

# Office of the Controller

Fayette County, Pennsylvania

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Controller



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June 16, 2017

## A D V E R T I S E M E N T

Sealed proposals will be received in the Fayette County Office of the Controller, Fayette County Courthouse, Pennsylvania, until 3:00 p.m. Thursday July 13, 2017, for firms wishing to submit proposals for a one-time contract to perform certain professional (consulting) service for the county and develop a master Site Development Plan for Jacob's Creek Park and a Trial Feasibility Study for an onsite Trail and a Trail connecting the Coal and Coke Trail to Jacobs Creek Park.

Plans and specifications for RFP 17-02 may be obtained by contacting the Fayette County web site at [www.co.fayette.pa.us](http://www.co.fayette.pa.us) by contacting Chief Clerk Amy Revak at 724-430-1200, x 213 or via e-mail at [arevak@fayettepa.org](mailto:arevak@fayettepa.org).

All proposals submitted to this advertisement must be sealed with clear tape and clearly marked on the outside of the envelope RFP 17-02.

Submit one (1) original and five (5) copies to the Office of the County Controller, Courthouse, 61 East Main Street, Uniontown Pennsylvania, 15401.

If additional information on the project is needed, contact Sue Martin, Project Coordinator, Office of Planning, Zoning and Community Development, at 724-430-1210, or by e-mail at [smartin@fayettepa.org](mailto:smartin@fayettepa.org)

The Fayette County Commissioners reserve the right to reject any or all proposals or parts thereof.

Scott Abraham  
Fayette County Controller

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**Bullskin Township, Fayette County**

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NOTE: The term "proposer" or "firm" in this RFP means the person or firm making a proposal based on the RFP.

### SECTION 1. BACKGROUND

This project is partially funded by a grant from the Community Conservation Partnership Program administered by the Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation (Bureau). The Bureau has certain requirements and standards that must be met by the **Fayette County** and its contracted consultant. This Request for Proposals (RFP) has been prepared to meet these requirements and standards. The Bureau will monitor the project. Certain documents and drafts of documents will be subject to review and approval by the Bureau.

DCNR's grant agreement number is **\_BRC-Tag-22-63**

### SECTION 2. GENERAL TERMS

- **Fayette County** reserves the right to reject any or all proposals and to select the proposal that it determines to be in the best interest of the **Fayette County**.
- The contract is subject to the approval of **Fayette County Commissioners** and is effective only upon their approval.
- Proposers are bound by the deadline and location requirements for submittals in response to this RFP as stated above.

- Proposals will remain effective for **Fayette County** review and approval for 60 days from the deadline for submitting proposals.
- If only one proposal is received by the **Fayette County**, it may negotiate with the proposer or seek additional proposals on an informal or formal basis during the 60-day period that proposals are effective.
- The proposer is encouraged to add to, modify or clarify any scope of work items it deems appropriate to develop a high quality plan at the lowest possible cost. All changes should be listed and explained. However, the scope of work proposed must accomplish the goals and work stated below.

### SECTION 3. SCOPE OF WORK

**The Scope of Work is the preparation of a Master Site Development Plan and the Feasibility Study of an onsite trail and a connecting Trail from the Coal and Coke Trail in Westmoreland County.**

**(SOW begins on next page.)**

# MASTER SITE DEVELOPMENT PLAN (MSDP) and TRAIL STUDY

## SCOPE OF WORK (SOW)

**INSTRUCTIONS:** The following work elements and work tasks, along with the planning procedures presented as part of the work elements, constitute the work and product required to be performed and produced for a satisfactory Master Site Development Plan (MSDP) for Fayette County Parks and Recreation and to meet the minimum requirements for a MSDP under DCNR's Community Conservation Partnerships Program. Please note that major work elements A through K are required for all MSDPs to the extent of the project and community needs as per the work tasks and instructions detailed under each element. Work elements L through Q are a part of the project SOW only if deemed necessary. The grantee will determine if optional work elements are to be included based on the project and community needs with the assistance of Bureau Regional and/or Central Office Staff.

### A. PUBLIC PARTICIPATION

To help reduce potential conflicts and gain public support for the project, citizen input must be received throughout the planning process. At minimum a project study committee must be formed and meet with the planning consultant on a regular basis and at least two general public meeting must be held. The exact number of meetings will vary depending on the desires of the community and the scope of the project.

<u>Meeting Type</u>	<u>Number</u>
<input type="checkbox"/> Study committee meetings: (based on the size and complexity of the project consider a range between 4- 8)	<u>7</u>
<input type="checkbox"/> Advertised or promoted general public meetings: (minimum of 2 required of which one is with Elected Officials) <ul style="list-style-type: none"><li>- First Meeting- Survey Of Use, Concerns and Desire (gather information)</li><li>- survey method to be used (i.e., written, telephone, internet, follow-up contacts, etc.) and the anticipated number of survey questionnaires to be conducted). Include a copy of the survey as appendix to the Plan.<ul style="list-style-type: none"><li>o Consultant will develop</li></ul></li><li>- Second Meeting- Survey Results with some basic visualization of concepts</li></ul>	<u>2</u>
<input type="checkbox"/> Other meetings (describe): (see optional section (L)) <ul style="list-style-type: none"><li>- Executive Committee will meet Quarterly (to line up with Reimbursement)</li></ul>	<u>8</u>
<input type="checkbox"/> Key person interviews: (based on the size and complexity of the project consider a range between 5- 15)	<u>10</u>

**NOTE:** The following planning elements and work tasks must be presented in the study report. A brief description of the public participation process must be included in the study report. (see (B) 5 below.)



## **B. BACKGROUND INFORMATION AND DATA**

The purpose of the background is to orient the MSDP reader to the community, the overall park system and generally how this specific site fits into that park system.

1. Brief introduction to the community, its population, size, character and geographic location.
2. Brief introduction on the natural resources of the site including but not limited to critical habitat or area of special interest, sensitive species, drainage features, native wildflower meadows, trees, etc.
3. Brief introduction to the Jacobs Creek Park:
  - a. General description of Jacobs Creek Park. (e.g., primarily active, passive, or mixture; primarily stream valley, neighborhood or community park oriented, natural or conservation oriented)
4. Description of how this park or open space area fits into the overall community, Coal & Coke Trail, and neighboring Westmoreland County Park Bridgeport Dam (i.e. only site, first site to be developed, one of 10 neighborhood parks, first community-wide park, only park with major emphasis on aquatics, only open space area to be used for nature studies and interpretation, significant area of the site to provide critical habitat and open space for passive recreation, etc.).
5. Description of existing community planning, (i.e., Comprehensive Recreation, Parks and Open Space Plan, Community-wide Comprehensive and Land Use Plan, Watershed or Rivers Conservation Plan, Greenway Plan, community surveys, etc.) Reference specific provisions of existing planning document that is applicable to the site being planned.
6. Describe the public participation process including the techniques used, key participants, level of participation, number of meetings etc.; and list the results (major areas of consensus or contention) of the public participation process. (Note: it is usually worthwhile to include copies of meeting reports as appendix to the Plan.)

## **C. SITE INFORMATION AND ANALYSIS**

Specific site information must be gathered and reported to establish a basis for the planned use of the site. Site information must be analyzed to determine the workable parameters for the proposed uses and facilities for the site.

1. Brief introduction to and general description of the physical, natural, and cultural resources of the site which includes, but is not limited to, the following features:

- Acreage
- Deed Restrictions, Easements and Right-of-Ways that limit use
- Environmental issues
- Floodplains
- Historic features
- Location
- Playground Safety Audit (if available)
- Riparian buffers
- Site access
- Soil types
- Species of special concern
- Stormwater drainage features
- Surrounding land uses
- Topographic features
- Vegetation (including both native and non-native species present)
- Vernal pools
- Wetlands
- Zoning

2. Analysis and description of how the physical features of the site, impact the potential use and development of the site including:

- The advantages of the site for certain uses
- The disadvantages of the site for certain uses
- Areas that may not be suitable for public use
- Areas that need special environmental protection and/or mitigation
- Areas that should be protected because they are natural drainage courses
- Areas of high quality habitat value
- Other use limiting aspects of the site (i.e.: access, adjacent uses, existing uses, etc.)
- Neighborhood compatibility – including the impact on and from adjacent land uses due to activities, lighting, traffic, noise and/or aesthetic characteristics

3. Pennsylvania Natural Diversity Inventory (PNDI). *In order to obtain an accurate cost estimate for the SOW, a PNDI Receipt should be obtained. If applying for a grant, a PNDI Receipt is required. If awarded a grant, reference your PNDI Receipt submitted with the grant application. On the Receipt you will find detailed instructions for the following potential impacts. Address the impacts during your study process and include a description in your Plan narrative.*

- a. PNDI Receipt specified **no impact**. There is no further coordination required with PNDI jurisdictional agencies within one-year of Receipt date unless the project type, location or size changes.
- b. PNDI Receipt specified **potential impacts**. Once a clearance or recommendation letter from the jurisdictional agency/agencies has been received, address any recommendations provided. If a survey was requested, it must be completed by a biologist during the planning process.

- c. PNDI Receipt specified **potential impacts with avoidance measures**. Avoidance measures are intended to reduce the need for further coordination with jurisdictional agencies on projects that could have "No Impact" if the avoidance measures are carried out. To fulfill the PNDI requirement the avoidance measures must be incorporated into the Plan.
- d. PNDI Receipt specified **potential impacts with conservation measures**. Conservation measures are recommended to be incorporated into the Plan to reduce further impact to the special concern species or resources.

#### D. ACTIVITIES AND FACILITIES ANALYSIS

The purpose of this analysis is to determine the proposed uses for this site, and the type, size and standards for facilities to be developed based on the public participation process, community needs, and site analysis.

1. Provide a description and prioritization of the community needs and uses for the site as identified by the public participation process, previous planning work and, if applicable, needs assessment.
2. List the recreational, conservation, and public uses and facilities proposed to be developed, maintained, or enhanced on the site and to be included on the site Plan drawing. **For each use/facility to be developed and activity to be offered provide the following information.**
  - a. Describe the degree and skill level of site use for active recreation purposes: *(Note: Active recreation activities are played at different levels and, subsequently, have varying facility standards and requirements. Using baseball as an example, pickup games may only need an open field with bases, pitcher's mound and home plate indicated while a field used for community-wide league competition may require a skinned infield, fencing, players benches, lighting, spectator seating, more parking, etc.)*
    - Skill level (Entry level participation and introduction of users to basic skills, intermediate, advanced, etc.)
    - Unstructured, non-programmed use
    - Competition (identify participants, i.e. define ages and skill level; define level, such as informal municipal leagues or formal regional tournaments, etc.)
    - Level of use by spectators
  - b. Describe the proposed use of the site for passive recreation activities, such as:
    - Wildlife viewing
    - Nature trail with interpretive signage
    - Quiet places for reading and relaxing
    - Sensory gardens, wildlife gardens, native plant gardens, or community garden plots
    - Wetland or critical habitat protection
    - Educational uses (BioBlitz, nature studies)

- Night sky viewing
  - Watershed protection
  - Environmental education
- c. Describe the proposed preservation of open space, natural areas, and buffers on the site.
- d. Indicate the projected participation rates. *Note: To help define facility requirements and size, daily, weekly, monthly and seasonal use projections may be required.*
- e. Describe the basic standards and requirements, such as:
- Size
  - Dimensions
  - Orientation
  - Maximum percent slope permissible
  - Need for undisturbed area (e.g., for wildlife observation, groundwater recharge and habitat protection)

For each facility and structure proposed, list the accepted published national, state, or local standards (reference the standard by name) used to determine the size, dimensions, orientation, minimum and maximum surface slope (grade), buffer areas and setback requirements, open or undisturbed space requirements such as for riparian buffers and wildlife observation areas etc.

**Note:** Information required in the Activities and Facilities Analysis, 2a, 2b, 2c, and 2d could be presented as a table or matrix in lieu of narrative presentation.

3. List the support facilities required for the proposed recreational, conservation and public uses. Depending on the site and proposed uses, support facilities would normally include roads, parking, access paths, comfort facilities, maintenance facilities, storm water management system and structures, utility installations, signage, site furniture, ADA compliance, etc.
- a. For **each** support facility provide a short description giving the size and type of facility proposed. (For example: for a road or drive, provide the length, width, type of surfacing, and type of curbing; for electrical, water and sewer utilities give the estimated size of the service required, the location of the most likely connection to the system, and any major structures that need to be constructed as part of the utility service.)
- b. For parking facilities include an analysis of the required number of parking spaces based on the proposed uses and facilities, and accepted or required standards for parking spaces. Indicate by name the accepted or required standards used to calculate the number of parking spaces proposed. Further, distinguish between on street and off-street spaces and provide a description including size, type and location of any overflow parking accommodations, and ADA compliance.

## E. DESIGN CONSIDERATIONS

In determining the uses and facilities to be planned for the site, as well as the size and location of the facilities, the following must be considered and reported on to the extent that they are applicable to the SDD:

### TRAIL AROUND THE LAKE INVESTIGATION- design considerations of trail around the lake

1. **Lake Trail design considerations: Please see the addendum to the SOW. Specifically for the Trail Study Scope of Work (See Section P.)**
2. The site's limitations and positive points, as well as the various generally accepted design standards related to the proposed areas, facilities, and activities as identified under (C) and (D) above. If local recreation and park agency standards have been developed, these should be considered.
3. Applicable laws and regulations relating to public health and safety including land subdivision, zoning, and the Uniform Construction Code.
4. Handicap accessibility standards as prescribed by the Americans with Disabilities Act of 2010 (ADA).
5. Assess if the existing topography of the site is suitable for the types of activities and/or development being proposed. Free statewide topographic information is available and can be obtained for your site thorough the following links:  
<http://maps.psiee.psu.edu/paatlas/>  
<http://www.pasda.psu.edu/uci/SearchResults.aspx?Keyword=topo>
6. Compliance with the American Society for Testing Materials (ASTM) standards and the Consumer Product Safety Commission (CPSC) guidelines pertaining to playground areas and equipment.
7. The maintenance and establishment of sustainable riparian native grass and/or forest buffers. If the project site is in the Chesapeake Bay watershed, the Plan should be in accordance with, and help to achieve, the goals of the Chesapeake Executive Council's Adoption Statement on Riparian Forest Buffers dated October 10, 1996.
8. Protection/enhancement of environmental sensitive areas including streams, wetlands, forests and established trees, gardens, and natural areas that provide wildlife habitat and protect water quality.
9. Incorporate sustainable site design and green infrastructure (stormwater best management practices, LEED standards, native landscaping, trees, etc.) into your site design. View resources at:

- a. <http://www.dcnr.state.pa.us/brc/grants/greening/greeninggrants.aspx> (Green and Sustainable Parks Practices)
  - b. <http://www.sustainablesites.org> (Sustainable Sites Initiative)
  - c. <http://www.usgbc.org> (LEED)
10. List and discuss alternate "Green" materials and designs that could be used to reduce environmental impact, potentially lower maintenance and operation costs, and conserve energy.
- a. Evaluate the cost impact of using "Green" materials and "Green" design.
  - b. Evaluate the costs and benefits of low-impact design and maintenance.
  - c. Evaluate the life cycle cost impact of using specific alternate materials.
10. Significant historic areas and structures.

## F. DESIGN PROCESS

1. Develop preliminary alternative *sketch* drawing(s) and present the drawing(s) at a study committee meeting for review and discussion. Relationships between areas, facilities, and support facilities, along with circulation patterns, should be shown. At this stage, the exact shape and placement of facilities is not critical.
2. Evaluate the preliminary alternatives.
3. Prepare a written evaluation of each alternative highlighting both the positive and negative points, and through community discussions and public participation determine which solution, or combination of ideas from the alternatives, offers the best compromise. Consideration must be given not only to what facilities and uses the community desires, but also to site limitations, applicable laws and regulations, the need to balance habitat protection with recreation, and accepted good design practices and standards. Determine whether use of alternate or non-conventional design and material can reduce the impact of the proposed facilities on the environment and reduce the use of natural resources.
4. Prepare a draft of the final MSDP.
5. Once the alternatives have been evaluated and the draft of the final SDD has been prepared it should be presented at a public meeting for final comment. This is a to-scale, graphic rendering of the final solution. All proposed areas, facilities, and support facilities, along with the existing areas and facilities identified in section C1 are to be shown on this final SDD in proper orientation, size and shape. Upon approval by appropriate agencies (local governing body, local & county planning agencies, the Bureau, etc.), the consultant will be instructed to prepare the final product (see section (K) below).



## G. DESIGN COST ESTIMATES

1. Development (construction) costs. Provide, by area and facility, a *current* detailed cost estimate for the development of the proposed areas and facilities. The cost estimate should include: engineering and other professional services cost; construction and materials cost; project administration cost; and, a contingency of at least 10% of the construction cost estimate.
2. Phased capital development program. If the proposed development cannot realistically be carried out in one to three years as one project, develop a phased and prioritized multi-year capital development program. This should explain the strategy for the phasing, identify which areas and facilities are to be developed in which years, and provide the costs associated with each phase. Implementation strategies to financing this capital plan should also be addressed (bonds, grants, fund-raising, etc.).

## H. MAINTENANCE, OPERATING COSTS, AND REVENUE

The purpose of this work element is to estimate an annual cost of operating and maintaining the site and associated facilities based on the development of the site as determined by the MSDP. An annual budget estimate shall be calculated for each of the cost and revenue items identified below. Justification of the analysis should also be included in the narrative report.

1. Describe and analyze existing level of operation and maintenance personnel including paid staff and volunteers.
2. Maintenance and Operating Costs:
  - a. Determine whether the life cycle cost of the facility(s) can be lowered by using alternative sustainable design and construction materials and practices.
  - b. List and discuss various materials that could be used to lower long-term maintenance cost.
  - c. Administration. (e.g., insurance, office supplies, phone, internet server, public relations, rentals, training, etc.)
  - d. Personnel. (Include a list employment positions, number of employees in each position, estimated salaries or wages by position, fringe benefits, estimated overtime cost, temporary employment, etc.)
  - e. Maintenance equipment needed to maintain site and facilities.
  - f. Supplies and materials. (e.g., concession and sale items, custodial supplies, motor vehicle fuel and supplies, tools and mechanical supplies, utilities, equipment rental, etc.)
  - g. Programming costs. (Include a general description and numbers of anticipated programs, anticipated numbers of participants by program, anticipated costs by program)
  - h. Contracted services cost for operation and maintenance. (Indicate the type of service anticipated to be contracted for.)
  - i. Annual capital outlay for major equipment.
  - j. Debt Service. (To the extent that long term financing is anticipated to fund the proposed site improvements and any major equipment purchased.)

3. Revenue:

Project anticipated revenues for a one-year period by area, facility, and source. Include all items of revenue that may be applicable to the proposed site use and development such as:

- a. Daily admission or entrance fees
- b. Season permits
- c. Facility rental
- d. Concessions
- e. General municipal tax support
- f. Other sources of income (i.e., endowments, contributions, fund raising events, etc.)

## I. PLAN NARRATIVE REPORT ORGANIZATION

All aspects of the planning process and the final MSDP (i.e., all work elements set forth in (A) through (H) above) must be presented in a narrative planning report that includes the following items and is organized as follows:

1. Summary of the public participation process (work element A)
2. Summary of background information and data (work element B)
3. Site Information and Analysis (work element C)
4. Activities and Facilities Analysis (work element D)
5. Summary discussion of important design considerations (work element E)
6. Brief description of the alternative plans presented, summary of the public discussion on the alternative plans and a description of the final Plan proposal including rationale for the uses and facilities proposed (work element F)
7. Presentation of itemized cost estimates, phased capital development, and narrative rationale for phasing (work element G)
8. Maintenance, Operating Costs and Revenue (work element H)
9. Presentation of the optional work elements L through Q if required as part of the project.
10. Discussion of other considerations and recommendations that the community should be aware of in proceeding to construct the improvements proposed by the MSDP.

## J. BASE MAP AND SITE DEVELOPMENT DRAWING(S) (SDD)

1. **Base Map.** As a foundation for the final SDD, an existing conditions map of the site must be prepared in accordance with the following specifications and information: *(Note: it is highly recommended that this map be prepared early in the planning process so that it can be used as a tool in the early discussions with the study committee.)*
  - a. Scale: each site is unique and the characteristics of that site will determine the scale most appropriate. The goal is to provide the SDD at as large a scale as possible to allow for as much detail as possible.

The following are suggested scale ranges for the project site:

- <1 acre to 10 acres = 10- 30 scale drawings
- 15 to 75 acres = 30- 60 scale drawings
- 100 to 200 acres = 100 scale drawings

b. The following items and information must be shown on the map:

- Acreage of site
- Boundaries of existing riparian buffers
- Boundary lines of adjacent property parcels where they intersect with the project site. These lines should be shown to the extent that they provide information regarding density of surrounding lands, points of change in use of adjacent properties, and points of access to the site
- Circulation patterns (existing access roads, service drives, parking, trails, paths, ramps, and bridges)
- Drainage structures (swales, detention/retention basins, bioretention, block pavers, rain gardens)
- Existing uses of surrounding property (e.g., single family residential, multi-family residential, commercial, industrial, undeveloped natural areas)
- Existing structures and facilities including utility installations and storm water facilities
- Flood plains (delineate floodway and 100 year flood level)
- General location and type of easements, right-of-ways, and deed restrictions on the site
- Graphic Scale, North Arrow, Date, Legend
- Name of Park or Open Space Area
- Name of municipality/owner
- Natural and man-made barriers
- Seal of designing landscape architect, architect, or engineer registered in Commonwealth of Pennsylvania
- Site boundaries with metes and bounds
- Boundaries of non-recreational and municipal uses with metes and bounds
- Site control structures (fences, crosswalks, retaining walls, bollards, gates)
- Site zoning and zoning of surrounding properties
- Topography (two to ten foot contours, or spot elevations indicating land character and grade changes for relatively level sites)
- Vegetation (existing trees and forested areas, meadows, gardens, landscaped plants)
- Water features (streams, rivers, ponds, lakes)
- Wetlands (identify any on or immediately adjacent to site)
- Other site features that may impact, or be impacted by, the use and development of the site

2. **Site Development Drawing(s) (SDD)**. A drawing (map) of the site must be prepared reflecting the final proposed long-term, full development of the site. Building on the foundation of the base map/existing conditions map add the following specifications and information to the final SDD:
- One colored drawing must be provided to the grantee (see (K), 2. below).
  - The scale of the SDD shall be the same as the Base Map.
  - All features, uses and structures **proposed** for the site must be drawn to scale and identified by name and/or description and shown in their exact proposed location. (This must include all **existing** features, uses and structures that are to remain on the site as part of the planned use and development of the park.)
  - All roadways, driveways, trails and walkways must be clearly identified and stating the type of proposed surfacing.
  - The following additional items and information must be shown on the SDD:
    - All uses, facilities and structures including utilities and stormwater structures proposed for the site
    - Benches (if applicable) including ADA compliance (back supports, arms, bump-out seating, etc.)
    - Boundaries of proposed riparian buffers
    - Circulation patterns (proposed access roads, service drives, parking, trails, ramps, paths and bridges) indicating **ADA compliance**
    - Structures and facilities that are proposed or will remain on the site
    - Notations and legends necessary to fully explain the size, type and location of any existing or proposed use, feature, or facility
    - Vegetation (proposed trees, meadows, gardens, landscaped plants)

## K. FINAL PRODUCTS

1. **Narrative Report**. This must be a written bound report that is organized and includes all of the items specified in section (I) *above with each section of the report* clearly labeled. (Instructions to grantee: Due to the associated cost with producing copies of the final report, the Bureau recommends that the grantee closely evaluate the number of printed copies needed. Electronic versions of the report that can be reproduced by the grantee may be more appropriate and cost saving and also to save a few trees.
2. **Site Development Drawing(s) (Maps)** One full-scale SDD shall be prepared and provided to the Bureau. The Base Map and Final SDD must be developed in digital format and an electronic version must be provided to the grantee.

Number of bound (Narrative Report) copies to be prepared and provided to grantee:

3

Number of bound (Narrative Report) copies to be prepared and provided to the Bureau:

3

**Total number of bound copies required:**

6

Number of printed full-scale final SDD to be prepared and provided to grantee:

2

Number of printed full-scale final SDD to be prepared and provided to the Bureau:

1

**Total number of hard copy (SDD) drawings required:**

3

Number of electronic copies including full-scale final SDD to be provided to Grantee:

4

Number of electronic copies (PDF Format) including full-scale final SDD to be provided to the Bureau

1

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**Additional Work Elements.**

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## **L. STRUCTURAL ASSESSMENT**

The purpose of this work element is to evaluate and make recommendations regarding the condition of existing structures and their potential use, continued use, or renovation/expansion for additional recreation purposes. If there are structures on the property under consideration for recreational use, this element must be addressed in the MSDP study process. Please seek advice from the Bureau's regional and/or central office staff to determine the required work tasks specific to your needs. *Note: A structural assessment may not be determined sufficient and a Feasibility Study may be required.*

TO BE COMPLETED BY BUILDING INSPECTOR AT FAYETTE COUNTY (NOT IN THE RFP-ADDED TO FINAL REPORT)

## **M. FOREST STEWARDSHIP PLAN**

If your site contains 5 acres or more of forested land, we recommend you consider completing a Forest Stewardship Plan as part of your MSDP. A Forest Stewardship Plan is a written document listing activities that enhance or improve forest resources (wildlife, timber, soil, water, recreation and aesthetics) on your site. A Service Forester is assigned to each county in Pennsylvania to advise residents on forest management.

## **TO BE COMPLETED BY GRANTEE (NOT BE IN THE RFP- ADDED TO FINAL REPORT)**

A complete listing of Service Foresters in your area and more information can be found at the following link:  
<http://www.dcnr.state.pa.us/forestry/yourwoods/serviceforesters/index.htm>

## **N. SIGNIFICANT HISTORIC AREAS AND STRUCTURES REVIEW**

Submit a "Request to Initiate Consultation in Compliance with the State History Code and Section 106 of the National Historic Preservation Act" developed to the Pennsylvania Historical and Museum Commission. The form can be found at the following link:  
[http://www.phmc.state.pa.us/Portal/forms/Project Review/ER submission form.doc](http://www.phmc.state.pa.us/Portal/forms/Project%20Review/ER%20submission%20form.doc).

To further define the work needed to be done by the consultant for a satisfactory MSDP and to reduce the cost of the project to the grantee, the following section indicates the information applicable to the project that can be provided by the grantee and the work that will be performed by the grantee. It is the prospective consultants' responsibility to insure that they fully understand the level and quality of information and work to be provided by the grantee. Discussions are recommended between prospective consultants and the grantee on the items listed before a proposal to perform the scope of work is prepared and submitted by a consultant. Ultimately, it is the consultant's responsibility to satisfactorily perform all of the work elements of the project.

## **O. WORK TO BE PERFORMED AND INFORMATION TO BE PROVIDED BY FAYETTE COUNTY**

*Project Coordination and Public Participation.* (e.g., organize and send notices on meetings; arrange and set up meeting rooms; advertise and promote public meetings; arrange and coordinate key person interviews and other meetings; and, mail and tabulate survey questionnaires. Considerations: make sure you have staff time.)

\_\_ JCWA- Organizing Committee Meeting and Setup Sites Location, Who What Where When How  
\_\_ Fayette County- Project Coordination- Executive Committee Organization and Meeting (who what where when how)

\_\_ Consultant- Personal Interviews, Advertise Public Meetings, Public Survey (development AND analysis), Development of Webpage (to hold survey)

*Background Information.* (e.g., community descriptions and statistics; park or open space system information; research; and, previous planning and community survey information. Note: often this information can be obtained from previous community planning documents and just be provided to the consultant to update and include as part of the MSDP narrative report.)

\_\_ Fayette County- Provide existing background information

\_\_ Consultant will develop new background and analysis current for completeness

*Site Information.* (e.g. previous site survey and inventory work; existing base mapping; site boundary description, copy of deed, etc.; deed restrictions; easements and right-of-ways; aerial



photos; zoning map; future land use map; existing utility information and mapping; flood plain and wetlands information and mapping, areas of particular habitat value information and mapping.

— Fayette County- Provide what they have Existing Base Mapping, Site boundary Description, copy of deed, etc.; deed restrictions, aerial photos, zoning map,

— Consultant- Site Survey, Easement and Right of Ways, Wetlands, Future land use map (may not exist), existing utility information and mapping.

**NOTE:** *Because site boundary information (metes and bounds) can be very expensive to obtain if a new boundary survey must be performed as part of the MSDP project, it is very important that the availability of existing surveys and boundary description be fully researched by the grantee. It is equally important that the prospective consultant confirm the availability and quality of this information. If there is any question about the adequacy of existing information, the prospective consultant should propose a separated cost for a new land survey as an option that can be selected if needed.*

Final Products. (e.g., reproducing and binding final copies of the report; reproducing maps and drawings; and distributing copies of the final products. (Note: The grantee's capability to produce high quality copies should be considered.)

— Consultant ALL

## **P. TRAIL STUDY SCOPE OF WORK**

### **a. Executive Summary**

The purpose of this element is to provide a short and succinct summary of the trail study findings to illustrate the vision, goals and findings of the trail study. The executive summary can be graphic in nature and used as a marketing/public outreach document for the trail effort.

### **b. Introduction and Context**

The purpose of this element is to describe the community or region and how this trail meets the needs of the public.

1. Provide a vision statement for the trail.
2. State the study purpose and goals.
3. Describe the trail corridor; including size, land use, character and geographic location. Summarize any significant natural or man-made features, such as critical habitat, water bodies, geologic features, historic bridges, highways, etc.
4. Describe the surrounding community(ies); including demographics, other trails and recreational resources.

5. Provide general mapping of the study area.
6. Identify any boundaries or limitations of the study.
7. A general description of how the trail fits into the context of existing State, regional, county or local planning efforts (e.g., Comprehensive Recreation, Parks and Open Space Plan, Community-wide Comprehensive and Land Use Plan, Watershed or Rivers Conservation Plan, County Greenway Plan, Downtown Revitalization Plan, Long Range Transportation Plan, community surveys, etc.)

**c. Public Participation**

1. Follow the public participation for the MSDP in Section A of this document

**d. Physical Inventory and Assessment**

Site information must be mapped and analyzed to determine the managed uses for the proposed trail and facilities.

1. Prepare detailed mapping of proposed trail corridor or trail alignment(s) at an appropriate scale. Identify mapping which may be available from local planning agencies, USGS, railroad company, etc.
2. Physiographic Features
  - a. The length, dimensions and right of way (ROW) boundaries
  - b. Topography
  - c. Soils or trail base composition
  - d. Surrounding land use
  - e. Erosion and drainage
  - f. Political boundaries
3. Natural Features
  - a. Significant natural features (rivers, lakes, ponds, rock outcroppings, wetlands, floodplains, etc.)
  - b. Existing vegetation (rare and endangered plants, invasive species).
  - c. Existing wildlife (rare and endangered species, sensitive habitat areas).
4. Cultural Features
  - a. Historic structures.
  - b. Archaeological sites.
5. Structures within the Corridor
  - a. Existing bridges, canals, culverts, and/or tunnels.
  - b. Existing buildings.
  - c. Potential trail encroachments.
6. Utilities
  - a. Location of utilities (water, sanitary sewers, electrical and gas lines, telephone, etc.)

- b. Capacity of utilities to serve trail development.
  - c. Potential conflicts.
- 7. Intersections and Access Points
  - a. Existing road crossings, active rail lines, driveways, easements, etc.
  - b. Existing and potential pedestrian and vehicular access points.
  - c. Existing community assets and other trails.
- 8. Environmental Hazards
  - a. Preliminary environmental assessment studies.
  - b. Potential Phase I Environmental Assessment.

**e. Needs, Wants, and Desires**

This task will utilize the information gathered through the public participation process and combine it with the physical characteristics of the trail corridor(s) to define the trail vision and uses.

1. Discuss how the project relates to and implements existing local, county, regional, and statewide planning efforts. For example, Comprehensive Plans; Greenway, Open Space, and Recreation Plans; Long Range Transportation Plans; Statewide Comprehensive Outdoor Recreation Plan, etc.
2. Describe the character of the project area (rural, urban centers, suburbs, industrial zones, etc.).
3. Describe the planned trail uses. (bicycling/mountain biking, cross country skiing, hiking/jogging/fitness/nature trail activities, horseback riding, snowmobiling, aquatic or water activity, motorcycling, four-wheel driving, all terrain off-road vehicles).
4. Describe the managed trail uses (transportation, nature, cultural, historical, recreation, etc.).
5. Describe the population information and demographic patterns of the project area (current and projected).
6. Develop a socioeconomic profile of potential trail user groups (age, income, physical abilities, minority, disadvantaged populations, etc.).
  - a. Analyze demand.
  - b. Estimate initial usage levels.
  - c. Project future usage levels.
  - d. Estimate seasonal demand versus year-round demand.
  - e. Trail assessment for use of other power-driven mobility devices.
7. Determine the impact of potential trail uses and user groups on the development of the trail (surface, width, conflicting uses, facilities, etc.).
8. Identify and address potential impact of the trail on adjacent land uses (agricultural lands, industrial properties, school facilities, businesses, residences, etc.).

**f. Legal Feasibility**

The ownership status of the trail corridor or trail alignments will be a major factor in determining the legal feasibility of the trail. Many issues affect the feasibility of a trail, such as land use regulations, environmental regulations, title issues, etc.

1. If the trail corridor is NOT owned or controlled by the agency wishing to develop the trail, the study must include:
  - a. Determine the ownership status of the trail corridor or potential trail alignment(s).
    - i. Identify current property owners.
    - ii. Develop a strategy for approaching property owners.
    - iii. Determine the required level of title search activity for each parcel.
  - b. If the trail is on a rail corridor that is being abandoned, see the Rails-to-Trails Conservancy's fact sheet entitled, "Railbanking – What, Where, Why, When and How", as well as their publication entitled, "Secrets of Successful Rail-Trails: An Acquisition and Organizing Manual for Converting Rails to Trails."
  - c. If multiple trail alignments are being proposed, it is best to closely examine the preferred alternative with a more cursory review of other alternatives.
  - d. Identify adjacent property owners and develop a strategy for gaining support.
  - e. Determine preferred method for establishing the trail, such as fee simple acquisition, long-term easement or lease, cooperative agreement, etc.
2. If the trail corridor is owned or controlled by the agency wishing to develop the trail, the study must include:
  - a. Review easements, land use agreements, deed restrictions and local zoning to determine if there are any impediments to opening a trail.
  - b. If the corridor is owned or controlled by multiple agencies, a cooperative agreement or memorandum of understanding should be signed by all parties outlining roles and responsibilities, etc.
  - c. Identify adjacent property owners and develop a strategy for gaining support.

**g. Prepare Trail Concept Plan**

All trail studies should include a conceptual plan that illustrates the vision for the trail and builds upon the physical inventory and assessment mapping. Concept plan should include:

1. Base map:
  - a. Trail Name, Phase, Location (political subdivisions), and Owner/Grantee.
  - b. Scale, North Point, Legend, and Date.
  - c. Distance of the trail and, if applicable, acreage.
  - d. Show exterior boundaries of site with metes and bounds or best available information. Indicate name of owner or lease.
  - e. Political boundaries.
  - f. Show rights of way and easements that intersect the trail.
  - g. Surrounding properties and uses.
  - h. Topography: One to ten foot contours. If not available, show spot elevations indicating land character and significant grade changes. Free

statewide topographic information is available and can be obtained for your site through the following link:

[http://www.pasda.psu.edu/uci/MetadataDisplay.aspx?entry=PASDA&file=PAMAP\\_Contours.xml&dataset=1245](http://www.pasda.psu.edu/uci/MetadataDisplay.aspx?entry=PASDA&file=PAMAP_Contours.xml&dataset=1245)

- i. Water Bodies: Streams, rivers, ponds, lakes, etc.
  - j. Floodplain: Delineate floodway and limits of 100-year (1%) floodplain.
  - k. Wetlands: Identify locations on and/or immediately adjacent to site.
  - l. Soils.
  - m. Access points other than trailheads.
  - n. Utilities: Railroads, water, electric, sewage, gas, phone, etc.
  - o. Existing structures, manmade features: Bridges, tunnels, culverts, fences, encroachments, utility structures, etc.
2. Identify and describe proposed features:
- a. Trail location and any alternative routes. Alternatives should be given priority order.
    - i. Develop preliminary alternative sketch drawing(s) and present the drawing(s) at a study committee meeting for review and discussion.
    - ii. Prepare a written evaluation of each alternative highlighting both the positive and negative points, and through community discussions and public participation determine which solution, or combination of ideas from the alternatives, offers the best compromise.
  - b. Location of trailheads and related facilities (restroom, water, emergency telephone, lighting, parking, maintenance, etc.)
  - c. Areas for trail access control structures and emergency access points.
  - d. Areas needing natural buffers and/or screening.
  - e. Linkages to parks, schools, neighborhoods, other trails, etc.
  - f. Areas where structures are needed (bridges, tunnels, etc.)
  - g. Significant natural and cultural resources and opportunities for their interpretation.
  - h. Areas requiring significant effort or large dollar figure to complete the trail.
  - i. Areas of potential user conflict.
  - j. Opportunities for interpretation of natural and cultural resources.
  - k. Constraints and opportunities related to ADA access.
  - l. Consideration of the use of Other Power-Driven Mobility Devices as required in subtitle A of title II of the Americans with Disabilities Act of 1990, § 35.137 Mobility devices.  
([http://www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_withbold.htm](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm))

#### **h. Preliminary Designs**

Preliminary designs will build upon the conceptual plan. Designs will guide the development of the trail and trail facilities by providing sufficient detail to meet applicable standards, protect and/or enhance natural resources, and develop accurate cost estimates for construction. If there are alternative alignments, preliminary designs are needed for the preferred alternatives.

For DCNR-funded studies: If the trail corridor is owned or under the control of the agency, then the designs must be signed and sealed by a design professional. If the property is not under the control or ownership of the agency, then written approval from the current landowner or a signed sales agreement is required before preliminary designs are prepared. The trail study RFP and consultant contract should include an option for preliminary designs if control of the property is obtained during the study period.

General design and construction specifications should be based on anticipated uses and accessibility for disabled persons as prescribed in the current ADA Standards for Accessible Design available at the US Department of Justice website. Preliminary designs will include:

1. Location and layout of trail, trailheads, structures and trail amenities.
2. Connections and linkages to parks, schools, neighborhoods, businesses, transit facilities, other trails, etc.
3. Trail surface materials with typical cross sections. This may include multiple options for trail surfaces.
4. Proposed trailheads, including parking (including ADA accommodations), comfort stations, utilities, landscaping, and routes to connect parking areas and trailhead facilities to the trail.
5. General floor plan for all structures and indoor facilities.
6. Road crossings and required crossing features, including signals, signage, pavement markings, etc.
7. Design of proposed bridges or other significant structures. More detailed evaluations of trail structures such as culverts, underpasses, bridges, tunnels, etc. may be required to determine present condition and potential rehabilitation cost.
8. Proposed drainage infrastructure, including culverts, catch basins, inlets, drain tile, swales, rain gardens, etc.
9. Site control structures, including fences, walls, gates, etc.
10. Lighting types and locations.
11. Signage types and locations.
12. Landscaping/vegetation types and locations (native species are encouraged).
13. Designs for mitigating potential conflicts between proposed trail users.
14. Delineation of potential phases of development.
15. Protection/enhancement of environmentally sensitive areas.
16. Sustainable site design and green infrastructure. For more information:  
<http://www.sustainablesites.org/> (Sustainable Sites Initiative)  
<http://www.usgbc.org/> (LEED)  
<http://www.dcnr.state.pa.us/brc/grants/> (Green Principles)

**i. Trail Management, Operation, Maintenance and Fiscal Feasibility**

The purpose of this work element is to estimate the costs of building, operating and maintaining the trail and associated facilities based on the conceptual/preliminary designs.



1. Provide detailed cost estimates for land acquisition and development of the trail. The cost estimate should include: engineering and other professional services cost; construction and materials cost; project administration cost; and, a contingency of at least 10% of the construction cost estimate.
2. Develop a phased and prioritized multi-year capital development program. Explain the implementation strategy, identify the trail infrastructure to be developed, and provide the costs associated with each phase.
  - a. Identify sources of funding, including in-kind, volunteer, and donated services.
  - b. Phases of development should coordinate with other planned capital improvements such as transportation projects, sewer expansions, flood mitigation projects, etc.
3. Determine ownership/maintenance/management options for the trail.
  - a. Identify potential roles of public and private organizations through the use of cooperative agreements or memorandum of understandings.
  - b. Identify the organizational structure. Develop a business plan.

**j. Implementation Matrix**

This portion of the study should summarize the study's recommendations and implementation strategy into specific action steps. Each step should identify responsible party(ies), time frame for beginning implementation, associated costs, potential funding sources, and any additional notes.

**k. Signage Plan**

When developing a new or upgrading a trail system, it might be beneficial to a logo and/or sign type to identify your trail. A consistent sign design can help users to easily identify your trail. In addition, a signage plan can layout the necessary regulatory, safety, and interpretive signage in a logical and consistent manner.

**l. Property Title Search**

Establishing clear ownership to a property may require title research beyond obtaining the current tax records.

**m. Resources**

Pennsylvania Trail Design & Development Principles, DCNR

The Pennsylvania Trail Design Manual for Off-Highway Recreational Vehicles, DCNR

Trail User Survey Workbook, Rails-to-Trails Conservancy

Model Trail Easement Agreement and Commentary, PA Land Trust Association

<http://www.railstotrails.org> , Rails-to-Trails Conservancy

<http://americantrails.org/> , American Trails

[http://www.fhwa.dot.gov/environment/bicycle pedestrian/publications/](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/)

- Federal Highway Administration, Bicycle & Pedestrian Publications

<http://www.dirtandgravel.psu.edu/>

- Penn State Center for Dirt and Gravel Road Studies

## SECTION 4. CONSULTANT QUALIFICATIONS

### **GENERAL CONSULTANT QUALIFICATIONS**

The consultant or consulting team **must** meet the following requirements:

1. Have documented experience developing and implementing public participation techniques, such as holding public and study committee meetings, conducting key person interviews, developing citizen surveys, etc.
2. At least one member of the consulting team must have documented, prior experience conducting studies of the project type being undertaken. This person should be the project leader and assume overall project coordination responsibilities between the grantee and the consulting team.
3. Have documented experience with the planning, design, general operation, and maintenance of recreation and park areas and facilities.
4. Have documented experience in developing and recommending to local government officials and non-profit organizations the policies and procedures related to providing public recreation and park services and/or facilities, as well as the management and operation of these facilities and amenities.
5. Have documented experience in setting goals, analyzing problems, generating alternative solutions, and providing recommendations and implementation strategies.

The Department of Conservation and Natural Resources requires that the Master Site Development Plan, including the maps and report, be under seal of a licensed professional who is authorized by Pennsylvania law to apply the seal. If a boundary survey is required as part of the MSDP, the seal of a registered land surveyor licensed to practice in Pennsylvania must be affixed to the plan. A biologist is required to survey the project site if the jurisdictional agency/agencies reviewing your PNDI results require a field survey to be completed.

A consultant or consulting team with documented expertise in greenways and trails planning is required. If the project requires any conceptual trail design work, the Bureau requires that the report be under seal of a licensed professional who is authorized by Pennsylvania law to apply the seal. A biologist is required to survey the project site if the jurisdictional agency/agencies reviewing your PNDI results require a field survey to be completed.

## SECTION 5. REQUIRED SUBMITTALS

### A. Letter of Transmittal

This letter must include the following:

- A statement demonstrating your understanding of the work to be performed.
- A statement confirming that the firm meets the Consultant Qualifications (see Section 4 above).
- The firm's contact person and telephone number.

### B. Profile of Firm

This consists of the following:

- A statement of the firm's experience in conducting work of the nature sought by this RFP; advertising brochures may be included in support of this statement.
- The location of the firm's office that will perform the work.
- Resumes of individuals (consultants, employees) proposed to conduct the work and the specific duties of each individual in relation to the work. NOTE: DCNR requires that the project consulting team have the qualifications listed in the DCNR document entitled "Consultant Qualifications" (see Section 4 above).
- A reference list of other municipal clients of the firm with contact information.
- Any other information relating to the capabilities and expertise of the firm in doing comparable work.

### C. Methods and Procedures

The proposal must include a detailed description of the methods and procedures the firm will use to perform the work. Inclusion of examples of similar work is encouraged.

### D. Work Schedule

The schedule must include time frames for each major work element, target dates for public meetings, and dates for completion of draft and final documents.

### E. Cost

For each major work element, the costs must be itemized showing:

- For each person assigned to the work, the title/rank (organizational level) of the person in the organization, the hourly rate, and the number of hours to be worked
- The reimbursable expenses to be claimed

The itemized costs must be totaled to produce a contract price. If awarded a contract, a proposer is bound by this price in performing the work. The contract price may not be exceeded unless the contract is amended to allow for additional costs.

If awarded a contract, the firm may not change the staffing assigned to the project without approval by the Fayette County. However, approval will not be denied if the staff replacement is determined by the Fayette County to be of equal ability or experience to the predecessor.

Your method of billing must be stated. The preferred practice of the Fayette County is to pay upon completion of the work and receipt of the required report. However, the Fayette County will consider paying on a periodic basis as substantial portions of the work are completed.

Regardless of the billing method used, 10% of the funds available under the contract will be withheld until the final product is approved by DCNR.

F. Contract

**See Section 7** below for the contract form and the document entitled, "Nondiscrimination/Sexual Harassment Clause" that DCNR requires to be attached to and incorporated in the contract as an appendix (labeled Appendix A in this RFP).

SECTION 6. EVALUATION CRITERIA

A. Technical Expertise and Experience

The following factors will be considered:

- The firm's experience in performing similar work
- The expertise and professional level of the individuals assigned to conduct the work
- The clarity and completeness of the proposal and the firm's demonstrated understanding of the work to be performed

B. Procedures and Methods

The following factors will be considered:

- The techniques for collecting and analyzing data
- The sequence and relationships of major steps
- The methods for managing the work to ensure timely and orderly completion

C. Cost

The following factors will be considered:

- The number of hours of work to be performed
- The level of expertise of the individuals proposed to do the work.

D. Oral presentation

Any or all firms submitting proposals may be invited to give an oral presentation of their proposal.

## SECTION 7. CONTRACT FOR PROFESSIONAL SERVICES

A proposed contract is included (beginning on next page) for your review. If it is satisfactory to you, it should be completed, executed, and submitted with the proposal. If you prefer an alternative contract, you may submit it as a part of your proposal. However, the **County** reserves the right to enter into the enclosed contract with the successful firm or to negotiate the terms of a professional (consulting) services contract.

***(The Fayette County solicitor will be consulted concerning the contract form used for this RFP, including insertion of any contractual terms not addressed in this proposed contract, such as termination, breach, remedies for breach, etc.)***

## SECTION 8. ACCEPTANCE OF PROPOSAL

- A. The County Commissioners reserve the right to accept or reject any and all bids and reserves the right to waive technicalities where such action best serves the interests of the County.
- B. The County will be the sole and exclusive judge of quality and compliance with proposal specifications on any matters pertaining to this RFP. The County reserves the right to award the contract in any manner it deems to be in the best interest of the County.

Sealed proposals must be received at:

The Office of the Controller, 61 East Main Street, Uniontown, PA 15401 by no later than 3 p.m. on Thursday August 3, 2017 via mail or in person, at which time they will be opened and publicly read. Late proposals will not be accepted.

Prospective Respondents are responsible for having proposals deposited on time at the place specified and assume all risk of late delivery, including any delay in shipping or handling of the shipment by couriers or Fayette County employees.



## CONTRACT FOR PROFESSIONAL SERVICES

This Contract is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the Fayette County, Pennsylvania ("**The County**"), and \_\_\_\_\_ ("**Consulting Firm**").

WHEREAS, **the County** desires to have certain one-time professional consulting work performed involving **MSDP and Trail Feasibility Study**;

WHEREAS, **the County** desires to enter into a contract for this work pursuant to a Request for Proposals ("RFP") issued by **the County**;

WHEREAS, the Consulting Firm desires to perform the work in accordance with the proposal it submitted in response to the RFP;

WHEREAS, the Consulting Firm is equipped and staffed to perform the work;

NOW, THEREFORE, the parties, intending to be legally bound, agree as follows:

### THE CONSULTING FIRM WILL:

1. Provide professional consulting services in accordance with the RFP, its proposal in response to the RFP, and the Nondiscrimination/Sexual Harassment Clause, which is attached hereto and incorporated herein as Appendix A.
2. Obtain approval from **the County** of any changes to the staffing stated in its proposal. However, approval will not be denied if the staff replacement is determined by **the County** to be of equal ability or experience to the predecessor.

### THE **County** WILL:

1. Compensate the Consulting Firm based on the actual hours worked and actual reimbursable expenses for a total amount not to exceed \$\_\_\_\_\_.
2. Provide the Consulting Firm with reasonable access to **the County** personnel, facilities, and information necessary to properly perform the work required under this Contract.
3. Except as provided in item 4 below, make payment to the Consulting Firm within 30 days after receipt of a properly prepared invoice for work satisfactorily performed.
4. Make final payment of 10% of the funds available to the Consulting Firm under this Contract within 30 days after final product approval by the Department of Conservation and Natural Resources.

### IT IS FURTHER AGREED THAT:

1. All copyright interests in work created under this Contract are solely and exclusively the property of **the County**. The work shall be considered work made for hire under copyright law; alternatively, if the work cannot be considered work made for hire, the Consulting Firm agrees to assign and, upon the creation of the work, expressly and automatically assigns, all copyright interests in the work to **the County**.
2. In the performance of services under this Contract, there shall be no violation of the right of privacy or infringement upon the copyright or any other proprietary right of any

person or entity.

In witness thereof, the parties hereto have executed this Contract on the day and date set forth above.

WITNESS:

\_\_\_\_\_

WITNESS:

\_\_\_\_\_

FOR THE **County**:

\_\_\_\_\_

TITLE: \_\_\_\_\_

FOR THE CONSULTING FIRM:

\_\_\_\_\_

TITLE: \_\_\_\_\_

**APPENDIX A**  
**NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE**

The Grantee agrees:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate in violation of the PHRA and applicable federal laws against or intimidate any of its employees.
3. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the grant services are performed shall satisfy this requirement.
4. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate in violation of the PHRA and applicable federal laws against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.
5. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers subject to *Title VII of the Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Small Business Opportunities (BSBO), for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.
6. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

7. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.
8. The Commonwealth may cancel or terminate the grant agreement and all money due or to become due under the grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

Based on Management Directive 215.16 amended (2/24/15)