



REQUEST FOR INFORMATION
for
Greened Acre Delivery on Privately-Owned Land
for The City of Philadelphia

Issued by:
THE CITY OF PHILADELPHIA (“City”)
Philadelphia Water Department

**Responses must be received no later than 5:00 p.m. Philadelphia, PA, local time,
on February 9, 2018.**

James F. Kenney, Mayor
Debra A. McCarty, Commissioner, Philadelphia Water Department

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GREENED ACRE DELIVERY ON PRIVATELY-OWNED LAND
REQUEST FOR INFORMATION (RFI)

I. RESPONSE CALENDAR

Information Session:	January 10, 2018; 9:00 AM; 1101 Market Street, 5 th Floor Conference Room
Deadline for questions, requests for clarification, or requests for additional information:	February 2, 2018; 5:00 PM
Response Due Date:	February 9, 2018; 5:00 PM

II. RFI CONTACT INFORMATION FOR QUESTIONS

All questions concerning this RFI must be submitted **via email** no later than 5:00 PM, Philadelphia, PA local time on February 2, 2018, and directed to:

Avery Livengood
Philadelphia Water Department
avery.livengood@phila.gov

Kristen Snuck
Philadelphia Water Department
kristen.snuck@phila.gov

Responses to such questions and requests shall be at the City’s sole discretion and nothing in the RFI shall create an obligation on the City to respond to the submitting party or at all. In the City’s sole discretion, **responses may be posted on the City’s website** without formal notification to prospective Respondents.

The City, in its sole discretion, may issue addenda to this RFI containing responses to questions and requests for information, clarifications of the RFI, revisions to the RFI, or any other matters that the City deems appropriate. **Addenda will be posted on the City’s website at <http://www.phila.gov/rfp/Pages/default.aspx>** (“Additional Opportunities”). It is the Respondent’s responsibility to monitor the Additional Opportunities site for Addenda and to comply with their terms.

Oral responses by any City employee or agent of the City are not binding and shall not in any way be considered as a commitment by the City.

If a Respondent finds any inconsistency or ambiguity in the RFI or an addendum to the RFI issued by the City, the Respondent is requested to notify the City in writing.

III. BACKGROUND

1. Green City, Clean Waters Background

The City of Philadelphia is the largest city in the Commonwealth of Pennsylvania and the fifth-most-populous city in the United States with over 1.5 million residents. As an operating department of the City, the Philadelphia Water Department (PWD) provides integrated water, wastewater, and stormwater retail services to residential, commercial, and industrial customers.

Roughly half of Philadelphia’s 134 square miles of land area is serviced by a combined sewer system (CSS). The CSS service area is comprised primarily of impervious surfaces, including – but not limited to – streets, sidewalks, rooftops, parking lots, and playgrounds.

To comply with state and federal water regulations, the City of Philadelphia has adopted the *Green City, Clean Waters* plan, an ambitious initiative to mitigate combined sewer overflows (CSOs) in Philadelphia by managing stormwater runoff from more than 30% of impervious surfaces in the CSS service area using Green Stormwater Infrastructure (GSI). GSI manages stormwater using one or more source control processes, such as infiltration, evaporation, transpiration, decentralized storage, alternative stormwater routing, reuse, and other methods. *Green City, Clean Waters* plans for the implementation and maintenance of GSI that manages roughly 10,000 Greened Acres (GAs) within the CSS service area, where one GA is equivalent to an acre of impervious surfaces for which stormwater runoff is managed at 1” depth using GSI. Stormwater runoff may be managed at depths up to 1.5”, or greater, if deemed feasible by engineering design.

The *Green City, Clean Waters* plan was accepted by the Pennsylvania Department of Environmental Protection (PADEP) in 2011, with a 25-year implementation schedule. The PADEP and PWD signed a Consent Order and Agreement (COA) on June 1, 2011, which allows PWD to implement the *Green City, Clean Waters* program. Under the COA, the City is required to eliminate and remove the mass of pollutants equivalent to the capture of 85% by volume of CSOs, and to implement sufficient GSI projects to meet a performance standard of 9,564 GA by 2036. The COA requires interim milestones at the end of the fifth, tenth, fifteenth and twentieth years in four categories: (1) Total GAs; (2) Overflow Reduction Volume; (3) Miles of Interceptor Lined; and (4) Wastewater Treatment Plant Upgrades. PWD completed its fifth year milestone of 744 Greened Acres and 600 million gallons per year of CSO reduction in 2016. The cumulative GA and CSO reduction requirements for each of the milestones are as follows:

Cumulative COA Targets by Milestone Year

Metric	Year 5 2016	Year 10 2021	Year 15 2026	Year 20 2031	Year 25 2036
Overflow Reduction Volume (million gallons per year)	600	2,044	3,619	5,985	7,960
Total Greened Acres	744	2,148	3,281	6,424	9,564

Under the COA, the City must have adequate legal authority to require the continued proper maintenance of all GSI that is accounted for with GA value. For GSI that is not the property of the City, PWD currently maintains such legal authority through long-term operation and maintenance agreements (O&M Agreements) between the City and the owners of the private property on which the GSI is located.

2. Existing PWD Programs to Deliver GAs on Privately-Owned Land

Privately-owned land constitutes more than half of the impervious surface area in the CSS service area. Public property not owned by the City constitutes an additional 5% of impervious surface area. Therefore, PWD is very interested in implementation of **privately-owned GAs on private property and/or on public property not owned by the City**. Examples of such public property includes land owned by public universities, state and federal agencies, and authorities of the City. Throughout this RFI, any lands not owned by the City are collectively referred to as “privately-owned” land.

Stormwater Regulations

In order to facilitate stormwater management on privately-owned land, PWD has established Stormwater Regulations that require land developers to meet stormwater management targets. Land development and redevelopment projects with earth disturbance areas above the regulatory threshold of 15,000 square feet are required to manage stormwater on-site. Developers or other persons or entities responsible for the project must obtain approval from PWD for their stormwater management plans, and the owners of land being developed are required to sign and record a perpetual O&M Agreement that outlines the responsibility of the present and future property owners for ongoing maintenance of the GSI. This perpetual O&M Agreement provides the City with the legal authority to require current and future property owners to maintain the GSI, as necessary for the project to be accounted for with GA value by PADEP. A template perpetual O&M Agreement is available for review on PWD’s Plan Review website (see Section **VII. Relevant References**).

The Stormwater Regulations provide a significant portion of the GAs required by the COA. As of June 2016, the Regulations had provided 423.4 GAs, or approximately 57% of the COA fifth-year milestone.

Incentives

Additionally, PWD has established two grant programs to incentivize GA delivery on privately-owned land that is not undergoing redevelopment: the Stormwater Management Incentives Program (SMIP) and the Greened Acre Retrofit Program (GARP). These incentives programs are aimed at managing stormwater runoff from impervious surfaces on privately-owned land to achieve a discount on the stormwater portion of the customer’s monthly bill. The maximum discount available to owners is 80%. SMIP provides grants to non-residential property owners to design and construct GSI systems on their properties, with an average project cost of \$150,000 per GA. GARP provides grants to firms and organizations to build GSI systems across multiple non-residential properties, totalling at least 10 GAs, with an average project cost of \$135,000 per GA. Currently, the average GARP application is 80 GAs.

PWD maintains two online resources for interested property owners, firms and organizations to obtain information about individual properties that may be eligible for SMIP or GARP projects:

- Parcel Viewer is a searchable online map that provides information about each property's stormwater billing charge. Available at www.phila.gov/water/swmap.
- Credits Explorer is a website that allows users to estimate discounts to the owner's stormwater billing charge if delineated impervious areas were managed by a GSI project. Available at <http://water.phila.gov/swexp>.

Interested firms and organizations are also encouraged to work with PWD directly to obtain information about PWD's most impacted customers.

PWD encourages SMIP and GARP participants to manage stormwater runoff from the right-of-way (streets and sidewalks) in the same GSI systems that manage the stormwater runoff from on-site impervious areas. Grant funding may be used to cover the additional cost associated with managing runoff from off site. Stormwater billing discounts are not available for management of stormwater runoff from the right-of-way, as discounts are calculated based on the portion of *on-site* impervious areas managed by GSI.

Owners of properties participating in SMIP or GARP are required to execute a 45-year O&M Agreement with the City, in order to provide the City with the legal authority to require continued maintenance and account for the GA value. A template 45-year O&M Agreement is available for review in PWD's Stormwater Incentives Grant Manual (see Section **VII. Relevant References**).

SMIP and GARP also provide a significant portion of the GAs required under the COA. As of June 2016, these incentive programs delivered 234.6 GAs, or approximately 31% of the COA fifth-year milestone.

3. Modifications to PWD Incentives Programs

In 2016, the Natural Resources Defense Council (NRDC) and the Sustainable Business Network of Greater Philadelphia (SBN) interviewed approximately twenty local firms to understand their perceptions of GARP and to collect feedback on changes to the program structure that would motivate them to participate. NRDC and SBN prepared a report summarizing this feedback (see Section **VII. Relevant References**).

PWD has several initiatives underway to implement the recommendations of this report:

- PWD is developing a website that can act as a clearinghouse of property owners interested in stormwater retrofits. The website will provide registered firms and organizations with the contact information of interested property owners, as well as information about the physical characteristics of their properties.
- PWD is overhauling all program guidance materials to provide more streamlined information to prospective SMIP and GARP participants.

More recently, PWD has completed an analysis comparing the types of properties and property owners that participate in its incentives programs, relative to the population of properties and owners that are eligible to participate. To-date, local, owner-occupied industrial and commercial properties are the predominant participants in SMIP and GARP.

The primary motivation of participating property owners has been the stormwater billing discounts made available once construction of the GSI is completed.

In order to encourage a broader variety of property types and property owners to participate in its incentive programs, PWD is currently developing an outreach initiative to target different market segments. Once the online clearinghouse is complete, PWD will direct interested property owners to sign up for the website and make their properties available to interested firms and organizations to undertake GSI projects.

IV. PURPOSE OF REQUEST FOR INFORMATION

Since the majority of impervious surfaces in the CSS service area are located on privately-owned land, PWD seeks to increase the number of GSI projects implemented on privately-owned land, and the variety of property owners that undertake such projects. PWD is also interested in encouraging more GSI projects on privately-owned land to achieve economies of scale by managing runoff from nearby streets and sidewalks, in addition to on-site impervious areas.

PWD is issuing this RFI to evaluate potential options for meeting these goals, including (1) further modifying its current incentives programs; or (2) introducing an alternative GA delivery program focused on privately-owned land.

1. PWD seeks additional recommendations (beyond those covered in the NRDC/SBN report) and/or more specific information about direct modifications to the incentives programs that would:
 - Motivate more firms and organizations to participate in aggregating GSI projects and submitting grant applications to implement them;
 - Increase property owner participation beyond the group of customers that typically participate in SMIP and GARP; and/or
 - Increase the share of incentivized retrofits that manage runoff from nearby streets and sidewalks, in addition to on-site impervious areas.
2. If Respondents believe that modifications would be insufficient to achieve the stated goals or to motivate their own participation, PWD seeks recommendations for structuring an alternative program through which a firm, organization or multiple firms and organizations could deliver high-quality GAs on privately-owned land, maximizing management of stormwater runoff from both on-site and the right-of-way. PWD is seeking information from potential vendors on how such a program could best be structured to provide GA value to the City for purposes of compliance with the COA.

Responses to this RFI are considered non-binding and are used to assist the City in performing information gathering for planning purposes. Responses to this RFI could help shape future contract opportunities. Information provided by Respondents may help to develop a future contract opportunity. This RFI will also help PWD to identify interest in such a contract opportunity. If it is in the interest of the City, PWD may start at the demonstration scale and expand the program over time. Responding to the RFI is not a requirement for participation in future offerings, nor does it preclude an application from participating in a future opportunity.

V. INFORMATION REQUESTED

PWD is requesting responses detailing the process that interested Respondents would use to deliver GAs on privately-owned land in the CSS service area in Philadelphia. **Please refrain from submitting proprietary information.**

1. Implementation Approach

Listed below are phases of work related to GSI project implementation that could potentially be included in a modified or new GA delivery program. Respondents are encouraged to address each of the phases listed below in their response to this RFI. **Include an estimated time frame** for each phase of GA delivery, keeping in mind that a realistic schedule is desirable. Responses should exhibit an understanding of the complexities of stormwater management in Philadelphia, given the City's physical and economic context. If a Respondent's process or standards differ from what is listed below, Respondent should include an explanation of the differences, including any potential benefits. Creative and scalable solutions are encouraged.

Please include pertinent examples and information regarding similar projects that you are involved in whenever possible. **Please be sure to include relevant examples of your firm or organization's experience with SMIP and/or GARP, or information as to why you have elected not to participate in these programs to-date.**

A. Site Identification

If PWD further modified its incentives programs or introduced an alternative GA delivery program, the identification of privately-owned sites with interested property owners could either be the responsibility of PWD or the vendor(s). PWD is interested how site identification could be undertaken by vendor(s) and the process that would be used obtain property owners' commitments to participate in existing or new delivery programs.

- What major changes would you suggest to the current structure of the incentives programs (beyond those described above) to more easily obtain clients for GSI projects on privately-owned land in the CSS service area?
- Do you believe PWD should be responsible for site identification? If so, what level of investigation would you envision PWD conducting during this process? How do you envision the process of transferring information about identified sites and/or property owner commitments from PWD to you?
- If you were to undertake responsibility for site identification, what methods would you use to identify and solicit clients? Would you focus on a particular geographic area or certain types of land owners? Why?
- If applicable, provide examples of your direct experience or experience managing subcontractors in identifying sites appropriate for GSI. Please be clear about your role.

B. Site Investigation

The ability to deliver GAs on a particular site is highly dependent on a variety of factors, some of which are readily apparent after the initial site visit, while some require testing and further investigation. Significant decreases in GAs and/or changes in GSI concepts can occur between the site identification phase and design.

Sometimes entire project sites may be ruled out as a result of obtaining more detailed information.

Currently, PWD requires SMIP and GARP applications to include concept plans that account for most feasibility issues; this requires an up-front investment from either the property owner or the firm/organization implementing the project. However, more intensive engineering surveys and geotechnical testing (if relevant) are not required until after a project has been approved for grant funding.

- If applicable to your approach, what modifications do you propose to the current SMIP or GARP application requirements or to PWD's conceptual review and approval process?
- If applicable, should engineering survey and/or geotechnical testing be coupled with the site identification phase or with the design phase?

C. Design and Permitting

Currently, all GSI implemented on privately-owned land with PWD funding must adhere to the standards in PWD's Stormwater Retrofit Guidance Manual, and be reviewed and approved by PWD in accordance with the process and procedures outlined therein. Current standards are included in the Relevant References section as a point of reference. PWD invites alternative approaches for consideration (e.g. pre-approved designs templates, active controls, dynamic routing, etc.) so long as the approach complies with PWD Stormwater Regulations, and can secure necessary permits.

- What types of GSI projects would you design? Please describe your approach, how it could maximize GAs from both on-site and right-of-way impervious areas, and whether it would require changes to PWD's existing standards or processes.
- If applicable, provide examples of your direct experience or experience managing subcontractors in designing GSI systems. Please be clear about your role, as well as whether example projects are completed or in progress.

D. Construction

PWD will inspect all construction work, including E&S controls, GSI installations, and connections to PWD-owned infrastructure. PWD expects that as-built plans will be required prior to acceptance of any GAs.

- What is your proposed approach to construct GSI projects on privately-owned land?
- How should constructed GAs be approved and accepted by PWD?
- If applicable, provide examples of your direct experience or experience managing subcontractors in constructing GSI systems. Please be clear about your role, as well as whether example projects are completed or in progress.

E. Maintenance

As mentioned previously, PWD only receives GA credit towards *Green City, Clean Waters* if the property owner has signed and recorded an O&M Agreement with the City. Currently, SMIP and GARP grant funds do not cover expenses related to maintenance. Property owners sign 45-year O&M Agreements, which place

responsibility for maintenance on the owner. Property owners, at their own discretion, may elect to contract with a third-party to operate, maintain and/or inspect their GSI.

For an alternative GA delivery program, PWD may consider replicating the current SMIP and GARP approach, or including maintenance in the vendor(s)' scope of work.

- Should PWD's incentives programs be modified to include establishment or long-term maintenance of GSI projects? Why or why not?
- For an alternative GA delivery program, should establishment or long-term maintenance of GSI projects be included? Why or why not?
- If applicable to your approach, please describe your proposed maintenance responsibilities and how you would provide this service.
- How should maintenance services be inspected or approved by PWD?
- If applicable, provide examples of your direct experience or experience managing subcontractors in maintaining GSI systems.

2. Business Plan

Listed below are questions about the conditions required for your implementation approach to be viable. Although cost proposals are not being requested, PWD encourages Respondents to describe as specifically as possible the conditions and constraints that would impact their ability to delivery GAs on privately-owned land.

A. Scale of Program

- What is the minimum and/or maximum amount of GAs that would attract your firm or organization to participate in a modified version of PWD's incentives programs or an alternative GA delivery program?
- What assurances could you provide to PWD that an agreed upon amount of GAs could be delivered by an agreed upon deadline, considering the potential for unforeseen circumstances to arise?
- Would you be willing to scale-up over time, starting from a demonstration scale? Why or why not?
- Does your business plan anticipate that you be the sole participant or one of many participants in a modified or new GA delivery program?

B. Contracts

- What organizational structure would you create in order to implement your proposed GA delivery approach? Please provide an organizational diagram.
- What types of contracts or agreements would your proposal entail between your firm/organization, the City, property owners, subcontractors, and any other entities. Please describe the general **types of contracts** (leases, loans, grant agreements, project assembly agreements, O&M agreements, easements or deed restrictions, etc.) and the **anticipated term** of each.
- What modifications (if any) to PWD's current O&M Agreement would you propose in order to attract more owners to participate, while still allowing PWD to maintain adequate legal authority to require the continued proper maintenance of the GSI? Why?

- What types of quality control/quality assurance process or guarantees would you incorporate into these agreements (if any)?
- If applicable, tell us why your proposal is appropriate for Best Value contracting (see Section **VII. Relevant References**).

C. Costs and Payments

Pursuant to the Water and Wastewater System General Bond Ordinance, the City has pledged all Revenues and amounts on deposit in or standing to the credit of the Water and Wastewater Fund. As such, **PWD is not interested in program structures which require revenue sharing**. Furthermore, under the City Charter, the Water Revenue Bureau is directly responsible for the billing, metering and collection of revenues for the Water Fund. As such, **PWD is not interested in program structures that require collection of bills by a third party and/or on-bill financing**.

- If PWD were to further modify its incentive programs, what changes do you recommend to current cost guidelines and/or payment process? Why?
- If PWD were to introduce an alternative GA delivery program, what information would be needed to craft a realistic cost proposal? What would be the basis of your cost proposal (e.g. fixed price per GA, reimbursement of direct and/or indirect project costs, incentive payments for early completion, etc.)?
- Is your business plan contingent on third-party funding or financing?
- What retainage or other guarantees would you suggest to ensure the continued performance and maintenance of GSI projects over time?
- If relevant to your approach, how would you prefer to recoup costs for maintenance (e.g. payments from PWD, property owners, etc.)?
- How dependent is your proposal on property owner(s) eligibility for stormwater billing discounts? PWD is particularly interested in proposals that are not dependent upon billing discounts.

Alternative Proposals: Respondents are encouraged to present any alternative plan or technologies that they anticipate would be better than the one suggested in the body of this RFI.

VI. SUBMISSION REQUIREMENTS

If you are interested in participating in this RFI, please answer the questions listed in previous section. Your response should follow the format provided below. Concise responses are highly encouraged. Your response should be no more than 25 pages (1 inch margins, 12 pt. font).

- 1. Organizational Profile:** Provide a profile of your company/organization's operations, including: contact information, the number of years the company/organization has been in business; number of full-time employees; and brief description of services or products offered. If your response represents collaboration, please describe the type of subcontractors or partners you would work with. Resumes need not be included.

2. **Experience:** Describe your company/organization's relevant experience (and that of partners, when applicable) with GSI site identification, survey/geotechnical testing, and/or design, retrofit/construction, and maintenance of GSI in Philadelphia and/or elsewhere.

Please describe your company/organization's experience with SMIP and/or GARP. If you have not participated in SMIP and/or to-date, please provide information as to why you have elected not to participate.

3. **Response to Questions:** Respond to the questions listed in Section V. **Information Requested**, that are relevant to your approach.
 1. Implementation Approach
 - A. Site Identification
 - B. Site Investigation
 - C. Design and Permitting
 - D. Construction
 - E. Maintenance
 2. Business Plan
 - A. Scale
 - B. Contracts
 - C. Costs and Payments

VII. RELEVANT REFERENCES

Many PWD resources are available for review online.

Standards and resources related to PWD-owned GSI are available at:

- GSI Planning & Design Manual: <http://philadelphiawater.org/gsi/planning-design>
- Water & Sewer Design Manual: <http://www.phillywaterdesign.org/design-manual.html>

Standards and resources related to privately-owned GSI include:

- Stormwater Management Guidance Manual:
<https://www.pwdplanreview.org/manual/introduction>
- Stormwater Retrofit Guidance Manual:
<http://www.phila.gov/water/PDF/SWRetroManual.pdf>
- Stormwater Grants Website:
<http://www.phila.gov/water/wu/stormwater/Pages/Grants.aspx>
- Stormwater Incentives Grant Manual:
<http://www.phila.gov/water/wu/Stormwater%20Grant%20Resources/StormwaterGrantsManual.pdf>
- Stormwater Management Service Charge Credits and Appeals Manual:
<http://www.phila.gov/water/wu/Stormwater%20Grant%20Resources/StormwaterGrantsManual.pdf>
- Stormwater Management Practice Operation and Maintenance Manual:
<http://www.phila.gov/water/PDF/Retrofit-O.M.Manual.pdf>
- Sample Perpetual O&M Agreement:
https://www.pwdplanreview.org/upload/pdf/SAMPLE_OM_Project_20160902.pdf

Additional resources:

- Consent Order and Agreement between PaDEP and PWD:
http://phillywatersheds.org/doc/LTCP_COA_2011_Complete.pdf
- NRDC/SBN Report on Spurring Entrepreneurship and Innovation in Stormwater Markets: <https://www.nrdc.org/resources/spurring-entrepreneurship-and-innovation-stormwater-markets>
- PWD Plan Review Resources: <https://www.pwdplanreview.org/development-resources/additional-resources>
- PWD Stormwater Regulations, available at:
<http://www.phila.gov/water/PDF/PWDregCH6.pdf>
- Regulations Governing the Purchase of Goods and Non-professional Services Other Than by Awarding of Contracts to the Lowest Responsible Bidder (Best Value):
<http://regulations.phila-records.com/pdfs/Procurement%20Department%20Regs.7-26-17a.pdf>

VIII. USE OF RESPONSES

The Responses submitted by Respondents to this RFI may be used by PWD in the process of preparing a contract opportunity. A contract opportunity may be proposed if PWD determines that it would help to meet the goals for GA delivery on privately-owned land. A Response to this RFI is not a requirement to submit a proposal for the contract opportunity.

IX. HOW TO SUBMIT

Applicants must submit their responses electronically as a single document to:

Avery Livengood
Philadelphia Water Department
avery.livengood@phila.gov

Kristen Snuck
Philadelphia Water Department
kristen.snuck@phila.gov

Responses are due by 5:00 pm, Philadelphia, PA local time on February 9, 2018.

X. CONFIDENTIALITY AND PUBLIC DISCLOSURE

Respondents shall treat all information obtained from the City which is not generally available to the public as confidential and/or proprietary to the City. Respondents shall exercise all reasonable precautions to prevent any information derived from such sources from being disclosed to any other person. No other party, including any Respondent, is intended to be granted any rights hereunder. Respondents agree to indemnify and hold harmless the City, 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 any Respondent or any person acquiring such information, directly or indirectly, from any Respondent.

XI. RIGHTS AND OPTIONS RESERVED

In addition to the rights reserved elsewhere in this RFI, the City reserves and may, in its sole discretion, exercise any or more of the following rights and options with respect to this RFI if the City determines that doing so is in the best interest of the City:

1. to decline to consider any response to this RFI (“Response”); to cancel the RFI at any time; to elect to proceed or not to proceed with discussions or presentations regarding its subject matter with any Applicant and with firms that do not respond to the RFI; or it reissue the RFI or to issue a new RFI (with the same, similar or different terms);
2. to waive, for any Response, any defect, deficiency or failure to comply with the RFI if, in the City’s sole judgment, such defect is not material to the Response;
3. to extend the Submission Date/Time and/or to supplement, amend, substitute or otherwise modify the RFI at any time prior to the Submission Date/Time, by posting notice thereof on the City web page(s) where the RFI is posted;
4. to require, permit or reject amendments (including, without limitation, submitting information omitted), modifications, clarifying information, and/or corrections to Responses by some or all Respondents at any time before or after the Submission Date/Time;
5. to require, request or permit, in discussion with any Respondent, any information relating to the subject matter of this RFI that the City deems appropriate, whether or not it was described in the Response or this RFI;
6. at any time determined by the City, to discontinue discussions with any Respondent or all Respondents regarding the subject matter of this RFI, and/or initiate discussions with any other Respondent or with vendors that did not respond to the RFI;
7. to do any of the foregoing without notice to Respondents or others, except such notice as the City, in its sole discretion, may elect to post on the City web page(s) where this RFI is posted.

This RFI and the process described are proprietary to the City and are for exclusive benefit of the City. Upon submission, Responses to this RFI shall become the property of the City, which shall have unrestricted use thereof. The City will not accept any information considered as confidential or proprietary information. Responses may be subject to public disclosure under the Pennsylvania Right-to-Know Law.

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