

CITY OF PHILADELPHIA TERMS AND CONDITIONS REQUESTS FOR PROPOSALS

1. This Request for Proposals (RFP) does not commit the City of Philadelphia to award a contract. No other party, including any proposer, is intended to be granted any rights hereunder. Proposals which, in the sole discretion of the City, do not meet the minimum requirements, including without limitation the requisite licensures and the minimum proposal submission requirements will not be reviewed. This RFP and the process it describes are proprietary to the City and are for the sole and exclusive benefit of the City. Any response, including written documents and verbal communication by any proposer to this RFP, will become the property of City and may be subject to public disclosure by the City or any authorized agent of City. The City is not liable for any costs associated with the development, preparation, transmittal or presentation of any proposal or material(s) submitted in response to this RFP.
2. It shall be the proposer's responsibility to review and verify the completeness of its proposal. The City may request additional or clarifying information or more detailed information from any proposer at any time, including information inadvertently omitted by a proposer. The City may request to inspect projects or contact clients referenced in the proposer's proposal. The City also reserves the right to conduct investigations with respect to the qualifications of a proposer.
3. Verbal communication made by any City employee or agent of the City with respect to this RFP is not binding and shall not in any way be considered as a commitment by the City. Only written responses to questions submitted in writing to the City or written addenda issued by the City will be considered binding on the City.
4. City employees are prohibited from responding to this RFP or being a party, direct or indirect, to any contract resulting from the RFP and no proposal shall be accepted from, or contract awarded to, any City employee or official who submits a proposal or solicits any contract in which he or she may have any direct or indirect interest. No Proposer may be a proposer to more than one proposal submitted pursuant to this RFP. Entities that are legally related to each other or to a common entity may not submit separate Proposals. Any proposal may be rejected that, in the City's sole judgment, violates these, or the spirit of these conditions.
5. The City reserves and may exercise the following rights and options with respect to evaluation of the proposal and selection for negotiation:
 - a. to reject any and all proposals and re-issue the RFP at any time prior to execution of a final contract, if, in the City's sole discretion, it is in the City's best interest to do so;
 - b. to supplement, amend, substitute or otherwise modify this RFP at any time prior to selection of one or more respondents for negotiation and to cancel this RFP with or without issuing another RFP;
 - c. to accept or reject any or all of the items in any proposal and award the contract in whole or in part if it is deemed in the City's best interest to do so;

- d. to reject the proposal of proposer that, in the City's sole judgment, has been delinquent or unfaithful in the performance of any contract with the City or another government entity, is financially, or technically incapable or is otherwise not a responsible proposer;
 - e. to reject as informal or non-responsive, any proposal which, in the City's sole judgment, is incomplete, is not in conformity with applicable law, is conditioned in any way, deviates from this RFP or contains erasures, ambiguities, alterations or items of work not called for by this RFP;
 - f. to waive any informality, defect, non-responsiveness and/or deviation from this RFP that is not, in the City's sole judgment, material to the proposal;
 - g. to permit or reject, at the City's sole discretion amendments (including information inadvertently omitted), modifications, alterations and/or corrections or proposals by some or all of the respondents following proposal submission;
 - h. to request that some or all of the proposers modify proposals based upon the evaluation of the City.
6. The City may enter into negotiations for a contract, on terms and conditions satisfactory to the City (including without limitation, insurance, indemnification and compliance with nondiscrimination provisions including Executive Order 1-93) with one or more selected proposer(s). However, the City reserves the right to terminate any negotiations at any time or conduct simultaneous, competitive negotiations with multiple firms. The City reserves the right to negotiate acceptable terms in an otherwise unacceptable proposal. Such negotiations may result in changes in terms material to this RFP; in such event, the City shall not be obligated to inform other proposers of the changes, or permit them to revise their proposals accordingly, unless the City, in its sole discretion, determines that doing so and permitting such is in the City's best interest. Should negotiations not prove satisfactory with the selected proposer(s) the City reserves the right to discontinue negotiations and additional firms may be asked to enter into negotiations or the City may solicit new proposals or issue a new RFP.