful Respondent agrees to indemnify and hold harmless the Marathon, its officials and employees, from and against all liability, demands, claims, suits, losses, damages, causes of action, fines and judgments (including attorney's fees) resulting from any use or disclosure of such confidential and/or proprietary information by the successful Respondent or any person acquiring such information, directly or indirectly, from the successful Respondent.

By submission of a proposal, Respondents acknowledge and agree that the Marathon, as a municipal Marathon, is subject to state and local public disclosure laws and, as such, is legally obligated to disclose to the public documents, including proposals, to the extent required thereunder. Without limiting the foregoing sentence, the Marathon's legal obligations shall not be limited or expanded in any way by a Respondent's assertion of confidentiality and/or proprietary data.

**APPENDIX A**

**CITY OF PHILADELPHIA**
**OFFICE OF ECONOMIC OPPORTUNITY**
**ANTIDISCRIMINATION POLICY- MINORITY, WOMAN AND DISABLED OWNED BUSINESS ENTERPRISES**
**FORMS, INSTRUCTIONS AND SPECIAL CONTRACT PROVISIONS**
**(NON-COMPETITIVELY BID CONTRACTS)**
*Last Revised: October 26, 2010*

Under the authority of Executive Orders No. 02-05 and 14-08, the City of Philadelphia has established an antidiscrimination policy ("Policy") relating to the participation of Minority (MBE), Woman (WBE) and Disabled (DSBE) Owned Business Enterprises in City contracts. Executive Order 14-08 disestablished the Minority Business Enterprise Council and transferred its administrative functions under Executive Order 02-05 to the Office of Economic Opportunity ("OEO").

The purpose of this Policy is to provide equal opportunity for all businesses and to assure that City funds are not used, directly or indirectly, to promote, reinforce or perpetuate discriminatory practices. The City is committed to fostering an environment in which all businesses are free to participate in business opportunities without the impediments of discrimination and participate in all City contracts on an equitable basis. In accordance with the contracting requirements of the City, the City's antidiscrimination policy is applicable to this Notice of Contracting Opportunity (hereinafter, "NOCO").[1]

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

MBE 10 % - 15 %
WBE 5 % - 10 %
DSBE Best Efforts

These ranges represent the percentage of MBE, WBE and/or DSBE (collectively, "M/W/DSBE") participation that should be attained by M/W/DSBEs from business opportunities existing in the available market absent discrimination in the solicitation and selection of these businesses. These ranges are based upon an analysis of factors such as the size and scope of the contract and the availability of certified M/W/DSBEs to perform various elements of the contract. The submission of a Solicitation For Participation and Commitment Form and any supporting documentation (more fully discussed below) is an element of responsiveness to the NOCO and failure to submit the required information will result in rejection of your proposal.

[1] The term "Notice of Contracting Opportunity," shortened to the acronym "NOCO," refers to the City's contract solicitation documents and information posted on eContract Philly. Generally, these documents take the form of a Request for Proposals (RFP), Request for Qualifications (RFQ) or Request for Expression of Interest (RFI) and include any other document or information (for example, exhibits, appendices) related to the posting of the new contract opportunity.

Applicant hereby verifies that all forms, information and documentation submitted to the OEO are true and correct and is notified that the submission of false information by Applicant is subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

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

1.Only firms that are certified by an approved certifying agency[2] or identified in the OEO Certification Registry at the time of contract award will be credited toward the participation ranges on City contracts. An OEO Certification Registry is maintained by the OEO and is available online at www.phila.gov/OEO/directory. Firms owned and controlled by minority persons, women or disabled persons, which are certified as MBE, WBE, DSBE or DBE by an approved certifying agency may apply to the OEO for listing in its OEO Certification Registry. If applicant or applicant's subcontractor(s) is certified by an approved certifying agency, a copy of that certification should be included with the proposal.

2. No applicant that seeks to meet the participation range(s) for participation by entering into subcontracts with any M/W/DSBE subcontractor shall be considered to meet the range(s) if the M/W/DSBE 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 or supply effort that provides for a distinct element of the subcontract (as required by the work to be performed in accordance with the NOCO), where the distinct element is worthy of the dollar amount of the subcontract and where the M/W/DSBE carries out its responsibilities by actually performing, managing and supervising the work involved. The OEO 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 your Solicitation and Commitment Form that the work described on the Form does not constitute a CAF, your proposal may be rejected.

3. In order to maximize opportunities for as many businesses as possible, a firm that is certified in two or more categories (e.g. MBE and WBE and DSBE or WBE and DSBE) will only be credited toward one participation range as either an MBE or WBE or DSBE. The firm will not be credited toward more than one category. Applicants will note with their submission which category, MBE or WBE or DSBE, is submitted for credit.

4. An MBE/WBE/DSBE submitting as the prime applicant is required, like all other applicants, to submit a proposal that is responsive to the Policy and will only receive credit toward the relevant participation ranges (e.g., MBE range or WBE range or DSBE range) for the amount of its own work or supply effort on this NOCO. In addition, the participation of an M/W/DSBE partner, as part of a joint venture created for this contract, may be credited towards the participation ranges only to the extent of the M/W/DSBE partner's ownership interest in the joint venture in accordance with the following criteria:

- The MBE, WBE or DSBE partner(s) must be identified in the OEO Registry prior to contract award;
- The M/W/DSBE partner(s) must derive substantial benefit from the arrangement;
- The M/W/DSBE partner(s) must be substantially involved in all phases of the contract including planning, staffing and daily management;

[2] Approved certifying agencies are identified on the OEO webpage found at www.phila.gov/OEO.

• The business arrangement must be customary (i.e., each partner shares in the risk and profits of the joint venture commensurate with their ownership interest, contributes working capital and other resources, etc).

5. M/W/DSBE subcontractors must perform at least twenty percent (20%) of the cost of the subcontract (not including the cost of materials, equipment or supplies incident to the performance of the subcontract) with their own employees.

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

**B. RESPONSIVENESS**

1. A proposal responsive to the Policy is one which contains documentary evidence of the M/W/DSBEs that have been solicited and that will be used by the applicant on the contract, if awarded; where the proposal satisfies the M/W/DSBE participation ranges for that contract, the applicant is rebuttably presumed not to have discriminated in its selection of contract participants.

2. Applicants must submit documentary evidence of MBE, WBE and DSBEs who have been solicited and with whom commitments have been made in response to the participation ranges included in this NOCO. Failure to submit the Solicitation For Participation and Commitment Form will result in the rejection of the proposal as nonresponsive, although the City, at its sole discretion, may allow applicants to submit or amend the Solicitation For Participation and Commitment Form at any time prior to award. The Solicitation For Participation and Commitment Form must contain the following information:

• Documentation of all solicitations (regardless of whether commitments resulted therefrom) as well as all commitments made on the enclosed document entitled “Solicitation For Participation and Commitment Form”. Applicants should only make actual solicitations of M/W/DSBEs whose work or materials are within the scope of this NOCO. Mass mailing of a general nature to M/W/DSBEs or similar methods will not be deemed solicitation, but rather will be treated as informational notification only. A reasonable period of time should be given to all solicited firms to ensure that they have sufficient time to adequately prepare their quotes/subproposals. The applicant’s listing of a commitment with an M/W/DSBE constitutes a representation that the applicant has made a legally binding commitment to contract with such firm, upon receipt of a contract award from the City.
• If the applicant has entered into a joint venture with an MBE, WBE and/or DSBE partner, the applicant is also required to submit along with the Solicitation For Participation and Commitment Form, a document entitled “Joint Venture Eligibility Information Form,” available at OEO, for the City’s review and approval of the joint venture arrangement.

3. If Applicant does not fully meet each of the range(s) for participation established for this NOCO, applicant must explain what efforts the applicant made to achieve the M/W/DSBE participation ranges.

Applicant must demonstrate, through the submission of documentary evidence, that it took all necessary steps and made reasonable efforts to achieve the M/W/DSBE participation ranges, even if these efforts were not fully successful. OEO will evaluate the scope, intensity and appropriateness of these efforts to ascertain whether they could reasonably be expected to achieve M/W/DSBE participation commensurate with the ranges. Failure to submit the documentary evidence will result in rejection of the proposal as nonresponsive, although the City, at its sole discretion, may allow applicants to submit or amend their evidentiary submission at any time prior to award. The submission shall contain and discuss, at a minimum, the following:

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

The applicant's documentary evidence will be reviewed by the OEO to ascertain whether discrimination has occurred in the solicitation or selection of contract participants. The review will include consideration of the following:

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

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

- If the proposal is determined nonresponsive by the OEO, the applicant will be notified and may file a written appeal with the OEO within forty-eight (48) hours of the date of notification. The decision of the OEO may be appealed in writing within forty-eight (48) hours of the date of the OEO's decision to the Chief Operating Officer of the Commerce Department or his/her designee whose decision shall be final.

## C. RESPONSIBILITY

1. Upon award, the completed Solicitation For Participation and Commitment Form and accompanying documents regarding solicitation and commitments with MBEs, WBEs and DSBEs become part of the contract. M/W/DSBE percentage commitments are to be maintained throughout the term of the contract and shall apply to the total contract value (including amendments). Any change in commitment, including but not limited to substitutions for the listed firm(s), changes or reductions in the work and/or listed dollar/percentage amounts, must be pre-approved in writing by the OEO.

2. The successful applicant shall, within five (5) business days after receipt of a payment from the City for work performed under the contract, deliver to its M/W/DSBE subcontractors the proportionate share of such payment for work performed (including the supply of materials) by its M/W/DSBE subcontractors. In connection with payment of its M/W/DSBE subcontractors, the successful applicant agrees to fully comply with the City's payment reporting process which may include the use of electronic payment verification systems.

3. No privity of contract exists between the City and any M/W/DSBE subcontractor identified in any contract resulting from this NOCO. The City does not intend to give or confer upon any such M/W/DSBE subcontractor(s) any legal rights or remedies in connection with the subcontracted services under Executive Orders 2-05 and 14-08 or by reason of any contract resulting from the NOCO except such rights or remedies that the M/W/DSBE subcontractor may seek as a private cause of action under any legally binding contract to which it may be a party.

4. If the OEO determines that the applicant has discriminated against a M/W/DSBE at any time during the term of the contract, the OEO may recommend to the Director of Finance the imposition of sanctions on the applicant including debarment of the applicant from submitting and/or participating in future City contracts for a period of up to three (3) years.

## D. ACCESS TO INFORMATION

1. The OEO shall have the right to make site visits to the applicant's place of business and/or job site and obtain documents and information from any applicant, subcontractor, supplier, manufacturer or contract participant that may be required in order to ascertain applicant's responsiveness and responsibility.

2. Failure to cooperate with the OEO in its review may result in a recommendation to terminate the contract.

## E. RECORDS AND REPORTS

1. The successful applicant shall maintain all books and records relating to its M/W/DSBE commitments (e.g. copies of quotations, subcontracts, joint venture agreement, correspondence, cancelled checks,

invoices, telephone logs) for a period of at least three (3) years following acceptance of final payment. These records shall be made available for inspection by the OEO and/or other appropriate City officials. The successful applicant agrees to submit reports and other documentation to the OEO as deemed necessary by the OEO to ascertain the successful applicant's fulfillment of its M/W/DSBE commitments.

**F. REMEDIES**

1. The successful applicant's compliance with the requirements of Executive Orders 2-05 and 14-08, including the fulfillment of any M/W/DSBE commitments, is material to the contract. Any failure to comply with these requirements constitutes a substantial breach of the contract. It is further understood and agreed that in the event the City determines that the successful applicant hereunder has failed to comply with these requirements 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, as deemed applicable, 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 applicant from proposing/bidding 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 commitment shortfall. (NOTE: The "total dollar amount of the contract'' shall include approved change orders, amendments and for requirements contracts shall be based on actual quantities ordered by the City. For Concessions, the "total dollar amount of the contract" shall mean the Concession Fee paid to the City.)

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

## ANTIDISCRIMINATION POLICY SOLICITATION FOR PARTICIPATION AND COMMITMENT FORM

*Minority (MBE), Woman (WBE), Disabled (DSBE) and Disadvantaged (DBE) Business Enterprises*[1]

**DEPARTMENT OF COMMERCE**

*OFFICE OF ECONOMIC OPPORTUNITY (OEO)*

| *Bid Number or Proposal Title:* | *Name of Bidder/Proposer:* | *Bid/RFP Opening Date:* |
|---|---|---|
| | | |

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

| ☐ MBE ☐ WBE ☐ DSBE ☐ M-DBE ☐ W-DBE | Work or Supply Effort to be Performed | Date Solicited | | Commitment Made | | Give Reason(s) If No Commitment |
|---|---|---|---|---|---|---|
| Company Name | | By Phone | By Mail | Yes (If Yes, give date) | NO | |
| Address | | | | | | |
| Contact Person | | Quote Received | | Amount Committed To | | |
| Telephone Number / Fax Number | | YES[2] | NO | Dollar Amount $ | | |
| Email Address | | | | Percent of Total Bid/RFP % | | |
| OEO REGISTRY # / CERTIFYING AGENCY | | | | | | |

| ☐ MBE ☐ WBE ☐ DSBE ☐ M-DBE ☐ W-DBE | Work or Supply Effort to be Performed | Date Solicited | | Commitment Made | | Give Reason(s) If No Commitment |
|---|---|---|---|---|---|---|
| Company Name | | By Phone | By Mail | Yes (If Yes, give date) | NO | |
| Address | | | | | | |
| Contact Person | | Quote Received | | Amount Committed To | | |
| Telephone Number / Fax Number | | YES[2] | NO | Dollar Amount $ | | |
| Email Address | | | | Percent of Total Bid/RFP % | | |
| OEO REGISTRY # / CERTIFYING AGENCY | | | | | | |

| ☐ MBE ☐ WBE ☐ DSBE ☐ M-DBE ☐ W-DBE | Work or Supply Effort to be Performed | Date Solicited | | Commitment Made | | Give Reason(s) If No Commitment |
|---|---|---|---|---|---|---|
| Company Name | | By Phone | By Mail | Yes (If Yes, give date) | NO | |
| Address | | | | | | |
| Contact Person | | Quote Received | | Amount Committed To | | |
| Telephone Number / Fax Number | | YES[2] | NO | Dollar Amount $ | | |
| Email Address | | | | Percent of Total Bid/RFP % | | |
| OEO REGISTRY # / CERTIFYING AGENCY | | | | | | |

1. If Bidder/Proposer makes solicitation(s) and commitment(s) with a DBE, Bidder/Proposer shall indicate which class type, M-DBE or W-DBE, is submitted for credit.
2. Attach all quotations to this form.

09/2010

**APPENDIX B**

# Disclosure Forms

## Directions:

1. Please read the following information regarding the completion of these disclosure forms. Please review the definitions prior to completing any form.
2. Date and initial the top of each form after you have completed it and sign the form on the last page.
3. NOTE: There are two different types of campaign contribution disclosure forms: one for those who are applying as individuals and one for those applying as businesses. Only fill out one type of form. (If you have used a consultant with respect to applying for this financial assistance you will have to fill out a campaign contribution disclosure form for them as well.)

### Getting Started

There are five sets of disclosure forms enclosed in this packet. You must provide information for each disclosure form. The information you must disclose includes:

1. Any contributions (defined as a provision of money, in-kind assistance, discounts, forbearance or any other valuable thing) made during the two years prior to the application submission date or prior to your receipt of financial assistance in the absence of an application;
2. The name of any consultant(s) you used to help in obtaining this financial assistance and any campaign contributions they have made;
3. Any subcontractors you are planning to use if awarded this financial assistance;
4. Whether a City or Agency employee or official asked you to give money, services, or any other thing of value to any individual or entity; and
5. Whether a City or Agency employee or official gave you any advice on how to satisfy any minority, women, disabled or disadvantaged business participation goals.

### More information on Disclosing Campaign Contributions

Applicants for financial assistance must disclose any contributions they made to:

- A candidate for nomination or election in any public office in the Commonwealth of Pennsylvania
- An incumbent in any public office in the Commonwealth of Pennsylvania
- A political committee or state party in the Commonwealth of Pennsylvania
- A group, committee, or association organized in support of any candidate, office holder, political committee or state party in the Commonwealth of Pennsylvania

The types of contributions that must be disclosed include:

- Any advance or deposit of money, gift, or any other valuable thing given to a candidate or political committee for the purpose of influencing any election in the Commonwealth of Pennsylvania
- The purchase of tickets for events such as dinners, luncheons, rallies and all other fund-raising events
- Granting of rebates or discounts not available to the general public or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates
- Any payments made on behalf of the candidate not made by either the candidate or their committee

*Attribution Rules.* In addition to disclosing contributions made directly by the applicant, the applicant will be asked to supply information on other types of contributions. The campaign contribution disclosure forms will include questions that specifically ask for information on these other types of contributions. These contributions will be attributed to the individual or business and will be used to determine the applicant's eligibility to receive financial assistance.

Businesses (i.e. corporation, limited liability company, partnership association, joint venture, or any other legal entity) have to disclose contributions made by the following:

- Applicant business
- Parent, subsidiary, or otherwise affiliated entity of the applicant business ("affiliate")
- An individual or business that is then reimbursed by the applicant business or affiliate
- Officers, directors, controlling shareholders, or partners of the for-profit applicant business or for-profit affiliate
- Political action committee controlled by applicant business or affiliate
- Political action committee controlled by officer, director, controlling shareholder, or partner of the for-profit applicant business or for-profit affiliate

Individuals have to disclose contributions made by the following:

- Applicant individual
- Member of individual's immediate family (i.e., spouse, life partner, or dependent child living at home), when contributions are in excess of $2900

In addition to direct contributions to candidates, incumbents, or political committees in the Commonwealth of Pennsylvania, applicants are also required to disclose:

1. Contributions not directly given to a candidate, incumbent, or political committee but made with the intent that the contribution will benefit the candidate, incumbent, or political committee;
2. Solicitation of contributions on behalf of a candidate, incumbent, or political committee, including the hosting of or solicitation at fundraising events (required to disclose details regarding the date of event and amount raised); and
3. Contributions not made directly by the individual/business to a candidate, incumbent, or political committee but furnished by the individual / business (as an "intermediary").

**Eligibility Restrictions**

Effective as of January 1, 2012, if an individual makes contributions totaling over $2,900 in one calendar year to a candidate for City elective office or to an incumbent, the individual is not eligible to apply for, or enter into, any Non-Competitively Bid Contract in excess of $10,000, nor shall said individual be eligible to be a sub-contractor (at any tier) of any such contract during that candidate's or incumbent's term of office. The monetary limits in effect for individuals prior to January 1, 2012 remain in effect for purposes of determining an individual's eligibility during the two year disclosure period prior to the date an individual's application in response to a contract opportunity is due or for determining an individual's continuing compliance during the term of any such contract that is awarded to the individual. For the period February 1, 2006 through December 31, 2007, the contribution limit amount is $2,500; for the period January 1, 2008 through December 31, 2011, the contribution limit amount is $2,600.

Effective as of January 1, 2012, if a business makes contributions totaling over $11,500 in one calendar year to a candidate for City elective office or to an incumbent, the business is not eligible to apply for, or enter into, any Non-Competitively Bid Contract in excess of $10,000, nor shall said individual be eligible to be a sub-contractor (at any tier) of any such contract during that candidate's or incumbent's term of office. The monetary limits in effect for businesses prior to January 1, 2012 remain in effect for purposes of determining a business' eligibility during the two year disclosure period prior to the date a business' application in response to a contract opportunity is due or for determining a business' continuing compliance during the term of any such contract that is awarded to the business. For the period February 1, 2006 through December 31, 2007, the contribution limit amount is $10,000; for the period January 1, 2008 through December 31, 2011, the contribution limit amount is $10,600.

→ **Note on Eligibility:** If a candidate for any City elective office contributes $250,000 or more from his or her personal resources to his or her campaign, then the eligibility thresholds for individuals and businesses shall double with respect to contributions to all candidates for that same elective office (i.e. $5,800 for individuals and $23,000 for businesses).

## Definitions

| | |
|---|---|
| Affiliate | A parent, subsidiary, or otherwise affiliated entity of a business |
| Applicant | An individual or business who has filed an application to be awarded a non-competitively bid contract or financial assistance |
| Business | A corporation, limited liability company, partnership, association, joint venture or any other legal entity (including non-profit organizations) other than an Individual |
| Candidate | Any individual who seeks nomination or election to public office, other than a judge of elections or inspector of elections, whether or not such individual is nominated or elected. An individual shall be deemed to be seeking nomination or election to such office if he or she has (1) received a contribution or made an expenditure or has given his consent for any other person or committee to receive a contribution or make an expenditure, for the purpose of influencing his or her nomination or election to such office, whether or not the individual has made known the specific office for which he or she will seek nomination or election at the time the contribution is received or the expenditure is made; or (2) taken the action necessary under the laws of the Commonwealth of Pennsylvania to qualify himself or herself for nomination or election to such office. |
| Consultant | A person used by an applicant to assist in obtaining the financial assistance through direct or indirect communication by such individual or business with any City agency or the organization providing financial assistance or any City officer or employee or officer or employee of the organization providing financial assistance, if the communication is undertaken by such individual or business in exchange for, or with the understanding of receiving, payment from the applicant; provided, however, that "Consultant" shall not include a full-time employee of the applicant. |
| Contributions | The provision of money, in-kind assistance, discounts, forbearance or any other valuable thing, during the two years prior to the deadline for the filing of the application for the contract opportunity or financial assistance, to any of the following:<br>– a candidate for nomination or election to any public office in the Commonwealth of Pennsylvania;<br>– an incumbent in any public office in the Commonwealth;<br>– a political committee or state party in the Commonwealth; or<br>– a group, committee or association organized in support of any candidate, office holder, political committee or state party in the Commonwealth. |
| Financial Assistance | Any grant, loan, tax incentive, bond financing subsidy for land purchase or otherwise, or other form of assistance that is realized by or provided to a person in the amount of fifty thousand dollars ($50,000) or more through the authority or approval of the City, including, but not limited to, Tax Increment Financing (TIF) aid, industrial development bonds, use of the power of eminent domain, Community Development Block Grant (CDBG) aid or loans, airport revenue bonds, and Enterprise Zone or similar economic development zone designations (such as Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, and Economic Development District Zones), but not including any assistance to which a person is entitled under a law enacted before the individual or business applied for or requested such assistance. |
| Immediate family | A spouse or life partner residing in the individual's household or minor dependent children |

| | |
|---|---|
| Incumbent | An individual who holds elective office |
| Intermediary | A person, who, other than in the regular course of business as a postal, delivery or messenger service, delivers a contribution from another individual or business to the recipient of such contribution |
| Person | An individual, corporation, limited liability company, partnership, association, joint venture, or any other legal entity |
| Political committee | Any committee, club, association or other group of persons which receives money or makes expenditures for purposes of influencing any election |
| Solicit a Contribution | Requesting or suggesting that a person make a contribution. The sponsoring or hosting of a fundraising event is considered soliciting a contribution from the attendees of the event. Any contributions raised at such event are counted as a contribution made by the host of the event. |

*Date:* _____ *Initials:*_____

## If Applying as an Individual:
## Campaign Contribution Disclosure Form

Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly. Note that you must provide information for the two years prior to the application deadline.

| | Yes | No |
|---|---|---|
| Have you made any contributions? | ☐ | ☐ |
| Have you solicited or served as an intermediary for any contributions? | ☐ | ☐ |
| Has a member of your immediate family made any contributions over and above $2,900? | ☐ | ☐ |
| Has a member of your immediate family solicited or served as an intermediary for contributions over and above $2,900? | ☐ | ☐ |
| *Check here to certify that no contributions were made.* | ☐ | |

Additional information on every contribution must be disclosed.
Please use the table provided on the next page.

*Date:* _____ *Initials:*_____

## If Applying as an Individual:
## Campaign Contribution Disclosure Form

For relationship, please indicate whether the contributor was the Individual or Family Member.

| Name of Contributor | Relationship (to individual or business completing this form) | Name of Recipient | Date of Contribution | Amount of Contribution |
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Please use additional pages as needed.

*Date:* _____ *Initials:*_____

## If Applying as a Business:
## Campaign Contribution Disclosure Form

Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly. Where "non-profit" is an option, indicate whether the business is a non-profit; non-profits are not required to disclose contribution information on these questions. Note that you must provide information for the two years prior to the application deadline.

| | Yes | No | Non-Profit |
|---|---|---|---|
| Has the business made any contributions? | ☐ | ☐ | |
| Has the business solicited or served as an intermediary for any contributions? | ☐ | ☐ | |
| Has an officer, director, controlling shareholder, or partner of the business made any contributions? See note below. | ☐ | ☐ | ☐ |
| Has an officer, director, controlling shareholder, or partner of the business solicited or served as an intermediary for any contributions? See note below. | ☐ | ☐ | ☐ |
| Has an affiliate of the business made any contributions? | ☐ | ☐ | |
| Has an affiliate of the business solicited or served as an intermediary for any contributions? | ☐ | ☐ | |
| Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the business made any contributions? See note below. | ☐ | ☐ | |
| Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the business solicited or served as an intermediary for any contributions? See note below. | ☐ | ☐ | |
| Has the business or an affiliate of the business reimbursed another individual or business for a contribution that the individual or business has made? | ☐ | ☐ | |
| Has an officer, director, controlling shareholder, or partner of a for-profit business, or of a for-profit affiliate of the business, reimbursed another individual or business for a contribution that the individual or business has made? | ☐ | ☐ | |
| Has a political committee controlled by the business or by an affiliate of the business made any contributions? | ☐ | ☐ | |
| Has a political committee controlled by an officer, director, controlling shareholder, or partner of the for-profit business, or of a for-profit affiliate of the business, made any contributions? | ☐ | ☐ | |
| *Check here to certify that no contributions were made.* | ☐ | | |

Note: Applicants must disclose all contributions to candidates or incumbents which are attributed to an immediate family member of an officer, director, controlling shareholder or partner of the for-profit Applicant or the for-profit affiliate of the Applicant. Please disclose the full amount of the contribution, although only the amount above $2900 will be attributed to the officer, director, controlling shareholder or partner (and, by extension, the Applicant business).

Additional information on every contribution must be disclosed.
Please use the table provided on the next page.

*Date:* _____ *Initials:*_____

## If Applying as a Business:
## Campaign Contribution Disclosure Form

For relationship, indicate whether the contributor was the Business, Affiliate, Controlled Political Committee, Controlling Shareholder, Director, Officer, Parent, Partner, Reimbursed Contributor, Solicited Contributor, Subsidiary, or Other.

| Name of Contributor | Relationship (to individual or business completing this form) | Name of Recipient | Date of Contribution | Amount of Contribution |
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Please use additional pages as needed.

***Date:*** _____ ***Initials:***_____

# Use of Consultant Disclosure Form

Please list all consultant(s) used in the year prior to the application deadline and the corresponding information for that consultant in the space provided below.

Please note that a Consultant, for the purposes of the required disclosures, is defined as an individual or business used by an applicant or contractor to assist in obtaining financial assistance through direct or indirect communication by such individual or business with any City agency, the organization providing financial assistance, any City officer/employee, or any officer/employee of the organization providing financial assistance, if the communication is undertaken in exchange for, or with the understanding of receiving, payment from the applicant or contractor or any other individual or business (however, "Consultant" shall not include a full-time employee of the Applicant or Contractor).

| | |
|---|---|
| Check here to certify that no consultant(s) was used in the year prior to the application deadline. | ☐ |
| | |
| Consultant Name | |
| Address 1 | |
| Address 2 | |
| City, State, Zip | |
| Phone | |
| Amount Paid or to be Paid | |
| | |
| Consultant Name | |
| Address 1 | |
| Address 2 | |
| City, State, Zip | |
| Phone | |
| Amount Paid or to be Paid | |
| | |
| Consultant Name | |
| Address 1 | |
| Address 2 | |
| City, State, Zip | |
| Phone | |
| Amount Paid or to be Paid | |
| | |
| Consultant Name | |
| Address 1 | |
| Address 2 | |
| City, State, Zip | |
| Phone | |
| Amount Paid or to be Paid | |

*Date:* _____ *Initials:*_____

## Consultant: Individual Campaign Contribution Disclosure Form

Use this form if the Consultant used is an Individual. Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly. Note that you must provide information for the two years prior to the application deadline.

| | Yes | No |
|---|---|---|
| Has the Consultant made any contributions? | ☐ | ☐ |
| Has the Consultant solicited or served as an intermediary for any contributions? | ☐ | ☐ |
| Has a member of the Consultant's immediate family made any contributions over and above $2,900? | ☐ | ☐ |
| Has a member of the Consultant's immediate family solicited or served as an intermediary for contributions over and above $2,900? | ☐ | ☐ |
| *Check here to certify that no contributions were made.* | ☐ | |

Additional information on every contribution must be disclosed.
Please use the table provided on the next page.

*Date:* _____ *Initials:*_____

## Consultant: Individual Campaign Contribution Disclosure Form

Use this form if the Consultant used is an Individual. For relationship, indicate whether the contributor was the Individual or Family Member.

| Name of Contributor | Relationship to Consultant | Name of Recipient | Date of Contribution | Amount of Contribution |
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Please use additional pages as needed.

*Date:* _____ *Initials:*_____

## Consultant: Business Campaign Contribution Disclosure Form

Use this form if the Consultant used is a Business. Please read through the directions and definitions before filling out this disclosure form to make sure that each question is answered appropriately and thoroughly. Where "non-profit" is an option, indicate whether the business is a non-profit; non-profits are not required to disclose contribution information on these questions. Note that you must provide information for the two years prior to the application deadline.

| | Yes | No | Non-Profit |
|---|---|---|---|
| Has the Consultant business made any contributions? | ☐ | ☐ | |
| Has the Consultant business solicited or served as an intermediary for any contributions? | ☐ | ☐ | |
| Has an officer, director, controlling shareholder, or partner of the Consultant business made any contributions? See note below. | ☐ | ☐ | ☐ |
| Has an officer, director, controlling shareholder, or partner of the Consultant business solicited or served as an intermediary for any contributions? See note below. | ☐ | ☐ | ☐ |
| Has an affiliate of the Consultant business made any contributions? | ☐ | ☐ | |
| Has an affiliate of the Consultant business solicited or served as an intermediary for any contributions? See note below. | ☐ | ☐ | |
| Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the Consultant business made any contributions? See note below. | ☐ | ☐ | |
| Has an officer, director, controlling shareholder, or partner of a for-profit affiliate of the Consultant business solicited or served as an intermediary for any contributions? | ☐ | ☐ | |
| Has the Consultant business or an affiliate of the business reimbursed another individual or business for a contribution that the individual or business has made? | ☐ | ☐ | |
| Has an officer, director, controlling shareholder, or partner of the for-profit Consultant business, or of a for-profit affiliate of the Consultant business, reimbursed another individual or business for a contribution that the individual or business has made? | ☐ | ☐ | |
| Has a political committee controlled by the Consultant business or by an affiliate of the business made any contributions? | ☐ | ☐ | |
| Has a political committee controlled by an officer, director, controlling shareholder, or partner of the for-profit Consultant business, or of a for-profit affiliate of the Consultant business, made any contributions? | ☐ | ☐ | |
| *Check here to certify that no contributions were made.* | ☐ | | |

Note: Consultants must disclose all contributions to candidates or incumbents which are attributed to an immediate family member of an officer, director, controlling shareholder or partner of the for-profit Consultant or the for-profit affiliate of the Consultant. Please disclose the full amount of the contribution, although only the amount above $2900 will be attributed to the officer, director, controlling shareholder or partner (and, by extension, the Consultant business).

Additional information on every contribution must be disclosed.
Please use the table provided on the next page.

*Date:* _____ *Initials:*_____

## Consultant: Business Campaign Contribution Disclosure Form

Use this form if the Consultant used is a Business. For relationship, indicate whether the contributor was the Consultant Business, Affiliate, Controlled Political Committee, Controlling Shareholder, Director, Officer, Parent, Partner, Reimbursed Contributor, Solicited Contributor, Subsidiary, or Other.

| Name of Contributor | Relationship to Consultant | Name of Recipient | Date of Contribution | Amount of Contribution |
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Please use additional pages as needed.

***Date:*_____** ***Initials:* _____**

## Use of Subcontractor Disclosure Form

Please list all subcontractor(s) you are planning to use if awarded this financial assistance by filling out the appropriate information in the space provided below.

| | |
|---|---|
| Check here to certify that no subcontractor(s) are to be used. | ☐ |
| | |
| Subcontractor Name | |
| Address 1 | |
| Address 2 | |
| City, State, Zip | |
| Phone | |
| Amount Paid or to be Paid, or Percentage to be Paid | |
| | |
| Subcontractor Name | |
| Address 1 | |
| Address 2 | |
| City, State, Zip | |
| Phone | |
| Amount Paid or to be Paid, or Percentage to be Paid | |
| | |
| Subcontractor Name | |
| Address 1 | |
| Address 2 | |
| City, State, Zip | |
| Phone | |
| Amount Paid or to be Paid, or Percentage to be Paid | |
| | |
| Subcontractor Name | |
| Address 1 | |
| Address 2 | |
| City, State, Zip | |
| Phone | |
| Amount Paid or to be Paid, or Percentage to be Paid | |

***Date:*_____** ***Initials:* _____**

## Employee Request Form

Please list any City employees or officers or employees/officers of the organization providing financial assistance who have asked you (the Applicant), any officer director, or management employee of the Applicant, or any person representing the Applicant to give money, services, or any other thing of value (other than contributions as defined above) during the two years prior to the application deadline.

| | |
|---|---|
| Check here to certify that no City employees/officers or employees/officers of the organization providing financial assistance have asked you (the Applicant), any officer director, or management employee of the Applicant, or any person representing the Applicant to give money, services, or any other thing of value (other than contributions as defined above) during the two years prior to the application deadline. | ☐ |
| | |
| Name of Employee/Officer | |
| Title | |
| Money Services, or Thing of Value Requested | |
| Money, Services, or Thing of Value Given (If none, write "none") | |
| Date Requested | |
| Date of Payment | |
| | |
| Name of Employee/Officer | |
| Title | |
| Money Services, or Thing of Value Requested | |
| Money, Services, or Thing of Value Given (If none, write "none") | |
| Date Requested | |
| Date of Payment | |
| | |
| Name of Employee/Officer | |
| Title | |
| Money Services, or Thing of Value Requested | |
| Money, Services, or Thing of Value Given (If none, write "none") | |
| Date Requested | |
| Date of Payment | |

*Date:*_____ *Initials:* _____

## Employee Participation Advice Disclosure Form

Please list any City employees or officers employees/officers of the organization providing financial assistance who gave you (the Applicant), any officer director, or management employee of the Applicant, or any person representing the Applicant advice that a particular individual or business could be used by the Applicant to satisfy any goals established in the contract or financial assistance agreement for the participation of minority, women, disabled, or disadvantaged business enterprises during the two years prior to the application deadline.

| | |
|---|---|
| Check here to certify that no City employees/officers or employees/officers of the organization providing financial assistance gave you (the Applicant), any officer director, or management employee of the Applicant, or any person representing the Applicant advice that a particular individual or business could be used by the Applicant to satisfy any goals established in the contract or financial assistance agreement for the participation of minority, women, disabled, or disadvantaged business enterprises during the two years prior to the application deadline. | ☐ |
| | |
| Name of Employee/Officer | |
| Title | |
| Date of Advice | |
| Individual or Business Recommended to Satisfy Participation Goals | |
| | |
| Name of Employee/Officer | |
| Title | |
| Date of Advice | |
| Individual or Business Recommended to Satisfy Participation Goals | |
| | |
| Name of Employee/Officer | |
| Title | |
| Date of Advice | |
| Individual or Business Recommended to Satisfy Participation Goals | |
| | |
| Name of Employee/Officer | |
| Title | |
| Date of Advice | |
| Individual or Business Recommended to Satisfy Participation Goals | |

***Date:_____*** ***Initials: _____***

*Signature*

In order for the submission of these disclosure forms to be considered valid, they must be properly signed below by the respondent. Disclosure forms **that are not signed will be rejected.** By signing your name and title in the signature space below, you, as the respondent, signify your intent to sign these disclosure forms. The signatory hereby declares and certifies themselves to be the respondent, declares and certifies that they are properly authorized to execute these disclosure forms, and represents and covenants that all of the information and disclosures provided to the best of their knowledge are true and contain no material misstatements or omissions. Breach of such representation and covenant may render any subsequent provision of financial assistance voidable, and entitle the City (or Agency) to all rights and remedies provided by law or equity.

If these disclosure forms are being submitted by an INDIVIDUAL, PARTNERSHIP, LIMITED LIABILITY COMPANY OR MANAGED LIMITED LIABILITY COMPANY, sign the forms here:

_____ _____
Signature Date

_____ _____
Name Title

If these disclosure forms are being submitted by a CORPORATION, sign the forms here, with signatures by (a) President or Vice-President of the corporation AND (b) Secretary, Assistant Secretary, Treasurer or Assistant Treasurer of the corporation. If the disclosure forms are not signed by the above mentioned, you hereby certify that you are authorized pursuant to a certified corporate resolution to sign in place of such officers.

_____ _____
Signature Date

_____ _____
Name ***President/Vice President, if other, please specify***

_____ _____
Signature Date

_____ _____
Name ***Secretary/Asst. Secretary/Treasurer/Asst. Treasurer***
***If other, please specify***