



**CHARLOTTE-MECKLENBURG
PLANNING DEPARTMENT**

REQUEST FOR PROPOSAL

PROFESSIONAL CONSULTING SERVICES FOR:

**RECOMMENDED APPROACH FOR AN
UPDATED OR NEW ZONING ORDINANCE**

ISSUED: March 19, 2012

DUE: April 11, 2012

DELIVER TO: Sandra Montgomery, Planning Coordinator
Charlotte-Mecklenburg Planning Department
Charlotte-Mecklenburg Government Center
600 East Fourth Street – 8th Floor
Charlotte, NC 28202

TABLE OF CONTENTS

1.0 Instructions and Scope of Work

- 1.1 Public Notice
- 1.2 Project Overview
- 1.3 Project Background
- 1.4 Project Objectives
- 1.5 Scope of Services
- 1.6 Project Schedule
- 1.7 Fees and Expenses
- 1.8 Guidelines for Submission
- 1.9 Selection Process and Schedule
- 1.10 RFP Schedule of Events

2.0 General Terms and Conditions

- 2.1 Withdrawal of Submissions
- 2.2 Reservation of Rights
- 2.3 Proposer Incurred Costs and Proposal Ownership
- 2.4 Communications
- 2.5 Small Business Enterprise Program
- 2.6 Vendor Registration
- 2.7 Public Records
- 2.8 Conditions and Reservations

3.0 Attachments

- Form A Key Team Member Matrix
- Form B Commercial Non-Discrimination Certification

Request for Proposal

Recommended Approach for an Updated or New Zoning Ordinance

1.0 INSTRUCTIONS AND SCOPE OF WORK

1.1 PUBLIC NOTICE

The City of Charlotte (City) intends to contract with a professional consultant(s) (Consultant) to recommend an approach for consideration by the City of Charlotte for an updated or new *Zoning Ordinance*. The City is seeking Consultants whose combination of experience and expertise will provide timely, cost-effective, and quality professional services to the City. Up to \$150,000 in funding is available for completion of the project. The deadline for submission of proposals in response to this Request is April 11, 2012. The project tasks and deliverables must be completed no later than March 28, 2013. Consultants unable to meet this schedule will not be considered for the work.

Information related to this solicitation, including any addenda, will be posted to the City's project website: <http://charmec.org/city/charlotte/planning/Pages/NewZoningOrdinance.aspx>

For questions related to this solicitation contact:

Sandra Montgomery, Planning Coordinator
Charlotte-Mecklenburg Planning Department
600 East Fourth Street – 8th Floor
Charlotte, NC 28202
Phone: 704.336.5722
Email: smontgomery@charlottenc.gov

1.2 PROJECT OVERVIEW

Intent

The Charlotte-Mecklenburg Planning Department invites consultants to submit proposals for the following services:

- 1) Conduct a general assessment of the existing *Zoning Ordinance*, focusing on how well it implements City policies, its strengths and weaknesses in terms of its content, structure, organization, clarity, ease of use, zoning districts and district standards, regulations of general applicability, definitions, graphics, and procedures.

- 2) Identify a minimum of three zoning ordinance models/typologies that may be appropriate for Charlotte, and that will work under the North Carolina Zoning Statutes, given the geography, demographics, land use characteristics, built environment, transportation network, and the City's vision as expressed in its plans and policies. Produce a report that describes all identified options, examples of best practices and how each model/typology is being used in peer cities, how each model/typology is administered, and the advantages of, and drawbacks to, each option, and what changes may be needed, if any, to implement the model under North Carolina Zoning Statutes.

1.3 PROJECT BACKGROUND

Over the last few decades, Charlotte has evolved from a mid-sized city and Southern regional center into the nation's 17th largest city with a role in the new global economy. Growth has been a key driver of Charlotte's economic vitality. Charlotte's population more than doubled between 1980 and 2010, increasing from 315,000 to 728,000. Charlotte is expected to continue to grow in the future, although growth will likely moderate in the near term, reflecting the impact of current economic conditions. When looking at the longer term, over the next 25 to 30 years, Charlotte is expected to reach a million in population. The City's workforce is also expected to grow during this time frame, surpassing the 900,000 mark.

Since 1980, Charlotte's growth in population and employment has been accompanied by an increase in land area. Through annexation, the City has increased from 138 square miles in 1980 to 303 square miles today. Ultimately, if Charlotte were to annex the remainder of its extra-territorial jurisdiction (ETJ), its land area would total 376 square miles.

The City of Charlotte's *Zoning Ordinance* provides regulations for the City as well as the extra-territorial jurisdiction in unincorporated areas of Mecklenburg County. It includes traditional or conventional zoning provisions that date as far back as the 1950's, as well as performance criteria. The ordinance has evolved over time, with urban design standards and a variety of new zoning districts added. These include districts for mixed-use and transit oriented development, as well as pedestrian, historic, and watershed protection overlay districts.

The last major revision of the ordinance began in the late 1980's and ended with adoption in 1992. Over the subsequent years, the *Zoning Ordinance* has been amended numerous times to resolve conflicts, add new provisions, increase flexibility, and ensure consistency with North Carolina statutes.

Since this last revision, new land use types, zoning approaches, planning theory, and best practices have caused the City to recognize the need to once again update the ordinance.

In 2008, the Planning Department conducted an In-House Diagnostic Assessment of the *Zoning Ordinance* to identify issues and make recommendations pertaining to its ease of use, readability, and application.

The current [Zoning Ordinance](#), [General Development Policies](#), and [Centers Corridors, and Wedges Growth Framework](#) are available at the project web page:

<http://charmeck.org/city/charlotte/planning/Pages/NewZoningOrdinance.aspx>

1.4 PROJECT OBJECTIVES

The purpose of this project is to perform a general assessment of the existing *Zoning Ordinance*. Based on the assessment, a minimum of three approaches for reorganizing, restructuring, and rewriting the ordinance will be recommended. This project will draw from, and build upon, the In-House Diagnostic Assessment conducted by staff in 2008, which addresses format, organization, and ease of use.

The City envisions a future *Zoning Ordinance* that will:

1. Provide a means of implementing the recommendations of the City's adopted land use plans and policies, including *Centers, Corridors, and Wedges* and *General Development Policies*.
2. Integrate land use and transportation.
3. Promote well-designed communities.
4. Protect established neighborhoods.
5. Protect the natural environment.
6. Permit a mix of uses and provide for new uses.
7. Allow for increased flexibility.
8. Evolve the built environment and allow the population to age in place.
9. Provide/incorporate design guidelines in districts to achieve the desired scale and quality of development without the need for multiple rezonings.
10. Remove and/or amend outdated standards.
11. Incorporate best practices.
12. Create clear definitions and terminology.
13. Provide graphics and illustrations to supplement written regulations.
14. Promote economically and environmentally sustainable development.
15. Adapt to a diverse and expanding economy.
16. Create regulations that can respond to market and demographic trends.
17. Promote enhanced transportation networks for pedestrians, bicyclists, motorists, and transit users.
18. Provide for high-quality infill and redevelopment projects, consistent with the context of existing development in the area.
19. Include regulations that are effective enforcement legally defensible, operationally executable, and can be implemented with existing staffing levels.

1.5 SCOPE OF SERVICES

The Consultant shall provide professional services as described below.

TASK A. Zoning Ordinance Assessment

The Consultant shall complete a general assessment of Charlotte's current *Zoning Ordinance*. This assessment shall be made against the backdrop of the In-House Diagnostic Assessment, best practices in other communities, and innovative zoning and land use practices such as form-based ordinances and hybrid zoning ordinances (i.e. those that incorporate form-based and conventional land use-based provisions).

The assessment shall focus on how well the current Zoning Ordinance implements City policies and plans, such as the *Centers, Corridors, and Wedges* and the *General Development Policies*. Further, the assessment shall identify the strengths and weaknesses of the existing *Zoning Ordinance* in terms of its content, structure, organization, clarity, ease of use, zoning districts and district standards, regulations of general applicability, definitions, graphics, and procedures.

To provide background and context for the assessment, the Consultant shall initiate and conduct interviews with key City staff and members of the Charlotte-Mecklenburg Planning Commission. The City's Project Co-Managers will help facilitate these meetings. The purpose of these interviews is to gain a better understanding of how the current *Zoning Ordinance* is used and applied, and learn about any known inconsistencies, problems, or areas of concern. A minimum of two eight-hour days should be allocated for these interviews.

Task A Deliverables:

1. Prepare and distribute (email) minutes for each interview and meeting conducted as part of the *Zoning Ordinance* assessment.
2. Produce a draft written Task A report in pdf format documenting the findings of the assessment of the existing *Zoning Ordinance*. Deliver the draft report by email to key City staff for feedback prior to development of the final Task A report.
3. Communicate by telephone or video-conference with City staff to discuss their feedback on the draft report, and work toward reaching agreement on the content of the final assessment report.
4. Produce a final written Task A report documenting the findings of the assessment of the existing *Zoning Ordinance*. The final report will reflect the comments made on the draft report by City staff.
5. Provide 10 copies of the final Task A report and a CD containing a digital copy of the report in pdf format using software such as Adobe. The document should generally be printed on 8 ½" x 11" paper, but pages with organizational charts, matrices, or diagrams may be printed on larger sheets. Type size should be no smaller than 11 points for narrative sections, but may be reduced for captions, footnotes, etc. as required while still maintaining legibility.

TASK B. Identification of Zoning Ordinance Models/Typologies

The Consultant shall identify a minimum of three zoning ordinance models/typologies for consideration by the City in revising the *Zoning Ordinance*. Special attention shall be given to addressing the project objectives as previously described and the findings of the Task A assessment.

The Consultant shall provide a description of each identified option, including:

- how it best meets the project objectives outlined in Section 1.4;
- an annotated outline of each model/typology;
- case studies or examples of how each option is used in cities of comparable size;
- detailed explanation of how each model/typology is implemented and administered; and
- an analysis of the advantages of, and drawbacks to, each option.

The Consultant shall provide a general assessment of whether each of the proposed options will work under State of North Carolina Zoning Statutes. If it is determined that a model/typology or one of its components or features is not workable under State statute, provide suggestions concerning what program or legislative adjustment(s) may be needed.

Task B Deliverables:

1. Produce a draft written Task B report that presents the requested information for each identified option. Deliver the draft report by email to key City staff for feedback prior to development of the final report.
2. Communicate by telephone or video-conference with City staff to discuss their feedback on the draft report, and work toward reaching agreement on the content of the final Task B report.
3. Produce a final written Task B report. The final report will reflect the comments made on the draft report by City staff.
4. Provide 30 copies of the report and a CD or DVD containing a digital copy of the report in pdf format using software such as Adobe. The document should generally be printed on 8 ½" x 11" paper, but pages with organizational charts, matrices, or diagrams may be printed on larger sheets. Type size should be no smaller than 11 points for narrative sections, but may be reduced for captions, footnotes, etc. as required while still maintaining legibility.

TASK C. Consultant Presentation

The Consultant shall deliver a presentation of the findings of the *Zoning Ordinance Assessment* and a discussion of the selected zoning ordinance models/typologies to the Charlotte-Mecklenburg Planning Commission and City staff in Charlotte at time and date to be chosen by the City.

Task C Deliverables:

1. Deliver a presentation as described above. The presentation shall be made by the Consultant's Senior Project Manager and shall use printed and visual media (such as PowerPoint).
2. Provide a CD or DVD containing a digital copy of all presentation materials.

1.6 PROJECT SCHEDULE

The project is expected to begin in June/July 2012 and be completed by March 28, 2013.

1.7 FEES AND EXPENSES

The City has allocated up to **\$150,000** for this project. The Consultant shall submit estimated costs and a proposed fee statement, including a spreadsheet indicating the basis for the costs for each component of the scope of services. Provide the dollar value of the work of the Consultant and all sub-consultants, including the percentage of sub-consultants involvement in each phase. Provide an hourly rate schedule by personnel, reimbursable expenses, and the proposed number of hours budgeted for each member of the Consultant firm/team.

Proposed fees will be used as an indication of the level of services to be provided. The City will not select professional services on a low bid basis, although the cost of work will be one of the factors considered in selecting a consultant. The City reserves the right to negotiate final fees and scope of services with the selected Consultant, potentially including the final composition of the Consultant team.

1.8 GUIDELINES FOR SUBMISSIONS

Submittal Format and Content

The submittal format should follow the suggested content outline below. The submittal document should be of sufficient detail to effectively present the Consultant's proposal and responses to the items requested. There is no specified length. However, proposals *will not be judged by the volume of material, and therefore should be as concise as possible without sacrificing clarity.*

The content should include the following information, as previously requested or described in this RFP, in the following order:

1. **Cover Letter**, briefly introducing the Consultant and any proposed sub-contractors, if applicable.
2. **Proposed Work Program**, indicating the approach and steps that the consultant recommends to complete the work, and a timeline for key project steps.
3. **Anticipated additional deliverables (optional)** should be listed and briefly described.

4. **Estimated Costs and Fees** as described in Section 1.7.
5. **Consultant Qualifications** should address experience in zoning ordinance development. The Consultant should provide the following:
 - a. A brief explanation of why the submitter believes the consulting team is best able to complete the project – including a description of any unique qualities, expertise, or experience the firm and individuals would bring to the project.
 - b. A brief summary of the consultant’s relevant experience.
 - c. Two or three work examples demonstrating experience in drafting and/or assessing municipal zoning ordinances.
 - d. Assurance that the consultant or team can complete the project within the time frame, with a description of other commitments the lead firm will have during this period.
 - e. Names, qualifications, and résumés of individuals who will be directly involved in this project. Resumes should not exceed two pages in length.
 - f. Three references with key contacts and phone numbers.
6. **2-3 Work Product Examples** showcasing recent relevant projects, along with key contacts and phone numbers, and a very brief description of each project.
7. **Required Forms (Attachments A & B)**

Submission Requirement

Consultants must submit 12 bound original proposals, including all required forms, and a CD containing one consolidated digital copy of the complete proposal in pdf format using software such as Adobe. Proposals should generally be printed on 8 ½” x 11” paper, but pages with organizational charts, matrices, or diagrams may be printed on larger sheets. Document pages should be numbered. Type size should be no smaller than 11 points for narrative sections, but may be reduced for captions, footnotes, etc. as required while still maintaining legibility.

Non-conforming submissions may be removed from consideration. All submissions should consist of materials that are easily recyclable or reusable at the conclusion of the evaluation process. Proposals must be submitted to the receptionist at the Charlotte-Mecklenburg Planning Department by **5:00 pm on Wednesday, April 11, 2012**. No submittal items can be accepted after the deadline. No fax copies will be accepted at any time.

Deliver or send proposals to: Sandra Montgomery
Charlotte-Mecklenburg Planning Department
Charlotte-Mecklenburg Government Center
600 East Fourth Street, 8th Floor
Charlotte, NC 28202

1.9 SELECTION PROCESS AND SCHEDULE

Consultant Selection Process

A staff Selection Team will review all proposals submitted by the above deadline. Please do not attempt to contact any members of the Selection Team. Any attempt to do so may result in disqualification of the firm's submittal for consideration. All questions regarding the project or the submittal should be received by Friday, April 6, 2012 and should be directed to the Project Contact:

Sandra Montgomery
Charlotte-Mecklenburg Planning Department
600 East Fourth Street, 8th Floor
Charlotte, NC 28202
Telephone: 704-336-5722
Email: smontgomery@charlottenc.gov

The Selection Team will review all submittals to identify those best meeting the criteria below and, in general, best suited to meet the goals of the project. This review will occur during the period of April 12 to April 27, 2012 and applicant firms may be contacted during this period for clarification of their proposal.

The Selection Team intends to choose a limited number of applicant firms for further consideration and to interview these firms during the period of Monday, May 7 to Friday, May 11, 2012. Notification of these firms will be made as soon as possible, but the consultant team should be prepared to convene in Charlotte for these interviews.

A finalist will be selected for contract negotiation, and if that negotiation is successful and appropriate authorities approve the contract, the selected firm will be announced by July 1, 2012. If no agreement can be reached with the top ranked firm, staff shall proceed to negotiate with the next ranked firm, until both parties arrive at a satisfactory agreement. Questions regarding this process must be submitted in writing to the project contact Sandra Montgomery, (see contact information above).

Proposals will be evaluated based on each of the following general criteria:

- **Demonstrated Capacity** (Past performance of consultant firm on similar projects, as well as project manager and other team members; availability of consultant team members; extent of other completed projects of similar scope and magnitude).
- **Proposed Work Program and Deliverables** (Understanding of the assignment; quality of response to proposed work program and deliverables).
- **Communications** (Organization/completeness of response; writing skills, as shown through the submission and any submitted work samples).

- **References** (Confirmation that consultant has performed similar work in past; assessment of ability to produce quality product within the project schedule; assessment of ability to conduct productive meetings; assessment of ability to work with staff, stakeholders, and elected officials).
- **Work Product Examples** (Quality, appearance, presentation, and applicability of submitted work examples).
- **Estimated cost of work.**

1.10 RFP SCHEDULE OF EVENTS

Date	Steps
March 19, 2012	Request for Proposal distributed
April 11, 2012	Closing date for submissions
April 12-27, 2012	Selection Team reviews submissions
May 7-11, 2012	Finalist teams are interviewed
May 11, 2012	Selection of Consultant
June/July 2012	Contract signed
March 28, 2013	Project completed

2.0 GENERAL TERMS AND CONDITIONS

This Request for Proposals does not commit the City of Charlotte (*hereinafter "City"*) to enter into an agreement, to pay any cost incurred in the preparation of the response to this request or in subsequent exclusive negotiations, or procure or contract for the project.

2.1 WITHDRAWAL OF SUBMISSIONS

A proposer may withdraw the submitted proposal at any time prior to the closing time and date by notifying the Project Contact in writing.

2.2 RESERVATION OF RIGHTS

The acceptance of a submitted proposal does not constitute an agreement that any contract will actually be made. The City reserves the right to:

- reject any or all proposals;
- reissue a Request for Proposal;
- extend the time frame for submission by proper notification via website and/or those who have registered an interest in this RFP with the designated contact person;
- request more information from any or all applicants;
- decline to accept all terms of any submitted proposal, reaching agreement on final terms during contract negotiations;
- terminate negotiations for failure to reach mutually acceptable terms.

2.3 PROPOSER INCURRED COSTS AND PROPOSAL OWNERSHIP

Each proposer will be responsible for all costs incurred in preparing a response to this Request for Proposal. The selected consultant will be responsible for all costs it incurs during the interview and contract negotiation process. All materials and documents submitted by the proposer in response to the RFP will become property of the City.

2.4 COMMUNICATIONS

With the exception of discussions contemplated during the interview and contract negotiation process, all communication of any nature with respect to this RFP shall be addressed to the Project Contact identified above in this RFP. Other than communications with the Project Contact for this RFP, firms and their staffs are prohibited from communicating with elected and appointed City officials, City staff and any Selection Team member regarding this RFP from the time the RFP is released until the selection results are publicly announced. These restrictions include "thank you" letters, phone calls, emails, and any contact that results in the direct or indirect discussion of this RFP and/or the submitted proposal by the firm/team. Violation of this provision may lead to disqualification of the Consultant's proposal for consideration.

2.5 SMALL BUSINESS OPPORTUNITY PROGRAM

The Charlotte City Council has declared that a race and gender neutral program employing goals and good faith efforts to promote the utilization of small businesses in City contracts will benefit the City by promoting competition in City contracting and by promoting economic growth and development in the Charlotte MSA.

In August 2002, the North Carolina State Legislature ratified Session Law 2002-91 authorizing the City to establish a Small Business Enterprise program to enhance opportunities for small businesses to participate in City contracts. The City's Small Business Opportunity Program (SBO Program) applies to all aspects of the City's contracting and procurement programs. A complete copy of the SBO Program is available for review at the City's website at <http://smallbiz.charmeck.org>. Under the SBO Program, all firms doing business with the City are required to consider providing opportunities for Small Business Enterprises (SBEs) on City contracts.

In order to comply with the SBO Program, please identify SBEs on your project team. We encourage you to consider any and all possibilities for SBE participation. A complete list of certified SBEs is available on the City's website at <http://smallbiz.charmeck.org>. A goal for SBE utilization may be set during contract negotiations and carefully reviewed by the SBO Program Office to ensure an appropriate level of SBE participation on each contract.

You must negotiate in good faith with all interested SBE firms. Part C Section 2.2 of the SBO Program defines what negotiating in "good faith" means. Each firm must negotiate in good faith with each SBE that responds to the firm's solicitations and each SBE that contacts the firm on its own accord (as defined more specifically in Part C Section 4.4). Failure to comply with the requirements set forth in Part C Section 4 may result in the proposal being excluded from further consideration.

To demonstrate Good Faith Negotiation compliance the City may request on a case-by-case basis documentation sufficient in the City's judgment to prove that the firm's reasons for rejecting an interested SBE's proposal are valid. Firms must provide such forms and information within three (3) Business Days after the City requests it. It is important that you carefully review Part C Section 5 of the SBO Program as soon as possible so as to put yourself in a position to provide the documentation quickly and accurately if requested.

2.6 VENDOR REGISTRATION

In order to measure the effectiveness of the City's SBO Program, all consultants and first-tier sub-consultants and suppliers must be registered in the City's Vendor Registration System to receive payment for services and/or supplies provided under any City contract.

2.7 PUBLIC RECORDS

Upon receipt by the City, each submitted proposal becomes the property of the City and is considered a public record except for material that qualifies as “Trade Secret” information under North Carolina General Statute 66-152 et seq. Proposals will be reviewed by the City’s Selection Team, as well as other City staff and members of the general public who submit public record requests after a selection result has been announced to the public. To properly designate material as a trade secret under these circumstances, each firm must take the following precautions: (a) any trade secrets submitted by a firm should be submitted in a separate, sealed envelope marked “Trade Secret - Confidential and Proprietary Information - Do Not Disclose Except for the Purpose of Evaluating this Qualifications Package,” and (b) the same trade secret/confidentiality designation should be stamped on each page of the trade secret materials contained in the envelope.

In submitting a proposal, each firm agrees that the City may reveal any trade secret materials contained in such response to all City staff and City officials involved in the selection process and to any firm or individual hired by the City to assist in the selection process. Furthermore, each firm agrees to indemnify and hold harmless the City and each of its officers, employees and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the firm has designated as a trade secret. Any firm that designates its entire proposal as a trade secret may be disqualified from the selection process.

2.8 CONDITIONS AND RESERVATIONS

The City expects to select one firm/team, but reserves the right to request substitutions of sub-consultants. The City reserves the right to contact any firm/team to negotiate if such is deemed desirable by the City. The City reserves the right to reject any or all responses to the RFP, to advertise for new RFP responses, or to accept any RFP response deemed to be in the best interest of the City. The City reserves the right to waive technicalities and informalities.

A response to this RFP should not be construed as a contract, nor indicate a commitment of any kind. The RFP does not commit the City to pay for costs incurred in the submission of a response to this RFP or for any cost incurred prior to the execution of a final contract. No recommendations or conclusions from this RFP process concerning your firm shall constitute a right (property or otherwise) under the Constitution of the United States or under the Constitution, case law or statutory law of North Carolina. No binding contract, obligation to negotiate, or any other obligation shall be created on the part of the City unless the City and you or your firm executes a contract.

FORM A – KEY TEAM MEMBER MATRIX: Recommended Approach for an Updated or New Zoning Ordinance

KEY TEAM MEMBERS	Key Team Member 1	Key Team Member 2	Key Team Member 3	Key Team Member 4	Key Team Member 5
<i>Personal Information</i>					
Name					
Professional Certifications/Registrations/Affiliations					
Relevant Academic Degree(s) (list)					
Proposed Role/Function for Project					
Office Location					
Number of Years with Current Firm					
Availability for the Next 12 Months					
<i>Indicate Role and Level of Involvement (Major/ Minor or None, as applicable)</i>					
1. Zoning Ordinance Assessment – Task A	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
2. Identification of Zoning Ordinance Models/Typologies – Task B	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
3. Final Recommendation – Task C	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
<i>Expertise – Indicate Number of Years Experience or Number of Projects Completed and Specify if Reporting Numbers or Years</i>					
1. Zoning Ordinance Assessment					
2. Identification of Zoning Ordinance Models/Typologies and Recommendation					

FORM A – KEY TEAM MEMBER MATRIX: Recommended Approach for an Updated or New Zoning Ordinance

KEY TEAM MEMBERS	Key Team Member 1	Key Team Member 2	Key Team Member 3	Key Team Member 4	Key Team Member 5
3. Other areas of expertise – List:					

FORM B – COMMERCIAL NON-DISCRIMINATION CERTIFICATION

Project:	Recommended Approach to an Updated or New Zoning Ordinance - RFP
Project Number:	<i>(leave blank)</i>
Proposer:	

The undersigned Proposer hereby certifies and agrees that the following information is correct:

1. In preparing its proposal package, the Proposer has considered all proposals submitted from qualified, potential sub-consultants and suppliers and has not engaged in discrimination as defined in Section 2 below.
2. For purposes of this section, *discrimination* means discrimination in the solicitation, selection, or treatment of any sub-consultant, vendor, supplier or commercial customer on the basis of race, ethnicity, gender, age, religion, national origin, disability or other unlawful form of discrimination. Without limiting the foregoing, *discrimination* also includes retaliating against any person or other entity for reporting any incident of discrimination.
3. Without limiting any other remedies that the City may have for a false certification, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the City to reject the proposal package submitted with this certification and terminate any contract awarded based on such proposal package. It shall also constitute a violation of the City’s Commercial Non-Discrimination Ordinance and shall subject the Proposer to any remedies allowed thereunder, including possible disqualification from participating in City contracts for up to two years.
4. As a condition of contracting with the City, the Proposer agrees to promptly provide to the City all information and documentation that may be requested by the City from time to time regarding the solicitation and selection of sub-consultants and suppliers. Failure to maintain or failure to provide such information shall constitute grounds for the City to reject the proposal package and to terminate any contract awarded on such proposal package. It shall also constitute a violation of the City’s Commercial Non-Discrimination Ordinance and shall subject the Proposer to any remedies that are allowed thereunder.
5. As part of its proposal package, the Proposer shall provide to the City a list of all instances within the past ten years where a complaint was filed or pending against the Proposer in a legal or administrative proceeding alleging that the Proposer discriminated against its sub-consultants, vendors, suppliers, or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken.
6. As a condition of submitting a proposal package to the City, the Proposer agrees to comply with the City’s Commercial Non-Discrimination Policy as described in Section 2, Article V of the Charlotte City Code, and consents to be bound by the award of any arbitration conducted thereunder.

By: _____
Signature of Authorized Official

Title: _____