Request for Proposals
Community Engagement, Design, Construction Documents and Administrative Services for The Mall Park Woonerf and Trail Connection Improvements

Issued by the Minneapolis Park and Recreation Board

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RFP Release date: August 15, 2023
Proposals due: August 25, 2023, 3:00 pm Central Time
Interview dates: August 30-31, 2023
Selection notification date: September 5, 2023

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PART 1 GENERAL INFORMATION

1.1 REQUEST FOR PROPOSALS
This Request for Proposals is intended to solicit responses from qualified consultants or consultant teams for:

- Effectively supporting an MPRB staff-led community engagement process to refine a scope of work for roadway woonerf and trail connectivity improvements based on the current MPRB Board adopted plan for The Mall Park contained within the Southwest Service Area Master Plan. The project proposes to implement items from the current plan for The Mall Park, therefore the level of engagement for this project will be “Consult” and does not require a Community Advisory Committee.
- Preparing concept and schematic designs, public polls, graphic visuals and renderings, and other necessary materials during community engagement phase.
- Attending a minimum of 2 MPRB Board meetings (Planning Committee and Full Board) to present preferred concept plan.
- Collaborating with MPRB staff during community engagement process to understand park operational and maintenance procedures.
- Effectively evaluating and analyzing proposed roadway and trail connectivity improvements to identify which improvements should be implemented to what degree, which necessitates detailed cost estimating.
- Possessing the ability to develop project designs which are not only safe but meet required intent, based on all regulatory agency standards.
- Preparing construction plans and technical specifications for woonerf and trail construction. All division 0 and 1 sections will be prepared by the Metropolitan Council Environmental Services division (MCES)
- Assisting MPRB staff in discussions and design reviews with any partnering or regulatory agencies related to design and permitting.
- Performing construction administration services throughout duration of the project to ensure compliance with contract documents, schedule and ensuring complete project closeout. This will include reviewing contractor submittals and responding to RFI’s and change orders.

This Request for Proposals is offered through the Minneapolis Park and Recreation Board (MPRB), which will act as the contracting authority for work resulting from this request.

MPRB is partnering with MCES to deliver this woonerf and trail as part of a larger MCES sewer forcemain capital project. MPRB and consultant will lead the Design Phase with approvals by MCES, delivering a design manual without division 0 or 1 specifications. During Construction Phase, MCES will lead public bidding, contracting, and construction with oversight and approvals by MPRB. MCES will simultaneously be completing forcemain work adjacent to this area. MPRB and consultant will coordinate with MCES such that aesthetics and construction timelines of the two separate projects are complimentary.
All information related to this Request for Proposals shall be obtained as described in Section 1.2. The Minneapolis Park and Recreation Board is the sole authority to speak to issues related to this Request for Proposals.

This Request for Proposals is open to any qualified parties.

The Scope of Work and total budgeted amount available are listed below. Successful candidates will submit a detailed fee proposal.

1.2 CONTACT INFORMATION
The MPRB has assigned staff to manage the Request for Proposals process, including any clarifications or questions regarding the RFQ. Any communications related to this request shall be directed VIA EMAIL ONLY to:

Colleen O’Dell, Senior Planner & Landscape Architect
codell@minneapolisparks.org

No other staff is authorized to respond to questions or requests for clarification of this Request for Proposals. Failure to follow this instruction may be cause for disqualification.

Questions or requests for clarification must be received by the date indicated in Section 1.3 and responses will be provided to all known proposers via email or uploaded to the MPRB’s website under MPRB Business Opportunities, by the date indicated in Section 1.3.

1.3 REQUEST FOR PROPOSALS SCHEDULE
The Minneapolis Park and Recreation Board will pursue the following schedule related to this Request for Proposals and the engagement of a consultant or consultant team:
- Release of Request for Proposals August 15, 2023
- Questions or requests for clarifications due August 18, 2023
- Proposals due 3:00 pm August 25, 2023
- Interviews, if required August 30-31, 2023
- Anticipated firm selection date September 5, 2023
- Estimated Professional Services Agreement (PSA) execution April, 2024
- Project kick-off May, 2024

MPRB staff, consultant, and Metropolitan Council staff will work in close collaboration to accomplish the stated goals of the project.

Updates to the schedule and answers to submitted questions will occur only via an addendum to this Request for Proposals. All addenda will be posted on the MPRB Business Opportunities site.

PART 2 PROJECT INFORMATION

2.1 MPRB BACKGROUND
The Minneapolis Park and Recreation Board (“MRPB”) is an independent, semi-autonomous body responsible for maintaining and developing the Minneapolis Park system to meet the needs of residents of Minneapolis. This unique structure allows independent decision-making so the MPRB can efficiently oversee a diverse system of land and water. Nine Park Board Commissioners are elected every four years: one from each of the six park districts within the city and three that serve at-large. The Board of Commissioners appoints the Superintendent to provide high-level oversight and leadership to the nationally renowned park system. Three Assistant Superintendents, all appointed by the Superintendent, oversee operations, planning, and recreation with a staff of 400 + full-time and 1200 part-time employees and an annual operating budget of $54 million.

The Minneapolis Park System is, in essence, two systems in one. The regional parks, which include such well known sites as the Chain of Lakes and Theodore Wirth Park, are funded in part by the state and the Metropolitan Council. They are designed to serve both local residents and visitors from outside the city limits. The neighborhood parks are typically smaller and are scattered throughout the city. Together, the regional and neighborhood systems total more than 6,700 acres of land and water.

**MPRB Mission**
The Minneapolis Park and Recreation Board permanently preserves, protects, maintains, improves, and enhances its natural resources, parkland, and recreational opportunities for current and future generations of our region including people, plants, and wildlife.

The Minneapolis Park and Recreation Board dismantles historic inequities in the provision of park and recreation opportunities for all people to gather, celebrate, contemplate, and engage in activities that promote health, wellbeing, community, and the environment.

### 2.2 PROJECT BACKGROUND
MCES has partially completed construction of sewer forcemain improvements underneath The Mall Park. They will complete a second phase of the forcemain project at the same time as MPRB’s woonerf and trail connection project. Once completed, the two separate but complimentary and adjacent projects should appear contiguous to park users. To facilitate this, MPRB and MCES have entered into a cooperative construction agreement partially funded by construction-in-lieu of easement fees. MPRB will bid and lead the woonerf and trail design, MCES will bid and lead the construction along with construction of their sewer improvements.

The Minneapolis Park and Recreation Board (MPRB) adopted The Mall Park Plan within the Southwest Service Area Master Plan in 2020, providing a long-term vision for improvements to park facilities, recreation, landscape, and trails. The process for developing the Master Plan was guided by extensive public engagement and community stakeholder input.

The Mall Park Plan within the Southwest Service Area Master Plan can be found on the Minneapolis Park and Recreation Board’s website ([www.minneapolisparks.org](http://www.minneapolisparks.org)), under Park
Care & Improvements > Park Projects > Master Plans > Southwest > Chapter 4: Park Plans > Neighborhood Park Plans M-Q.

Project funding is available starting in 2023 for advancing roadway woonerf and trail connectivity improvements. This project will seek to implement as much of the proposed roadway woonerf and trail connectivity improvements as possible based on budget along with input from the neighborhood and other stakeholders. Refer to pages 198-206 of The Mall Park Plan document for a list and aerial map of recommended improvements.

Project improvements for consideration are:
- Conversion of existing roadway between Humboldt and Hennepin Avenues South to a shared use woonerf/flexible market street with stormwater management, and surmountable curbs, with vehicles and parking accommodated but guided by urban design features focused on pedestrians as outlined in the adopted Master Plan.
- Circulation: new bike and reconfigured pedestrian multi-use connection from Hennepin Avenue South to Midtown Greenway entrance at Humboldt Avenue South.
- Trailside amenities: new bike and pedestrian rest station with seating, information kiosk, and drinking fountain.
- The Mall roadway crossings: enhanced bike and pedestrian crossings at the easternmost end of The Mall roadway and at Humboldt Avenue South.

The MPRB follows a policy that requires engagement of interested parties and the community for every project. MPRB staff will coordinate the engagement process and facilitate required community engagement meetings with support of the consultant and/or consultant team. The consultant(s) are expected to support MPRB staff with community engagement by attending meetings, preparing documents (drawings, illustrations, and other graphics), assisting with surveys, and analyzing results of engagement to refine the scope of work for improvements.

2.3 GENERAL SCOPE OF WORK
The MPRB is soliciting Proposals with the intention of entering into a contract for services to include community engagement, schematic design, design development, construction documents, and construction administration for advancement of The Mall Park Roadway Woonerf and Trail Connectivity Improvements.

The scope of work for woonerf and trail improvements has been identified in the Park Plan and outlined in section 2.2. It will be further refined through engagement with MPRB staff and the community, based on the available project budget. It is not anticipated that the consultant team would be required to prepare documents beyond those necessary to directly prepare and advance these improvements. The Consultant team will be responsible to assist in securing approvals and permits that may be required to advance this project.

The MPRB requires the services of a consultant team qualified to design a buildable project which aligns with the estimated project budget, providing detailed construction estimates along the way during various phases of design. It will be important that the development of
a design of roadway woonerf and trail connectivity improvements be achieved within the project budget.

The Consultant Team, at a minimum, is expected to:

- Provide licensed professionals in the State of Minnesota for all required design disciplines.
- Use park and master plan items, community input, and MPRB staff input to develop conceptual designs.
- Have solid experience with community engagement, being able to support MPRB lead staff and help in the facilitation of the public and project stakeholders in conformance with the MPRB’s Community Engagement Policy.
- Have extensive experience in the development of roadway woonerf and trail connectivity design projects as well as a firm understanding of stormwater infrastructure design, and regulatory roadway and trail design standards and code requirements.
- Identify and provide supporting materials for any municipal permits and approvals.
- Develop a project timetable associated with typical project stages, phasing, and sequencing, and noting expected deliverables within each project stage; updating the timetable as necessary.
- Coordinate woonerf & trail project implementation with MCES’es sewer project construction and restoration sequencing.
- Provide incremental estimates of construction costs and prepare recommendations for aligning estimated costs and community input with project budget. Identify additional master plan recommended improvements that might be possible add-ons to the project if budget allows.
- Effectively develop construction plans and specifications.
- Perform services necessary or intended to deliver a superior design and compelling project.

2.4 EQUITY LENS

As mandated by the MPRB Ordinance 2016-233, “Criteria Based System for Capital and Rehabilitation Neighborhood Park Project Scheduling”, this project will integrate a lens of equity throughout the community engagement and design process. As outlined in the ordinance, “the City of Minneapolis and the Park and Recreation Board jointly enacted concurrent 20 Year Neighborhood Park Plan ordinances to achieve a shared goal of closing a neighborhood parks funding gap. An important element of the joint 20 Year Neighborhood Park Plan ordinances was a commitment to ensure that racial and economic equity criteria were utilized in determining the distribution of funds to neighborhood parks during the period of the Plan.” At each stage of the process, the staff and consultant will prioritize equitable policies and decisions that benefit traditionally underrepresented communities across race, geography, and income.

MPRB notes the following ordinances supporting the services noted in this RFP.

Community Engagement Ordinance
20-year Neighborhood Park Plan Ordinance
2.5 PROJECT DEVELOPMENT STAGES

In order to guide the work, the MPRB anticipates deliverables according to logical stages of design and plan development. The frequency and timing for engagement sessions, project reviews, and permitting will be determined by appropriate project milestones, in concert with the selected consultant or consultant team. To align the work with typical project deliverables, the following general thresholds shall be considered by the consultant as part of a Professional Services Agreement:

**Preliminary Design/Schematic Design**
- The project basis (need, scope, and intent) has been articulated by MPRB.
- Investigations informing project directions and feasibility have been completed or scheduled in concert with other project activities and tasks.
- Key project criteria are defined and documented.
- Major project elements and systems have been defined according to criteria established by the MPRB and the consultant.
- Major project decisions have been made and are demonstrated in initial design drawings at accurate scale.
- Initial estimates of probable cost align with the budget.
- Regulatory compliance has been reviewed such that the project can be reasonably achieved.
- Engagement of the public has occurred such that knowledge of the project, its scope, and impacts on the park and neighborhood are understood by members of the public who have chosen to participate in meetings.
- The project has received “concept” approval from the Board of Commissioners, establishing the Concept Design as the proper path to implement.
- A robust project design review has been completed with a log of issues and comments recorded.

**Design Development**
- Design of major project elements and systems have been completed and the type, size and location of those elements and systems are fixed.
- The relationship of elements and systems of the project can be fully assessed for agreement or conflict.
- Decisions on materials and construction detailing has been established.
- The project’s conformance with standards, regulations, and best practices can be determined.
- Updates to project costs can be reasonably determined.
- Methods of perpetuating the completed project can be reasonably assessed relative to cost, operational parameters, constructability, and other factors determined through the design process.
- Changes to the Concept Design in terms of scope, magnitude, cost, and program impacts have been communicated to MPRB and MCES staff and, if necessary, to the public and the Board of Commissioners.
- A project development review commensurate with this stage of design has been completed with a log of issues and comments recorded.
Construction Documents
- Plans and specifications necessary to bid and construct the proposed improvements have been developed.
- Details associated with the construction of elements and systems of the project have been fully developed for compliance with standards, regulations, and best practices.
- Permits have been obtained or all documentation necessary to obtain permits is in place.
- Issues and comments identified during design development review are resolved.
- A final estimate of project construction costs can be reasonably delivered and successfully establishes a project within budget.
- Reviews by MPRB staff have been accomplished with written comments provided to the Consultant.
- The application of signatures or stamps of responsible professionals can be reasonably assumed to be occurring shortly following MPRB staff review.

Construction
- MPRB leads initial design project on woonerf and trail connections with consultant.
- MCES bids and leads subsequent construction of design project in coordination with their sewer force main work at the west end of The Mall.
- Consultant will provide construction services: review contractor submittals and respond to RFIs and change orders if/when they come up.

2.6 PROJECT OUTCOMES
The MPRB has defined the following as necessary outcomes of the design process:

Design-related outcomes
- A design addressing needs and opportunities related to the Park Plan implementation priorities, community, and staff input.
- A design aligning with the funding available for the work and that demonstrates a path to implementation aligned with available funding.
- A design that can be implemented incrementally, if necessary, with respect for future needs and opportunities.
- A design that can be perpetuated with the latest and evolving technologies.
- Reliable opinions of probable cost, established in year-of-implementation dollars.
- A design that is efficient and demonstrates ease of operations.
- A design that is compelling for the setting and complements the intrinsic character of the park, particularly the scale of the amenities to the size of the park and relationship to the neighborhood.

Process-related outcomes
- An inclusive process that respects the MPRB’s Community Engagement Policy.
- A process that encourages innovation and invention, particularly relative to sustainability and function.
• Documents and graphics supporting a rich understanding of the design by staff and a community that may not be familiar with design processes.
• A vision for the project that reflects input from the public and especially where that input can be elevated to new degrees of potential for the project.
• A design that can be approved by the MPRB and any jurisdictions with authority over the project.
• A process that keeps MPRB staff assigned to this project at the forefront of interactions with the community.

Community-related outcomes
• A design capable of serving the community well into the future.
• A design that is distinct, thoughtful, and delightful to the community.
• An inclusive process where the public feels their voices were heard.

2.7 CONTRACTED SERVICES

While the MPRB assumes the above listed tasks as core to the delivery of the project, it also believes that through this solicitation fully qualified design experts will be engaged. As a scope of services will be negotiated between the MPRB and the responder determined as most qualified through this solicitation process, it will rely significantly on the qualified expert to deliver a successful project. In that process, outcomes as indicated in Section 2.4 will need to be fully considered by the selected consultant.

2.8 PRELIMINARY PROJECT SCHEDULE

The MPRB anticipates a process related to the preparation of design and construction documents allowing for construction in 2024. The following generalized schedule is provided as a guide for anticipated work and deliverables:

<table>
<thead>
<tr>
<th>Project Stage</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultant Selection</td>
<td>September, 2023</td>
</tr>
<tr>
<td>Project Kick-off</td>
<td>September, 2023</td>
</tr>
<tr>
<td>Community Engagement</td>
<td>October – December 2023</td>
</tr>
<tr>
<td>Preliminary / Schematic Design</td>
<td>October – December 2023</td>
</tr>
<tr>
<td>Design Development</td>
<td>January – February 2024</td>
</tr>
<tr>
<td>Construction Documents</td>
<td>February – March 2024</td>
</tr>
<tr>
<td>Bidding</td>
<td>March 2024</td>
</tr>
<tr>
<td>Construction Begins</td>
<td>May – June 2024</td>
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</tbody>
</table>

2.9 PROJECT BUDGET

The MPRB has established a project budget (inclusive of all project costs) at $688,000. It may be possible that additional project funding to further construction efforts could be added at a later date but should not be anticipated.
PART 3  REQUEST FOR PROPOSALS

3.1  RESPONSES, IN GENERAL
A response to this Request for Proposals shall contain information in the order indicated in Section 3.2. Where responses to questions are required, the responder shall prepare a narrative response that may include graphic information, diagrams, or other means of communicating key messages. The MPRB anticipates a creative and unique response such that all aspects demonstrate a clear relationship towards the effort of designing the roadway woonerf and trail connectivity improvements.

Failure to follow the requirements for content and format may result in disqualification of the response.

3.2  FORMAT AND CONTENT OF RESPONSES
A response to this request shall be provided in PDF (portable data file) format, delivered digitally as noted in Section 3.6. Responders shall direct particular attention to the order and requirements of information to be included in a response as indicated in the following chart. Each Section listed in the chart below shall be properly identified on the applicable proposal pages.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Requirements</th>
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<tbody>
<tr>
<td>1</td>
<td>Cover letter</td>
<td>• There is no limitation on the content presented as part of this section.</td>
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<tr>
<td></td>
<td></td>
<td>• Shall be limited to one page.</td>
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<tr>
<td>2</td>
<td>Firm experience</td>
<td>• The respondent shall provide the following information:</td>
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<tr>
<td></td>
<td></td>
<td>1) <strong>Description of your team’s prior experience and qualifications associated with roadway woonerf, trail connectivity, and multi-modal design, engineering, and construction administration. Provide at least 2 project examples similar in character.</strong></td>
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<td></td>
<td></td>
<td>2) <strong>Describe your experience with community engagement, highlighting any methods you have used to achieve a successful process.</strong></td>
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<td></td>
<td></td>
<td>• This section shall not contain descriptive information about the consultant or consultant team other than the information requested.</td>
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<td></td>
<td></td>
<td>• This section shall be limited to three pages.</td>
</tr>
<tr>
<td>3</td>
<td>Project understanding</td>
<td>• The respondent shall respond to the following:</td>
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<tr>
<td></td>
<td></td>
<td>3) <strong>Beyond information contained in this Request for Proposals, describe your understanding of The Mall Park Plan (part of the Southwest Service Area Master Plan)</strong></td>
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</tbody>
</table>
4) **How have you successfully handled similar projects?**

- No other information shall be included in this section.
- This section shall be limited to two pages.

<table>
<thead>
<tr>
<th>4</th>
<th>Key Personnel Experience</th>
<th>• The respondent shall respond to the following:</th>
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<tbody>
<tr>
<td>5</td>
<td>Identify key personnel and their qualifications to perform the work. Include for all personnel their credentials and related certifications to support the qualifications of the firm.</td>
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<tr>
<td>6</td>
<td>Are there any roles necessary to perform this work the consultant or consultant team did not include?</td>
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- No other information shall be included in this section.
- This section shall be limited to three pages.

<table>
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<tr>
<th>5</th>
<th>Approach</th>
<th>• The respondent shall respond to the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Describe the approach that will be pursued in the consultant’s or team’s design process to guide this project. Outline any project deliverables that will be important at various stages of the project.</td>
<td></td>
</tr>
</tbody>
</table>

- No other information shall be included in this section.
- This section shall be limited to two pages.

<table>
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<tr>
<th>6</th>
<th>Schedule</th>
<th>• The respondent shall respond to the following:</th>
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<tbody>
<tr>
<td>8</td>
<td>How best do you feel you can deliver a project on schedule?</td>
<td></td>
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<tr>
<td>9</td>
<td>Do you have any concerns with the project schedule that has been provided? If so, describe those concerns and what you believe should be done differently and what that might look like.</td>
<td></td>
</tr>
</tbody>
</table>

- No other information shall be included in this section.
- This section shall be limited to two pages.

<table>
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<tr>
<th>7</th>
<th>Budget</th>
<th>• The respondent shall respond to the following:</th>
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<tr>
<td>10</td>
<td>Provide a detailed budget that outlines the areas of your anticipated expenditure of project funding and total fee proposal.</td>
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</tbody>
</table>

- No other information shall be included in this section.
- This section shall be limited to two pages.

<table>
<thead>
<tr>
<th>8</th>
<th>Review of standard agreement for professional services</th>
<th>• The respondent shall respond to the following:</th>
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<tbody>
<tr>
<td>11</td>
<td>Are there components of the MPRB’s standard agreement for professional services that are not acceptable to the consultant or consultant team (AIA B101 Attached), and what changes does the respondent suggest?</td>
<td></td>
</tr>
</tbody>
</table>
In addition to the requirements indicated in the chart above, responders shall note the following:

- In the requirements outlined above, the term “page” shall refer to the face of each page, such that one page is equal to one face (side) of a sheet of paper.
- No page shall be larger than 8-1/2 inches by 11 inches except the consultant-developed project schedule which may be 11 inches by 17 inches.
- No text size shall be smaller than 11-point for any portion of the primary narrative or smaller than 9-point for any other text; and
- No other material or information shall be appended to a response.
- Proposals will not be returned and will become public data upon selection.

### 3.3 CRITERIA FOR REVIEW OF PROPOSALS

1. **Qualifications of the Firm (30%)**
   
   Firms who have planning, design, and engineering experience associated with roadway woonerf and trail connectivity improvements, planning, and engineering similar in context to the MPRB parks and properties.

2. **Qualifications of the Project Team (Key Personnel) (30%)**
   
   Review will be based on those key personnel experienced, licensed, and qualified for trail and connectivity improvements, planning, design and engineering and familiar with
3. Experience and knowledge about requirements, standards, and guidelines associated with roadway woonerf and trail connectivity improvements, planning, engineering, context, and completing projects for government agencies. (20%)

Review of the Proposals will be evaluated based on the firm’s demonstrated knowledge of the project understanding, project requirements, practices and standards associated with roadway woonerf and trail connectivity within park properties and/or recreational, open spaces that are open to the public.

4. MPRB or similar contexts / clients --- Project Understanding (20%)

Review of the Proposals will be evaluated based on the approach and process the firm has used to engage and reach consensus on design and engineering. Review will also include review of the firm’s project experience with adapting a project to context, political, social, and economic factors.

3.4 EVALUATION OF RESPONSES

Responses to this Request for Proposals will be reviewed by, at a minimum, the following representatives of the MPRB:

- Colleen O’Dell  
  Senior Planner, MPRB
- Cliff Swenson  
  Director, Design and Project Management, MPRB
- Chad Davidson  
  Principal Engineer, Environmental Services, Metropolitan Council
- Eric Mitchell  
  Southwest Area Operations Manager, MPRB

3.5 QUESTIONS AND CLARIFICATIONS

Questions regarding this Request for Proposals shall be directed VIA EMAIL ONLY to:

Colleen O’Dell, codell@minneapolisparks.org

Questions or requests for clarification must be received by the date indicated in Section 1.3. Responses will be provided to all known proposers via email by the date indicated in Section 1.3.

3.6 SUBMITTAL OF RESPONSES

Responses will be accepted only up to the time indicated in this Request for Proposals. Responses shall be submitted in portable data file (PDF) format. Proposals shall be submitted VIA EMAIL ONLY to:

Colleen O’Dell, codell@minneapolisparks.org

It will be the responsibility of the consultant to confirm their proposal was received on time. The email subject shall contain THE MALL PARK ROADWAY WOONERF AND TRAIL CONNECTIVITY IMPROVEMENTS.
PART 4  ADDITIONAL INFORMATION

4.1  RESTRICTED DISCUSSIONS/SUBMISSIONS

From the date of issuance of the RFP until the Project Manager takes final action, the Proposer must not discuss the proposal or any part thereof with any employee, agent, or representative of the MPRB Board except as expressly requested by the Project Manager in writing and as stipulated in this RFP. Violation of this restriction will result in REJECTION of the Proposer’s proposal.

4.2  PERFORMANCE INVESTIGATIONS

As part of its evaluation process, the Board may make investigations to determine the ability of the Proposer to perform under this RFP. The Board reserves the right to REJECT any proposal if the Proposer fails to satisfy the Board that it is properly qualified to carry out the obligations under this RFP.

4.3  SEVERABILITY

If any provision of the contract resulting from this RFP, if any, is contrary to, prohibited by, or deemed invalid by applicable laws or regulations of any jurisdiction in which it is sought to be enforced, then said provision shall be deemed inapplicable and omitted and shall not invalidate the remaining provisions of such contract.

4.4  EMPLOYEE INVOLVEMENT/ COVENANT AGAINST CONTINGENT FEES

Employee Involvement: Proposer hereby certifies that, to the best of its knowledge and belief, no individual employed by the Proposer or subcontracted by the Proposer has an immediate relationship to any employee of the Board who was directly or indirectly involved in any way in the procurement of the contract, if any, resulting from this RFP or goods or services thereunder. For purposes of this provision, immediate relationship means: a current spouse, a person who currently has any interest including but limited to an equity interest in the Proposer’s business, and a person who is currently a party to a contract materially related to the work outlined in the RFP, or has any interest including but limited to an equity interest in an entity who is currently a party to a contract with the Proposer materially related to the work outlined in the RFP. Contractual party interest, as outlined above, does not include an agreement with a former owner and/or employee of the Proposer that is incident to the completed buyout of ownership interest and/or the final separation of employment with Proposer.

Covenant Against Contingency Fees: The Proposer also warrants that no person or selling agency has been employed, engaged or retained to solicit or secure any contract resulting from this RFP or any advantage hereunder upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, or in exchange for any substantial consideration bargained for, excepting that which is provided to the Proposer’s bona fide employees or to bona fide professional commercial or selling agencies or in the exercise of reasonable diligence should have been known by the Board to be maintained by the Proposer for the purpose of securing business for Proposer. In the event of the Proposer’s breach or violation of this warranty, the Board shall, subject to Proposer’s rights, have the right, at its option, to annul any contract resulting from this RFP without liability, to deduct from the charges otherwise payable by the Board under such contract the full amount of
such commission, percentage, brokerage, or contingent fee, and to pursue any other remedy available to the Board under such contract, at law or in equity.

Violation of either of the above sections by Proposer shall be grounds for cancellation of the contract. Such cancellation shall not limit other contractual remedies against the Proposer provided in the contract, or in law, or in equity.

4.5 HOLD HARMLESS
The Proposer agrees to defend, indemnify and hold harmless the Board, its officers and employees, from any liabilities, claims, damages, costs, judgments, and expenses, including attorney’s fees, resulting directly or indirectly from an act of omission of the Proposer, its employees, agents or employees of subcontractors, in the performance of this contract or by reason of the failure of the Proposer to fully perform, in any respect, all of its obligations under this contract.

The Board agrees to defend and hold harmless insofar as the law allows the Proposer, its officers and employees, from any liabilities, claims, damages, costs, judgments, and expenses, including attorney’s fees, resulting directly or indirectly from an act or omission of the Board or its employees in the performance under this contract or by reason of the failure of the Board to fully perform its obligations under this contract.

4.6 DATA PRACTICES
The Proposer agrees to comply with the Minnesota Government Data Practices Act and all other applicable state and federal laws relating to data privacy or confidentiality. The Proposer shall immediately report to the contract monitor any requests from third parties for information relating to this agreement. The Board agrees to promptly respond to inquiries from the Proposer concerning data requests. The Proposer agrees to hold the Board, its officers, department heads and employees harmless from any claims resulting from the Proposer’s unlawful disclosure or use of data protected under state and federal laws.

4.7 DRAWING, DOCUMENT AND SPECIFICATION REQUIREMENTS
- Electronic drawing standard documents, front end specifications, AIA documents and templates shall be obtained from the Minneapolis Park and Recreation Board FTP site. Contact Tom Johnson for password and login information: tjohnson@minneapolisparks.org.
- Compatibility with AutoCAD 2014.
- AutoCAD site drawing files must be projected using the Hennepin County coordinate system.
- Effective April 28, 2017, all .pdf and Word documents posted electronically for public review must comply with ADA digital standards, WCAG 2.0 requirements and Federal Guidelines. Any submitted.pdf that is not ADA compliant will be rejected and revised at the consultant’s expense.
PART 5 SUPPORTING INFORMATION

5.1 Attachment A - Draft Community Engagement Plan and Assessment
5.2 Attachment B - The Mall Park/Southwest Service Area Master Plan project area
5.3 Attachment C - Contract Requirements – MPRB Standard Professional Service Agreement (PSA)

Attachments are listed as separate PDFs from the RFP on the MPRB Business Opportunities page.