REQUEST FOR PROPOSAL NO. – FP840015

Sealed Request for Proposal will be received in the office of the City Purchasing Manager, 12th Floor, City Hall, 455 North Main, Wichita, Kansas, prior to 5:00 O’CLOCK P. M., MONDAY, MARCH 5, 2018. One (1) original and ten (10) copies of the proposal are required. Envelopes must be marked “Request for Proposal FP840015” and show Due Date and Time to identify contents. "Request For Proposal" submittal letter must be signed and dated to submit a proposal for:

Park and Recreation Department
Design Services for the Aquatic Master Plan
AS PER SPECIFICATIONS
F.O.B.: Wichita, KS

Specifications for the sealed proposals are on file in the office of the City Purchasing Manager, 12th Floor, City Hall, 455 North Main, Wichita, Kansas, (316) 268-4636. This information is also available on the City of Wichita Web Site at https://ep.wichita.gov.

A PRE-PROPOSAL TELEPHONE CONFERENCE will be held in the Park Conference Room, City Hall, 11th Floor, 455 North Main Street, Wichita, Kansas, on Friday, February 23, 2018 at 2:00 p.m., cst. Please dial (888)337-0215, enter room number 5643451#, participants may attend by telephone or in person.

Sealed proposals shall be received in the office of the City Purchasing Manager prior to 3:00 o’clock p.m., Monday, March 5, 2018.

The review and evaluation of the submitted Proposals will take estimated 60 days before notification from the City of Wichita that a contract has been approved by City Council. If the Purchasing Division may be of further assistance, please contact us at (316) 268-4636.

Dated at Wichita, Kansas, on the 9th day of February, 2018.

Melinda A. Walker
Purchasing Manager
ATTENTION

A PRE-PROPOSAL TELEPHONE CONFERENCE WILL BE HELD
AT 11th Floor, CITY HALL, PARK CONFERENCE ROOM
455 N MAIN STREET, WICHITA, KS
AT 2:00 P.M., CST
ON
FRIDAY, FEBRUARY 23, 2018

THE PURPOSE OF THE MEETING WILL BE TO REVIEW
REQUIREMENTS AND SPECIFICATIONS
CONTAINED IN THIS PROPOSAL PACKAGE AND TO CORRECT
ANY ERRORS OR TO MAKE ANY NECESSARY CHANGES.

ATTENDANCE AT THIS PRE-PROPOSAL IS RECOMMENDED
FOR THOSE FIRMS SUBMITTING PROPOSAL
AS A PRIME CONTRACTOR.

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I. INTRODUCTION

The City of Wichita is seeking proposals from a design consultant for a PROJECT that includes design renovations at three public pools, converting five public pools to water playgrounds, creating two new water playgrounds, and the demolition of a swimming pool at one location that will become a non-aquatic amenity.

The City of Wichita Aquatics Master Plan was a six year project that looked at all aspects of the Park and Recreation Department’s aquatic program. The initial phase of the project involved a facility study of all properties based on condition, usage, cost recovery, and operations. The second phase of the project was to obtain public input on the current pool operations and their perception of the program. Many of the questions asked were focused on amenity usage, programing, and need or desire of public swimming pools. The next phase involved researching similar cities and studying their aquatic facilities and programs. The conclusion from the research and public input was that there needs to be updated public swimming pools with additional aquatic facilities that have more hours of daily service. To reach this goal, the department has decided to completely renovate three facilities, turn three swimming pools into water playgrounds, and build three additional water playgrounds throughout the City of Wichita.

Funding for this project will allow for the development of these projects at later dates. The first project will begin in 2019 with the final project beginning in 2024. The 2018 Capital Improvement Plan contains funding for design, with additional funds in the following years for construction.

Questions regarding this proposals should be addressed in writing to:

Brian Hill
bhill@wichita.gov
Department of Park and Recreation
Wichita City Hall, 11th Floor
455 North Main
(316) 529-9940

SCHEDULE
The accompanying table includes key dates for the selection process. A pre-proposal telephone meeting will be held on February 23, 2018 at 2:00 p.m. to answer questions about the project. Deadline for submittal of written questions is Wednesday, February 28, 2018 by 5:00 p.m. Proposals will be due two weeks after that, with an expected award date of March 2018. It is anticipated that project work will begin in late November.
II. SCOPE OF WORK

The consultant will be called upon to develop designs and plans for three pool renovations, five conversions of pools into water playgrounds, and the creation of two additional water playgrounds.

Swimming pools and water playgrounds need to vary in design and be unique among the system. All swimming pool and water playground details must meet all applicable codes including ADA accessibility. Chlorination and filtration systems need to be standard among designs.

- High rate sand filtration
- Liquid chlorination
- UV filtration

Water Playgrounds:
- Each water playground will have a central item with several pop jets, lights, and other spray features.
- Seating for patrons with shade options around the perimeter of the water playground.
- Mechanical rooms will be above ground and should be placed in existing mechanical room if possible.
- Existing bathhouses may be renovated to allow for restroom access if able and within project budget.

Aley Pool 1800 S Seneca

Existing site context:
Aley Swimming Pool was constructed in 1969. The main pool has a surface area of 4,781 square feet and holds approximately 209,000 gallons with the maximum depth of 12 feet. It has a DE filtration system with an erosion chlorine chemical feeder and muriatic acid pump. The amenities include a wading pool, 3-meter diving board, 1-meter diving board, 2-tube slide structure, 3 shade structures, and a concession area.

Facility program needs:
Patron capacity - 350
Swimming lessons
Swim team
Competitive swim meets
Aqua Aerobics
Recreational Swimming
Zero-depth entry

### Tentative Schedule

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>RFP Released</td>
<td>February 9, 2018</td>
</tr>
<tr>
<td>Pre-Proposal Telephone Meeting</td>
<td>February 23, 2018 @ 2:00 p.m. cst</td>
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<tr>
<td>Proposals Due</td>
<td>March 5, 2018 @ 5:00 p.m.</td>
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<tr>
<td>Interviews</td>
<td>March 2018</td>
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<tr>
<td>Project Awarded</td>
<td>March 2018</td>
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<tr>
<td>Kickoff Project</td>
<td>March 2018</td>
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</tbody>
</table>
Shade structures
Splash pad features to replace wading pool concept
Indoor community facility shelter
Other possible amenities can include: diving boards, rental pavilions, slides or other such amenities that provide entertaining and safe recreational experiences.

Project Details:
- Demolish existing swimming pool.
- Provide a new swimming pool, including new pool basin, pool piping and new filtration and chlorinating equipment.
- Provide a new pool deck.
- Provide renovation/replacement to the existing swimming pool bathhouse.
- Repurposing of existing shade structures if design plans allow.
- Provide a staffing plan
- Provide an estimated operation budget

**Harvest Pool 9500 W Provincial**

Existing site context:
Harvest Pool was built in 1963. The main pool has a surface area of 4,473 square feet and holds approximately 179,000 gallons with a maximum depth of 11 feet. It has a DE filtration system with an erosion chlorine chemical feeder and muriatic acid pump. The amenities include a wading pool, two 1-meter diving boards, 1-tube slide structure, 2 shade structures, and a concession area.

Facility program needs:
Patron capacity - 350
Swimming lessons
Swim team practices
Recreational Swimming
Zero-depth entry
Shade structures
Rental pavilions
Splash pad features to replace wading pool concept
Other possible amenities can include: diving boards, slides or other such amenities that provide entertaining and safe recreational experiences.

Project Details:
- Demolish existing swimming pool.
- Provide a new swimming pool, including new pool basin, pool piping and new filtration and chlorinating equipment.
- Provide a new pool deck.
- Repurposing of existing shade structures if design plans allow.
- Provide a staffing plan
- Provide an estimated operation budget

**McAdams Pool (to be determined pool for district 1)**

Existing site context:
McAdams Swimming Pool was constructed in 1953. The main pool has a surface area of 4,781 square feet and holds approximately 209,000 gallons with the maximum depth of 12 feet. It has a DE filtration system with an erosion chlorine chemical feeder and muriatic acid pump. The amenities include a wading pool, 3-meter diving board, 1-meter diving board, 2 shade structures, and a concession area.

Facility program needs:
Patron capacity - 250
Swimming lessons  
Aqua Aerobics  
Recreational Swimming  
Zero-depth entry  
Shade structures  
Rental pavilions  
Splash pad features to replace wading pool concept  
Other possible amenities can include: rental pavilions, slides or other such amenities that provide entertaining and safe recreational experiences.

Project Details:
- Demolish existing swimming pool.
- Provide a new swimming pool, including new pool basin, pool piping and new filtration and chlorinating equipment.
  - Bowtie pool design with dual zero depth areas  
  - Middle of the pool would have a maximum depth of 5 feet  
- Provide a new pool deck.
- Provide renovation/replacement to the existing swimming pool bathhouse.
- Repurposing of existing shade structures if design plans allow.
- Provide a staffing plan.
- Provide an estimated operation budget.

Boston Pool 6700 E Boston

Existing site context:
Boston Pool was built in 1979. The main pool has a surface area of 4,781 square feet and holds 209,000 gallons of water with a maximum depth of 12 feet. It has a DE filtration system with an erosion chlorine chemical feeder and muriatic acid pump. The amenities include a wading pool, 3-meter diving board, 1-meter diving board, 3 shade structures, and a concession area.

Facility program needs:
Support a variety of ages  
Conceptual design to include one central feature with a variety of other features  
Shade structures  
Lighting  
Spray program for unique experiences  
Aeronautical theme

Project Details:
- Demolish existing swimming pool.
- Provide a new water playground with new recirculation filtration system and chlorinating equipment.
- Provide a new durable surface.
- Water playground will be approximately 6,000 square feet.
- Repurposing of existing shade structures if design plans allow.
- Provide seating areas.

Evergreen Pool 2700 N Woodland

Existing site context:
Evergreen Pool was built in 1973. The main pool is 4,781 square feet and holds approximately 209,000 gallons of water with a maximum depth of 12 feet. It has a DE filtration system with an erosion chlorine chemical feeder and muriatic acid pump. The amenities include a wading pool, 3-meter diving board, 1-meter diving board, 2 shade structures, a slide and a concession area.
Facility program needs:
Support a variety of ages
Conceptual design to include one central feature with a variety of other features
Shade structures
Lighting
Spray program for unique experiences
Cultural theme based on feedback from the public

Project Details:
• Demolish existing swimming pool.
• Provide a new water playground with new recirculation filtration system and chlorinating equipment.
• Provide a new durable surface.
• Water playground will be approximately 6,000 square feet.
• Repurposing of existing shade structures if design plans allow.
• Provide seating areas.

Linwood Pool 1900 S Hydraulic

Existing site context:
Linwood Pool was built in 1971. The main pool has a surface area of 4,781 square feet and holds approximately 209,000 gallons of water with a maximum depth of 12 feet. It has a DE filtration system with an erosion chlorine chemical feeder and muriatic acid pump. The amenities include a wading pool, 3-meter diving board, 1-meter diving board, 3 shade structures, and a concession area.

Facility program needs:
Support a variety of ages
Conceptual design to include one central feature with a variety of other features
Shade structures
Lighting
Spray program for unique experiences
Football sports theme

Project Details:
• Demolish existing swimming pool.
• Provide a new water playground with new recirculation filtration system and chlorinating equipment.
• Provide a new durable surface.
• Water playground will be approximately 6,000 square feet.
• Repurposing of existing shade structures if design plans allow.
• Provide seating areas.

Orchard Pool 4808 W 9th

Existing site context:
Orchard Pool was built in 1975. The main pool has a surface area of 4,781 square feet and holds 209,000 gallons of water with a maximum depth of 12 feet. It has a DE filtration system with an erosion chlorine chemical feeder and muriatic acid pump. The amenities include a wading pool, 3-meter diving board, 1-meter diving board, 2 shade structures, and a concession area.

Facility program needs:
Support a variety of ages
Conceptual design to include one central feature with a variety of other features
Shade structures
Lighting
Spray program for unique experiences
Local sports team theme

Project Details:
- Demolish existing swimming pool.
- Provide a new water playground with new recirculation filtration system and chlorinating equipment.
- Provide a new durable surface.
- Water playground will be approximately 6,000 square feet.
- Repurposing of existing shade structures if design plans allow.
- Provide seating areas.

Edgemoor Pool (to be determined District 1)

Existing site context:
Edgemoor Pool was built in 1966. The main pool has a surface area of 8,200 square feet and holds 375,000 gallons of water with a maximum depth of 12 feet. It has a DE filtration system with an erosion chlorine chemical feeder and muriatic acid pump. The amenities include a wading pool, 3-meter diving board, 1-meter diving board, 2 shade structures, and a concession area.

Facility program needs:
Support a variety of ages
Conceptual design to include one central feature with a variety of other features
Shade structures
Lighting
Spray program for unique experiences
Sports basketball theme

Project Details:
- Demolish existing swimming pool.
- Provide a new water playground with new recirculation filtration system and chlorinating equipment.
- Provide a new durable surface.
- Water playground will be approximately 7,000 square feet.
- Repurposing of existing shade structures if design plans allow.
- Provide seating areas

Harrison Park

Existing site context:

Facility program needs:
Support a variety of ages
Conceptual design to include one central feature with a variety of other features
Shade structures
Lighting
Spray program for unique experiences
Large scorpion structure as central theme

Project Details:
- Provide a new water playground with new recirculation filtration system and chlorinating equipment.
- Provide a new durable surface.
- Water playground will be approximately 5,000 square feet.
- Provide shade and seating areas
- Future walking trails and paths
- Future picnic shelter and drinking fountain

**Planeview Park**

Existing site context:

Facility program needs:
Support a variety of ages
Conceptual design to include one central feature with a variety of other features
Shade structures
Lighting
Spray program for unique experiences
Baseball sports theme

Project Details:
- Provide a new water playground with new recirculation filtration system and chlorinating equipment.
- Provide a new durable surface.
- Water playground will be approximately 5,000 square feet.
- Provide shade and seating areas
- Future walking trails and paths
- Future picnic shelter and drinking fountain

Final Design and Construction Plan package to be tailored to meet design budget as approved by the City.

**III. PROJECT CONSTRUCTION BUDGET**

1. The approximate project construction budget:
   - 2020 $4,250,000 - Aley Pool
   - 2021 $4,250,000 - Harvest Pool
   - 2020 $4,000,000 – McAdams Pool
   - 2019 $ 775,000 – Boston Pool
   - 2020 $ 775,000 – Evergreen Pool
   - 2021 $ 775,000 – Linwood Pool
   - 2021 $ 775,000 – Orchard Pool
   - 2019 $ 775,000 – Edgemoor Pool
   - 2022 $ 825,000 – Harrison Park
   - 2023 $ 825,000 – Planeview Park

2. The design work may begin as soon as a contract is approved.
3. Payments to the contracted design consultant and/or company or consortium of companies will be made no more than once per month.
IV. GENERAL

When authorized by the CITY, proceed with the development of Plans for the PROJECT based on the preliminary design concepts approved by the City.

1. Field Surveys – Provide engineering and technical personnel and equipment to obtain survey data where required. Utility companies shall be requested to flag or otherwise locate their facilities within the PROJECT limits prior to the ENGINEER conducting the field survey for the PROJECT. Utility information shall be clearly noted and identified on the plans.

2. Review Preliminary Design Concepts – Submit preliminary design concepts for review with the City Landscape Architect prior to progressing to detail aspects of the work.

3. Design will be presented to, and have approvals from, City Council, City Staff, the Board of Park Commissioners, the City’s District Advisory Boards, the City’s Design Council to review project design and interpret engineered drawings. The Project should be presented when the design of the Project has been perfected to the point where all design factors (shape, size materials, colors, landscape, exterior, relationship, amenities, etc.) have been decided and tentatively approved by staff. It is at this point the design can be considered “frozen” and will not be changed except for unforeseen conditions, which may arise.

4. Prepare sealed construction plans and drawings; plan quantities and supplemental specifications as required. Engineered plans will include incidental drainage where required and permanent traffic signage. The PROJECT’s plans and proposed special provisions shall address the requirements included in the City’s Administrative Regulations 78, “Cleanup, Restoration or Replacement following Construction.” Also final plans, field notes and other pertinent project mapping records are to be provided to the CITY via diskettes or other media acceptable to the City. The files are to be AutoCAD drawing files of the final plans; CONSULTANTS will also need to supply electronic files of the drawings in PDF format.

5. Prepare a storm water erosion control/pollution prevention plan, prepare the necessary permit application(s) and include any provisions or requirements in the project plans and special provisions.

6. Design will meet all current applicable code requirements of governing agencies, and will be in compliance with requirements of the Americans with Disabilities Act (ADA).

7. Design will include landscaping and screening in accordance with City codes and ordinances.

8. Assist the City in the conduct of two public hearings on the proposed improvements for the project as necessary to inform the public, governmental agencies and affected parties as to construction, traffic control, construction sequence and methods, estimated time and duration of project construction, environmental assessment, right of way requirements, estimated project costs, etc.

9. Attend two planning meetings with city staff.

10. Permits - If requested by the City, assist the City in the preparation of applications for U.S. Army Corps of Engineers (404) permits, Division of Water Resources permit, and Kansas Department of Wildlife and Parks permit. Also if requested by the City, obtain construction approval from the US Army Corps of engineers and assist the City in coordinating the archaeological review of the Project.

11. Mechanical and electrical systems (including lighting) will be energy efficient and reliable.

12. All Public Property capital projects must be designed and constructed to:
a. Require minimal maintenance to resist vandalism and durably serve well into the future
b. Provide a safe and healthy environment that meets or exceeds code requirements.
c. Attain a high standard of energy and resource efficiency through the life of the facility.

13. An art consultant shall be included in all phases of the design.

V. PROPOSAL SUBMISSION REQUIREMENTS

The City of Wichita is seeking proposals from qualified firms with experience in park design and development.

The purpose of the proposal is to demonstrate the qualifications, competence and capacity of firms seeking to provide comprehensive services specified herein for the City of Wichita, in conformity with the requirements of this Request For Proposal. The proposal should demonstrate qualifications of the firm and the staff to undertake this project. It should also specify the proposed approach that best meets the Request For Proposal requirements. The proposer must address each of the service specifications under the Scope of Services.

Mandatory Elements

1. One (1) original and ten (10) copies of the proposal must be submitted to the following address no later than **5:00 P.M. on Monday, March 5, 2018**

   City of Wichita, Purchasing Manager
   12th Floor, 455 N Main
   Wichita, KS  67202

2. All proposals must be submitted on 8 ½” X 11” white paper (no legal size or odd size pages are permitted) and fully address the Scope of Services.

3. The proposal must include the signature of an official of the firm that is authorized to contract for the firm. The proposal must contain: contact person name and title; name of firm; address of firm; telephone number of contact person; fax number of firm and email address of contact person.

4. Certification 1-The Consultant hereby certifies that:

   A. The Consultant has not employed or retained for a commission, percentage, brokerage, contingent fee, override or other consideration, any firm or person at any time or for any purpose, (other than a bona fide employee working solely for the above Consultant) to solicit or secure this Agreement.

   B. The Consultant has not agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement.

   C. The Consultant has not paid or agreed to pay to any firm, organization, or person (other than a bona fide employee working solely for the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement, except as here expressly stated (if any).
5. Certification 2 - The Consultant hereby certifies that:

No Lobbying and Influencing Federal and/or City Employees or City Council Members:

A. No Federal or locally appropriated funds shall be paid, by or on behalf of the contractor, to any person for influencing or attempting to influence an officer or employee of any agency, an officer or employee or City Council member of the City of Wichita, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant and the amendment or modification of any Federal grant.

B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities" in accordance with its instruction.

6. Certification 3 - The Consultant hereby certifies that:

The Consultant certifies that no member, officer, employee, agent, or City Council member of the City of Wichita member exercising any functions or responsibilities with respect to the program outlined in this contract shall have any personal financial interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this agreement. The Consultant shall incorporate, or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this section. The Consultant shall use due diligence to ensure employees, Board members, family members and officers do not participate in contracts receiving funds pursuant to this agreement.

7. A profile of the firm including the official contact person, telephone number and mailing address.

If the firm is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified.

8. The firm’s experience, including length of time in business, and the experience of staff members who would be assigned to work with the City of Wichita.

9. References with similar projects and contact information for each reference provided.

10. Project start and completion schedule.

11. Provide estimated fee amount for design services with accompanying scope of services. The cost of preparing and delivering proposals is not eligible for inclusion in the cost proposal. Proprietary business information included in the response to this Request for Proposal should be marked clearly as such. Information that is strictly proprietary may not subject to release, as a component of an open record request subject to review by the City Attorney. Proprietary information should be marked as such on each page on which the information appears.
VI. EVALUATION CRITERIA

A Screening and Selection Committee consisting of staff from various City departments and/or the community will evaluate proposals. At the discretion of the Selection Committee, respondents may be asked to make an oral presentation to clarify information in their submittal. The Selection Committee will make recommendations regarding the selection to the City Council and request authorization to enter into a contract with the approved firm.

Proposals and firms will be evaluated based on the following criteria. If the respondent is a joint venture or consortium, the qualifications of each firm comprising the joint venture or consortium should be separately identified.

1. Mandatory Elements
   A. The proposal identifies the firm fully, its name, telephone, address and locations, identifies the location from which the services will be provided, and identifies the principal of the firm that will be responsible for the services.
   B. The firm or any officer of the firm does not have a conflict of interest with the City of Wichita, the City’s current Council members or senior staff members.
   C. The firm maintains a verifiable record of professionalism and quality and has demonstrated accessibility and responsiveness to the client.

2. Project Understanding and Presentation
   A. Understanding of project objectives.
   B. Approaches to the project and knowledge of the local situation.
   C. Preparation, presentation and format.

3. Technical Qualifications
   A. The firm has demonstrated experience and expertise in the industry and experience with similar projects.
   B. The quality of professional staff assigned and adequacy of resources.
   C. Provides examples of work product similar to that, which is being requested.

4. Approach
   A. The ability of the firm to provide services within the required timeframes.
   B. The efficacy and comprehensiveness of services offered are relevant to the project.
   C. Proposed fees.

5. Considerations
   A. Creativity of designs
   B. Aquatic features
   C. Water consumption and conservation
   D. Staffing costs

Cost will not be the sole criteria for selection of a firm.

VII. THE SELECTION PROCESS

The City of Wichita reserves the right to accept or reject any or all proposals. Submission of a proposal indicates acceptance of the conditions contained in the Request for Proposal (RFP) and an agreement to negotiate a contract for services. The City reserves the right to make an award on the basis of greatest benefit to the City and is not obligated to select the lowest cost option.
1. The City reserves the right to:
   A. Issue supplementary information or guidelines relating to the RFP during the proposal preparation period;
   B. Waive any informalities; and
   C. Reject any or all proposals. The City also reserves the right to modify the scope of services during negotiation of the contract.

2. All proposals, including supporting documentation/manuals, shall become the property of the City.

3. All proposals are considered to constitute firm offers for a period of up to three (3) months following the final day on which proposals will be accepted.

4. All costs incurred in the preparation and presentation of this proposal shall be wholly absorbed by the proposer.

No profit or handling fee will be paid to the Consultant for services provided by subcontractors including but not limited to landscape architectural services, geotechnical services, right-of-way services, artists, etc. Please take this into account when preparing your proposal fees.

A Selection Committee will review the proposals and interview the selected candidate firms. The Selection Committee will make a recommendation to the City Council for a firm to request the authorization to negotiate a contract for services in a not-to-exceed amount.

The City will notify unsuccessful firms by written letter after interviews and recommendations have been made. The unsuccessful firm(s) will have the opportunity to request a debriefing with the Project Manager and Purchasing Manager.

VIII. KANSAS OPEN RECORDS ACT

Pursuant to the Kansas Open Records Act (K.S.A. 45-215 et seq.), all proposals received become a public record once award of the contract or agreement has been approved by the City Council. Bidders should not expect the City to seek confidentiality protection for any claimed privileged or proprietary information in the written proposal just because the material is marked "confidential" or "proprietary." For any essential information that the bidder reasonably believes can be defended as being exempt from disclosure under the Act, the informal must be capable of being separated or redacted from the balance of the proposal and should be clearly and specifically marked as confidential or proprietary. For any material so designated, the City will seek to claim confidentiality if the justification for such confidentiality is readily apparent or if the bidder requests that the City to contact the bidders for guidance before making the material public. The City cannot guarantee the confidentiality of claimed material, however.

IX. POST AWARD CONDITIONS

1. Before a contract is executed, the firm must submit to the City an approved Equal Employment Opportunity/Affirmative Action Plan. This does not have to be submitted with the proposal.

2. The firm agrees, if awarded the contract, to negotiate and enter into a contract with the City of Wichita within 30 days of award.

X. SUBCONTRACTING/JOINT VENTURES
Vendors are encouraged to consider subcontracting portions of the contract to emerging and disadvantaged businesses and women-owned businesses. A joint venture between two or more vendors is wholly acceptable if it serves the best interests of the City of Wichita. If this is done, the names of the proposed subcontracting vendors must be clearly identified in the proposal. Following an award of the contract, no additional subcontracting will be permitted without the express prior written consent of the City of Wichita. The firm receiving the contract award will be responsible for any work of such subcontractors and sign the contract with the City of Wichita.

XI. EMERGING AND DISADVANTAGED BUSINESS PARTICIPATION

The City of Wichita encourages all bidders to include emerging and disadvantaged business participation in their proposals. Therefore, each vendor shall specifically identify the participation of emerging and disadvantaged contractors and subcontractors in the work to be performed by the vendor and shall list such emerging and disadvantaged contractors or subcontractors by name and show the dollar amount of work to be performed by each in the proposal.

XII. CHALLENGES AND PROTESTS PROCESS

Challenges

A challenge is defined as a written objection by any party interested in responding to either a bid or proposal (collectively referred to as solicitations), when that party wishes to have the City consider an addition, substitution or modification to the specifications stated in the outstanding solicitation.

The written challenge of the solicitation specifications must be filed with the Purchasing Manager located on the 12th Floor, Finance Department at City Hall, 455 N Main, Wichita, KS 67202, telephone number (316)268-4636, at least five (5) business days before the solicitation opening due date and time as listed on the solicitation documents. Any challenge to solicitation specifications received after the five (5) business days deadline will not be considered by the City. The Purchasing Manager will acknowledge receipt of the challenge. The written challenge is to include the name, address, email address and telephone number of the interested party, identification of the solicitation number and project title, a detailed statement of the reasons for the challenge, supporting evidence or documentation to substantiate any arguments, and the form of relief requested, e.g. the proposed addition, substitution or modification to the specifications. The Purchasing Manager will investigate the written challenge and any evidence or documentation submitted with the challenge.

In the event of a timely challenge of the solicitation specifications to the Purchasing Manager, the affected pending solicitation shall not proceed further until the challenge is resolved by Purchasing Manager decision. The Purchasing Manager will issue a written decision, which will be posted on the City’s e-procurement website, https://ep.wichita.gov, for viewing by all interested parties. The decision rendered by the Purchasing Manager will be final.
Protests

A protest is defined as a written objection to a proposed award, or the award of a contract, with the intention of receiving a remedial result. In order to be considered valid, a protest must 1) come from an actual bidder or proposer for the contract, 2) who claims to be the rightful award recipient, 3) whose economic interest may be affected substantially and directly by the award of a contract or by the failure to award a contract. Suppliers or subcontractors to a bidder or proposer cannot file a valid protest. A valid protest can only be filed by a bidder or proposer which can show that it would be awarded the contract if the protest were successful. Therefore, all conditions numbered 1 through 3 listed above in this paragraph must be met.

The written protest for bids must be filed with the Contract Compliance Officer located on the 12th Floor, Finance Department, City Hall, 455 N Main, Wichita, KS prior to 9:00 a.m. of the Tuesday immediately following the posting of the notice of intent to award on the City’s e-procurement website at https://ep.wichita.gov under the bid results tab. Failure of a protestor to file a written protest related to the notice of intent to award of a contract prior to the 9:00 a.m., Tuesday deadline will invalidate that protest and cause it not to be considered.

The written protest for proposals must be filed with the Contract Compliance Officer located on the 12th Floor, Finance Department, City Hall, 455 N Main, Wichita, KS prior to 5:00 p.m. on the third business day following the day of issuing an email or written notification of award. Failure of a protestor to file a written protest related to the notification of award prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered.

The Contract Compliance Officer will acknowledge receipt of the written protest. The written protest is to include the name, address, email address and telephone number of the protestor, identification of the solicitation number or contract number and project title, a detailed statement of the reasons for the protest which justify the relief sought, supporting evidence or documentation to substantiate any arguments, and a concise statement of the form of relief requested (e.g. reconsideration of the offer). All the above required information must be included in the protest at its submission. Untimely protests will be returned unopened. Incomplete protests will be rejected without consideration.

In the event of a valid, timely protest, the City shall not proceed with the execution of the contract until all City administrative remedies have been exhausted or waived, or until a determination is made that a contract award is required to protect the interests of the City.

The decision of the Contract Compliance Officer, based on review of the written protest and information available from City sources, will be rendered within ten (10) business days after receipt of protest, will recite the reasons for the decision, and be provided to the protestor by email or written notification.

The protestor may seek reconsideration of the decision of the Contractor Compliance Officer in writing to the Internal Auditor located on the 13th Floor, City Manager Office, City Hall, 455 N Main, Wichita, KS prior to 5:00 p.m. on the third business days following the day of issuing an email or written notification of decision. Failure of a protestor to file a written reconsideration request related to the Contract Compliance decision prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered. The Internal Auditor’s decision will be issued by email or written notification within ten (10) business days after receiving the written reconsideration, unless this time for a response is extended in writing and agreeable by both parties.
The Internal Auditor’s decision will be final, unless the protestor seeks a hearing before the City Council, by written request filed with the City Clerk, located on the 13th Floor, City Hall, 455 N Main, Wichita, KS, prior to 5:00 p.m. on the third business days following the day of issuing an email or written notification of the Internal Auditor’s decision. Failure of a protestor to file a written reconsideration request related to the Internal Auditor’s decision prior to 5:00 p.m. on the third business day deadline will invalidate that protest and cause it not to be considered.

If there is timely written reconsideration request, the protestor may seek reconsideration of the decision of the Internal Auditor by means of a hearing before the City Council. This hearing shall be in aid of the City Council’s legislative authority to approve contracts for goods, services and public improvements on behalf of the City, and does not imply any due process right of the protestor in an unawarded, unexecuted contract. The hearing shall be scheduled as soon as practicable according to the City Council’s calendar. The hearing shall be granted only upon such facts and issues as are presented in writing to the City Clerk for submission to City Council at or before noon on the Thursday preceding the scheduled hearing. No documents or other evidence shall be accepted at the hearing. The protesting party shall have available no more than 20 minutes for presentation of argument, followed by no more than 20 minutes of argument presented by City staff. The City Council may deliberate in executive session to seek the assistance of the City Attorney, but shall deliver its decision from the bench during the City Council meeting.

If a written protest is made against any proposed award or the award of a contract that relies in part on federal funding, then the Contract Compliance Officer shall notify the Granting Authority in writing with all information regarding the protest. **A protestor must exhaust all administrative remedies with the City of Wichita before pursuing a protest with the Granting Authority.** Protestors are put on notice that according to federal regulations, certain determinations made at the local level are not subject to appeal to the Granting Authority. If a review is granted by the Granting Authority, it will be limited to:

1. the City of Wichita’s failure to have or follow its protest procedures, or its failure to review a complaint or protest; or
2. violations of Federal law or regulations.

The Contract Compliance Officer will provide notice to the Granting Authority Regional Office or Headquarters Office of any request for reconsideration before the Internal Auditor, and also provide notice of the decision rendered by the Internal Auditor, or any alternative resolution reached.
NOTICE...NOTICE...NOTICE

NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY

AFFIRMATIVE ACTION PROGRAM REQUIREMENTS

1. It is the policy of the City of Wichita to require that all contracts of the City and its agencies include provisions to ensure that applicants for employment with its contractors, subcontractors, vendors and suppliers are selected and employees are treated during employment, without regard to race, color, sex, religion, national origin, ancestry, disability, or age except where age is a bona fide occupational qualification.

2. The Kansas Act Against Discrimination (Kansas Statutes Annotated 44-1001 et. seq., as amended) requires every person who enters into a contract with the City of Wichita for construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services to:

   a. Observe the provisions of the Kansas Act Against Discrimination and not to discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, or age unrelated to such person's ability to engage in the particular work.

   b. In all solicitations or advertisement for employees, the contractor shall include the phrase "EQUAL OPPORTUNITY EMPLOYER" or a similar phrase to be approved by the Kansas Human Rights Commission.

   c. Upon request, inform the Kansas Human Rights Commission and/or the City Of Wichita Finance Department in writing the manner in which such person will recruit and screen personnel to be used in performing the contract.

   d. Contractor shall include the provisions of Paragraphs (a), (b), (c), and (d) of this Paragraph 2, in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

   e. EXEMPTED from these requirements are:

      (1) Any contractor who has already complied with the provisions set forth in these sections by reason of holding a contract with the federal government or a contract involving federal funds. (Proof of compliance is required).

      (2) Contracts entered into by any contractor who employs fewer than four (4) employees during the term of such contract.

      (3) Contractors who hold contracts with the City of Wichita with a cumulative total value of five thousand dollars ($5,000.00) or less during the City fiscal year.

   f. Reports requested by the Kansas Human Rights Commission shall be made on forms prepared by the Commission, copies of which are available from the Kansas Human Rights Commission, Contract Auditor, 900 S.W. Jackson Street, Suite 851 S., Topeka, Kansas, 66612.

3. During the performance of any City contract or agreement, the contractor, subcontractor, vendor or supplier of the City shall comply with all the provisions of the Civil Rights Act of 1964, as amended; The Equal Employment Act of 1972, Executive Orders 11246, 11375, 11141, Part 60 Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, The Americans with Disabilities Act and/or any law, regulation or amendments as may be promulgated thereunder.

4. Failure of any contractor, subcontractor, vendor or supplier to report to the Kansas Human Rights Commission as required by K.S.A. 1976 Supp. 44-1031 as amended or State statutes, Federal statutes or regulations pertaining to discrimination, which finding or decision or order has become final, shall be a breach of contract and any such contract may be canceled, terminated or suspended in whole or in part by the City or its contracting agency.

5. Compliance with the Equal Employment Opportunity requirements of the City of Wichita does not relieve the contractor, subcontractor, vendor or supplier of the necessity of also complying with the Kansas Act Against Discrimination.

   Exemptions Claimed: Four (4) Employees or less; Federal Contract, Contract less than $5,000.00.

NOTE: You will be contacted if you are the successful vendor and do not have a current EEO/AA submittal on file with the Purchasing Office and/or have not REGISTERED VIA THE CITY’S WEB SITE: https://ep.wichita.gov. Questions about the City of Wichita’s EEO/AA submittal requirements should be directed to (316) 268-4417.