



Pender County

REQUEST FOR QUALIFICATIONS # 24-257

Pender County Comprehensive Plan

Date of Issue: September 27, 2023

Questions Deadline: October 13, 2023 at 5:00 PM

Submission Deadline: October 31, 2023 at 2:00 PM

Planning and Community Development Department

Post Office Box 1519

805 South Walker Street

Burgaw, North Carolina 28425

Pender County Comprehensive Plan

REQUEST FOR QUALIFICATIONS

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Purpose and Background

Purpose

Pender County is seeking Statements of Qualifications from interested parties to help the County define its vision for the future and assist in the creation of a new Comprehensive Land Use Plan. The current Pender 2.0 Comprehensive Land Use Plan was adopted in 2018. The Plan shall focus on Pender County in its geographical entirety.

The firm awarded the contract will have the responsibility of leading the plan development process from creation to adoption, while working in direct coordination with Pender County Planning and Community Development Department Staff, the Comprehensive Plan Steering Committee, Pender County Planning Board, and the Pender County Board of Commissioners. Statements of Qualifications (SOQ) should demonstrate the ability to provide a plan with clear strategic goals, policies, and objectives that are realistic and practical in nature. A firm's SOQ should take into consideration the changes and pressures the County is experiencing from global market phenomena (remote work, pandemic effects, migration to coastal communities, and environmental impacts) as well as localized pressures of being adjacent to growing metropolitan areas and planning for growth in various regions of the County.

Community Background

Located in southeastern North Carolina, Pender County is a large and diverse community covering over 870 square miles and is North Carolina's tenth largest county by area. Pender County contains six municipalities, large areas of rural agricultural lands, two expansive state game lands, and rapidly urbanizing unincorporated areas along the coast and major transportation corridors. The North Carolina Office of State Budget and Management estimates that the 2021 population of Pender County was 62,978 people, a 4.2 percent (2,537 people) increase from NCOSBM's 2020 County population estimate. According to the US Census Bureau, Pender County was the third fastest growing county in the State between 2020 and 2021.

Northern and western portions of Pender County consist primarily of farm and forest land with small, but tightly-knit rural communities. By contrast, southern and eastern portions of the County continue to experience substantial suburban and urban growth, due in large part to the proximity of area beaches and the growing metropolitan population of the City of Wilmington and New Hanover County. Similarly, this area of the County is also influenced by the City of Jacksonville and Camp Lejeune Marine Corps Base just to the north in Onslow County.

Growth in Pender County is representative of what is occurring along much of coastal North Carolina with traditionally rural, agrarian counties being challenged and transformed by unprecedented growth. Areas close to the Atlantic Ocean and scenic rivers of eastern North Carolina are experiencing development interest and pressure. This growth has challenged transportation, school, and utility systems, the environment, and the ability of Pender County to provide the appropriate levels of public services and infrastructure to its citizens. Pender County faces a challenging future, but one full of promise for a better community, higher quality of life, and sustainable development.

Related Planning Efforts, Existing Land Use & Transportation Plans

Previous and ongoing planning efforts include those listed below. Copies of these plans may be found at: <https://pendercountync.gov/pcd/planning-zoning/adopted-plans/>.

Unified Development Ordinance

- Pender County Unified Development Ordinance
- Pender County Flood Damage Prevention Ordinance

Comprehensive Plans

- Pender 2.0 Comprehensive Plan (2018)
- Pender County Comprehensive Plan (2010)

Hazard Mitigation Plan

- Southeastern North Carolina Regional Hazard Mitigation Plan (2021)

Transportation Plans

- Wilmington Urban Area Metropolitan Planning Organization Metropolitan Transportation Plan 2050 (*Forthcoming*)
- Pender County Bicycle and Pedestrian Plan (2023)
- NC 210 East Coast Greenway Feasibility Study (2023)
- Pender County Streets Plan (2021)
- Cape Fear Regional Bike Plan (2017)
- Pender County Collector Street Plan (2016)
- Pender County Comprehensive Transportation Plan (2016)
- Cape Fear Transportation 2040 Plan (2015)
- US 17/NC 210 Corridor Study (2012)

Community Plans

- Pender County Parks and Recreation Comprehensive Master Plan (2022)
- Housing Needs Assessment (2012)

Small Area Plans

- Maple Hill Small Area Plan (2014)
- Currie Small Area Plan (2012)

Capital Improvement Plan

- Pender County Capital Improvement Plan (FY 2019-2023)

General Information

RFQ Schedule *(Tentative)*

Event	Responsibility	Date
Issue RFQ	County	September 27, 2023
Question Submittal Deadline	Vendor	October 13, 2023
Provide Response to Questions	County	October 20, 2023
Deadline for Submission of Statements of Qualifications	Vendor	October 31, 2023 at 2:00 PM
Schedule Interviews and Presentations	County/Vendor	November 1-5, 2023
Vendor Interviews and Presentations	County/Vendor	November 6-9, 2023
Vendor Selection & Contract Award	County	December 4, 2023

Questions

Upon review of the RFQ documents, vendors may have questions to clarify or interpret the RFQ in order to submit the best Statement of Qualifications (SOQ) possible. To accommodate the SOQ questions process, vendors shall submit any such questions by the above due date.

Written questions shall be emailed to amoran@pendercountync.gov by October 13, 2023 at 5:00 PM. Vendors should enter "RFQ Pender County Comprehensive Plan Questions" as the subject for the email. Question submittals should include a reference to the applicable RFQ section.

Questions received prior to the submission deadline date, the County's response, and any additional terms deemed necessary by the County will be posted in the form of an addendum. No information, instruction or advice provided orally or informally by any Pender County personnel, whether made in response to a question or otherwise in connection with this RFQ, shall be considered authoritative or binding. All communication with County staff regarding this RFQ shall be via email directed to Adam Moran, Long Range Planner at amoran@pendercountync.gov.

Request for Qualifications Document

The RFQ is comprised of this Request for Qualifications document, any attachments, and any addenda released before the Contract award. All attachments and addenda released for this RFQ in advance of any Contract award are incorporated herein by reference.

Notice regarding RFQ Terms and Conditions

It shall be the Vendor's responsibility to read the instructions, the County's terms and conditions, all relevant exhibits and attachments, and any other components made a part of this RFQ and comply with all requirements and specifications herein. Vendors are also responsible for obtaining and complying with all addenda and other charges that may be issued in connection with this RFQ.

Final Deliverables

The Vendor shall provide both a print-ready, and a web-formatted copy best suited for online display, of the completed Comprehensive Plan. At the completion of the project the selected vendor shall provide to the Planning & Community Development Department digital copies of all data, photos, files, reports, and other documents collected and created during the planning process, in both static (PDF) and editable formats (ex: .JPG, .SHP, .INDD, .XLSX, .AI, .MXD, etc.) when applicable.

Scope of Work

The purpose of this project is to actively engage citizens, staff, and the community in a process that will result in a Comprehensive Plan that will provide guidance in directing the County's land use policies, and physical and community development for the next 20 years. The Plan will be required to meet the North Carolina Coastal Area Management Act planning requirements as outlined in 15A NCAC 07B and must be approved by the Coastal Resources Commission.

Key Principles and Elements

Historical Component

A historical component will be included in the Plan, wherein the history of Pender County and cultural context is relayed, and significant County policy changes are placed in historical context. A review of current and past planning efforts and land use tools shall be included.

Defined Goals, Policies, and Actions

The goals, policies, and actions that are identified through the Plan shall be clear, consistent, actionable, and identified through an attractive and recognizable schematic throughout the Plan. Specific goals, policies, objectives, and actions recommended to be implemented should be included for each element of the plan, including suggested and anticipated timelines.

Public Engagement

The Plan shall be developed with robust public engagement, ensuring those that often do not participate have opportunities to participate in the development of the Plan. The engagement will include some traditional methods of public engagement, such as surveys and public meetings. In addition, public input will also employ innovative non-traditional digital and online engagement techniques, connecting to citizens where they are, examples of which include: outdoor community kiosks, online forums, a website, including a web-based portal for education and input on the County's website, videos, social media, etc. The engagement will intentionally include and seek out citizens with unique perspectives who have been traditionally underserved (i.e., youth, people facing economic barriers, minority communities, people with disabilities, and those who speak English as a second language). Public engagement efforts shall be described and quantified to ensure accountability and validity. The selected vendor will provide a Communication and Public Engagement Plan, which will outline best practices for equitable and accessible in-person and online participation. The vendor will assist in the development of a toolkit to enable Planning staff to engage in outreach efforts with the public without the need for the vendor to be present at every meeting or event. Methods of outreach to solicit participation among various constituencies shall be specified.

Zoning, Future Land Use Classifications, and Special Districts

A description of existing conditions and recommended changes to county-wide zoning, future land use classifications, and proposed special overlay districts (for example, Bicycle and Pedestrian Overlay, Conservation, Building Design, School, Utility, and any other special overlay districts) should be included. Strong consideration should be given to the use of form-based code in certain areas of the county (areas where current or future urbanization is anticipated).

Future Needs

The Plan shall seek to educate and call out the need for additional planning efforts, if needed, including small area plans or other stand-alone plans. Proposed and recommended stand-alone plans for utility, transportation, education, conservation, hazard resiliency, and other public needs and desires should be included in the Plan as well.

Coastal Area Management Act Plan and Environmental Protection

The Plan will address the topics, policies, and necessary sections to meet the requirements of the North Carolina Coastal Area Management Act as outlined in 15A NCAC 07B. The Plan will prioritize the County's efforts in resiliency and hazard mitigation, as well as outline future goals and actions necessary to maintain and improve the County's natural resources and environmental health. A review of the sustainability policies, Hazard Mitigation Plan, and Land Use Plans, as well as the County's environmental ordinances will be included in this component. Current planning efforts and future action steps for resiliency and mitigation shall be outlined. Environmentally sensitive areas, wetlands, and existing and recommended tree canopies should be described, analyzed, and addressed with recommended policies and actions. Tree and wetland preservation has been a key concern as it relates to recent and future development. Conservation zoning and districts along with regulations and plans should be included.

Tourism and Seasonal Populations

The Plan shall seek to describe how tourism is projected to impact County needs and growth. Impacts from the tourism industry (such as employment, existence of short-term rentals, hotels, restaurants, special events, public service availability, and infrastructure capacity) should be analyzed and ascribed recommended policies, goals, and actions. Impacts of seasonal population increases should be taken into consideration as well.

Regionalism

Much of Pender County's growth is influenced by rapidly growing metropolitan areas to the north and south of the county; these pressures and trends should inform the Plan's analysis and recommendations. The Plan's geographical area will be Pender County, but when possible and appropriate, the connection between the County, its municipalities, adjacent counties, and our regional partners shall be addressed. Special attention should be devoted to the differential needs and services available to urban and rural communities.

Transportation

The Plan shall seek to describe the current and future state of transportation in Pender County and how it is projected to impact County needs and growth. Attention should be given to public transportation, bicycle, pedestrian, and alternative modes of transportation, access to services and job opportunities, future passenger rail service, flood and natural hazard evacuation and resiliency measures, road conditions, traffic congestion, commuter patterns, and other topics related to building a resilient, versatile, and robust transportation network. The Plan should provide policy, goal, and other recommendations regarding these topics with consideration given to recent transportation-related plans (Pender County Bicycle and Pedestrian Plan, Pender County Streets Plan, Comprehensive Transportation Plan, etc.).

Health & Equity

The Plan will consider, study, analyze, and address the availability of Health and Nutrition goods and services for the population of the county. Phenomena such as food deserts and low access to healthcare services should be given special attention and the needs of affected social and demographic groups as well as affected geographic areas should be addressed. The Plan will approach all Key Principles, Elements, and Components with an eye for equity. This equity lens will be specific to the needs of communities and populations of Pender County.

Economic Development and Tax-base Growth and Retention

The Plan should consider, analyze, and address the current state of Pender County economic development opportunities. In particular, the desired growth of a non-residential tax base and more job opportunities should be emphasized. Consideration of existing and potential employment centers as well as the broad spectrum of job-creating development is necessary to be included in this Plan. The County continues to seek opportunities to increase its non-residential tax base and intends that the Plan should address land use and development policy and regulation solutions to guide implementation of this priority.

Utilities and Internet Connectivity

The Plan should consider, analyze, and address existing water, sewer, stormwater, electric, and internet (high-speed broadband) availability, connectivity, and capacity. Future plans for increased or expanded capacity and maintenance should be analyzed and recommended, including the use of public-private partnerships to improve coverage and service for all utilities. Alignment and coordination of new development and utility infrastructure should be addressed. Actionable priorities for each kind of utility (as listed earlier in this section) should be described.

Nodes, Existing Infrastructure, and Development

The importance of situating new development in areas already served by utilities and infrastructure is a priority and policy of Pender County Planning and Community Development Department. Therefore, concepts, policies, and recommendations supporting this continued effort should be included in the Plan. Finding targeted areas for planned growth and incremental density should be identified and described. Situating new development around key nodes where existing transportation and utility infrastructure exists should be considered in the Plan.

Housing

The current state of the County's housing stock and trends should be considered and described. Particular attention should be given to identifying land use and development policies that would work towards building a resilient housing stock that would serve the growing needs of resident families and individuals in various stages of life, including housing typologies that are considered attainable, affordable, or workforce housing.

Public Services and Education

A fundamental part of public infrastructure that has been strained due to development is the public school system. As such, consideration, description, and actionable recommendations regarding the acquisition of land and resources for the siting of public services (such as schools, healthcare facilities, public utilities, administrative buildings, and transportation and recreation facilities) should be included in the Plan.

Components of the Plan

Pender County has established the preliminary components of the Plan under this Scope of Work to serve as the guide for the Plan's framework. The components will serve to direct the Plan's development and potential partners are encouraged to suggest innovative additions or modifications to these components through explanation in the submitted Statement of Qualifications. Existing planning and policy documents for the various components of the proposed Comprehensive Plan have been gathered and will be used to further synthesize and build upon the basis of our current development policies and practices. Please note that components may be added or removed as the planning process unfolds based on feedback from staff, the community, boards, commissions, and elected officials.

Graphics

The selected vendor shall use visualization techniques that graphically and accurately depict pertinent information for each component of the Plan, including, but not limited to branding, infographics, wordmaps, photographs, illustrations, and renderings. Easy to read and informative charts, graphs, and maps shall be used throughout the Plan. Graphics and coloring schemes shall be used as tools to distinguish important items as themes or goals throughout the Plan.

Plan's Accessibility and Length

The Plan shall be written in a way that is accessible and understandable; the Plan will not be written for Planners but for the general public. The Plan will be concise but include all necessary components.

Executive Summary

An executive summary that outlines the vision, detailed goals, and elements that are laid out in the Comprehensive Plan.

Community Profile Development and Existing Conditions

A history and review of current planning efforts, including an inventory, review, and analysis of existing policies and conditions. Demographic and population analysis using the most recent and reliable data available will be included. A comprehensive land use survey and database should be prepared resulting in a parcel level current land use data set which should be used to develop a future land use plan. A property inventory shall be created which identifies industrial, institutional, commercial, recreational, vacant, and residential land uses. Topographic and natural feature maps (including steep slope/high elevation, protected ridge, floodplain, wetlands, and conserved properties), and infrastructure maps (including public water, public sewer, natural gas, transportation, broadband, and public schools) shall be included.

Within the Community Profile section of the Plan, the existing conditions of and current plans related to the following areas should be described:

- Transportation
- Housing Trends, Typologies, and Affordability
- Hazard Mitigation and Resiliency
- Emergency Management and Public Safety
- Sustainability, Environment, and Conservation
- Aging Population and other demographic trends and projections

- Current Facilities and Services for Youth and Seniors (Senior Centers, Retirement Homes, Daycares, Child and Senior Health Care Facilities, etc.)
- Land Use and Development Trends
- Previously-adopted Future Land Use Plan
- Nodes for Growth
- Special Districts (Public Utility and Tax Districts)
- Infrastructure and Public Services
- Education and Schools
- Economy and Industry
- Farmland, Agriculture, and Local Food Systems
- Health & Equity (including medical services and food security)
- Parks, Public Facilities, Greenways, and a Healthy Community
- Tourism
- Historical Context and Preservation

Future Land Use Map and Description

A major component of the Plan will be the Future Land Use Map and its accompanying recommended categories and explanations. Characteristics of each future land use category should be described and illustrated regarding density, preferred uses, design standards, and other relevant characteristics of each area.

Visioning and Development of Goals, Policies, Actions

The goals, policies, and actions shall be developed only after significant public engagement. These items will help define the vision for the County regarding future growth and development. A needs assessment will be developed which identifies gaps or conflicts between current Ordinances or policies and recommended items.

A description of the pertinent public engagement activities should be provided in this section of the Plan. The types of outreach and number of participants should be included, as well as examples of insight and focus provided.

Within this component of the Plan, recommendations for implementation policies and actions shall be provided. These policies and actions should include benchmarks, priorities, and measures for accountability with specific targets and an implementation schedule.

A GIS database shall be created identifying areas of potential future growth, and infrastructure needs required for this growth. Former and intact Extra-Territorial Jurisdictions (ETJs) within the County should be identified.

The future land use plan and GIS database shall be provided by the Vendor and prepared using population projections and build-out scenarios of preferred land-use patterns. The build-out scenarios shall use projections of uses and infrastructure improvements (projected and required). The impact of major development activities and master plans should be considered. This map should be created in a format that is compatible with Pender County's current Geographical Information System (GIS).

Coastal Area Management Act Plan Requirements

The Plan will address the statutorily mandated elements, topics, policies, and sections to meet the requirements of the North Carolina Coastal Area Management Act (CAMA) as outlined in 15A NCAC 07B. The Plan should also lay out the process by which the Plan will be certified by the North Carolina Coastal Resources Commission and carefully document the required elements of a CAMA plan.

Submittal Requirements

Submittal Format

Statement of Qualification packages will be received until October 31, 2023 at 2:00 PM. All SOQs may be submitted in a sealed envelope(s) or electronically submitted via email and properly identified with "RFQ Pender County Comprehensive Plan Submittal."

Statements of Qualifications should be sent to:

By Mail: PO Box 1519, Burgaw, NC 28425, Clearly mark RFQ # 24-257

NOTE: Do not send by USPS to the physical address. For USPS, only use the PO Box above.

By Courier: 805 S. Walker Street, Burgaw, NC 28425, Clearly mark RFQ # 24-257

By Email: amoran@pendercountync.gov

Qualification packages should be prepared simply and economically and bound in a single volume whenever practical. Pender County does not expect, nor will any more favorable consideration be given to submittals with fancy covers or binding, color photographs, sample plans, non-pertinent information on other accomplishments of the firm which have no direct bearing on these projects, resumes of individuals who will not be engaged in the work, or pages of other nonrelated project materials.

Brevity will be appreciated. Submittals shall be limited to 30 pages, double sided 8 ½ x 11, minimum 12-point font. Covers and Dividers do not count in the 30-page total. Submissions received after that date will be disqualified from consideration. **Flash drives will not be accepted.** Digital files larger than 20MB cannot be accepted by email and should be sent via a WeTransfer link. Visit wetransfer.com to establish a free account and follow directions. You will securely submit your files via a unique link. The County will download and save prior to the 7-day expiration.

All interested and qualified firms are requested to submit their statement of qualifications no later than 2:00 PM on October 31, 2023. It is the bidder's responsibility to ensure the SOQ is received prior to the submission deadline. Late submissions will not be accepted. The County reserves the right to accept or reject all or any part of any SOQ, waive informalities and award the contract to best serve the interest of the County. It is the responsibility of the vendor to ensure their Qualification package is received. Receipt of submittals can be verified by calling 910-259-1408.

Submittal Contents

Vendors shall populate all attachments of this RFQ that require the vendor to provide information and include an authorized signature where requested. Vendor RFQ responses shall include the following items and those attachments should be arranged in the following order:

1. Cover Letter
2. Title Page: Include the vendor name, address, phone number, and authorized representative.
3. Describe the firm's background, experience, and capabilities as it relates to the Scope of Work outlined in the RFQ.
4. Identify all subcontractors to be used for the proposed Scope of Work. For each subcontractor or subconsultant listed, vendors shall indicate: (1) what products and/or services are to be supplied by that subcontractor and; (2) what percentage of the overall scope of work that subcontractor or subconsultant will perform.
5. List the names, title, and qualifications of each of the key personnel who will be assigned to complete the Scope of Work, and briefly explain what role in the process each person will have if there are defined roles.
6. List at least three (3) client references, including public and private organizations, for whom the vendor has provided services in the past two (2) years. Provide telephone numbers and contact names for references.
7. Provide a link to a digital copy of a plan completed by the vendor within the last two (2) years.
8. Provide a brief summary of your understanding of the proposed project.
9. Outline how you, the vendor, will achieve the goals of the project as outlined in the Scope of Work. Particular attention should be given to describing your plan for Public Engagement.
10. Provide specific costs for services.
11. Each vendor shall submit with its Statement of Qualification package the name, address, and telephone number of the person(s) with authority to bind the vendor and answer questions or provide clarification concerning the vendor's SOQ.

Qualification Criteria

To be considered for this project the firm must meet the minimum requirements set forth below to be included in the statement of qualifications. The successful firm must demonstrate a high level of competence in the subject matter areas along with a demonstrated ability to provide high quality services on time and within budget. The selected firm should have a proven ability to work effectively with public agencies and other stakeholders. Qualification statements should include, at minimum, the following:

A. Firm Information

- Include information about the firm's size, history, office locations, and service offerings
- Include number of years the firm has been in business as a consultant
- Include number of years the firm has been in business under its present business name
- List the point of contact and contact information

B. Project Approach

- Provide a statement of your understanding of the project
Provide a probable timeline for development, and completion of the Plan

C. Experience

- In the firm's SOQ, provide a sample of past work similar to the proposed Comprehensive Plan and include the following:
 - Name, location, and brief description of the project
 - Name, address, and telephone number of the Project Owner (indicate contact person)

D. Key Personnel Resumes

- Demonstrate qualifications of your key staff
 - Provide a proposed project organization chart and resumes of key individuals included in your team
 - Indicate what elements of the work your firm intends to self-perform or subcontract
 - Indicate what team members would be assigned to the proposed Comprehensive Plan

E. References

- Provide at least three (3) references to substantiate qualifications to perform this type of work

Vendor Experience

In its Statement of Qualifications, the Vendor shall demonstrate experience with public sector clients with similar or greater size and complexity to Pender County. Vendor shall provide information as to the qualifications and experience of all executive, managerial, legal, and professional personnel to be assigned to this project, including citing experience with similar projects and the responsibilities to be assigned to each person.

Costs Incurred by Submission

The submitting firm will be responsible for all costs associated with the submission of their respective statement of qualifications. The County will not be responsible for the reimbursement of any costs associated with this submission.

Method of Award and Evaluation

Method of Award

All qualified Statements of Qualifications will be evaluated, and awards will be made to the Vendor which best meets the RFQ requirements and needs of the County.

Pender County reserves the right to reject any and/or all submittals, and to waive defects, technicalities and/or irregularities in any submittal. The County reserves the right to finalize a contract with one or more vendors based on all factors involved in the written qualification submittal without further discussion or interviews. Vendors are cautioned that this is a request for qualifications, not an offer or request to contract, and the County reserves the right to reject any and all offers at any time if such rejection is deemed to be in the best interest of the County.

Submittals will generally be evaluated according to completeness, content, and experience with similar projects, ability of the vendor and its staff, and cost.

Evaluation Criteria

Following the deadline for submittals, Planning and Community Development staff will verify each submission for adherence to the format and document requirements stated in this RFQ (and any other official documents, as stated herein). After the initial review of the SOQs submitted, the County shall select finalists to participate in an in-person interview and presentation with the selection committee, County management, and Planning staff. The committee may also include representatives from County Boards, stakeholders, and other individuals whom the vendor will be working with on an ongoing basis during the planning process. The selection committee will review, analyze, and rank all Vendors based on their qualifications. Selection criteria will be based on the following factors:

Evaluative Criteria	Percent of Score
Track Record <i>The firm’s demonstrated ability to carry out the project on time and within the allotted budget, as well as securing certification by the Coastal Resources Commission.</i>	30%
Firm Ability and Competency <i>The firm’s demonstrated professional and technical ability and competency related to the scope of services and final product requested.</i>	25%
Staff Experience <i>The demonstrated competency and experience of firm staff assigned to project related to scope of services and products requested.</i>	25%
References <i>The feedback from previous clients is taken into consideration. Pertinent information related to the evaluation of firms, their qualifications, and submittals is assessed.</i>	20%

References may be contacted along with other evaluations Pender County feels necessary to accurately determine the criteria listed above in the selection criteria. Scoring and ranking of the submitted SOQs will be based on the criteria above. Pender County reserves the right to interview firms who are being considered.

Questions and Point of Contact

Adam Moran, Long Range Planner
 805 South Walker Street
 Burgaw, NC 28425
 Phone: 910-259-1408
 E-mail: amoran@pendercountync.gov

General Terms and Conditions

1. Contract Only with Designated Party

After the date and time established for receipt of SOQs by the County, any contact initiated by any firm with any County representatives, other than Adam Moran with the Planning Department, concerning this RFQ is prohibited. Any such unauthorized contact may cause the disqualification of the firm from this qualification process.

2. Non-Collusion Affidavit

Each qualification package must be accompanied by a notarized affidavit on non-collusion, executed by the firm or in the case of a corporation, by a duly authorized representative of said corporation. The Non-Collusion Affidavit is provided herein.

3. Conflict of Interest

All parties (including subconsultants) must maintain compliance with conflicts of interest guidelines that meet or exceed those required under 2 C.F.R. § 200.318(c)(1) for all projects funded in part or whole with federal or State financial assistance (direct or reimbursed). In addition to the prohibition against self-benefiting from a public contract under N.C. G.S. 14-234, no officer, employee, elected official, governing body member, or agent of Pender County may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal or State award if he or she has a real or perceived conflict of interest. A real or perceived conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from award of a contract: the officer, employee, elected official, governing body member, or agent involved in the selection, award, or administration of a contract; as well as any member of his or her immediate family; his or her partner; or an organization which employs or is about to employ any of these parties. Any such conflict shall be disclosed in writing and included with the Statement of Qualifications. Contractors that are related to County personnel having any influence over the decisions to consider or award a contract are strictly prohibited from bidding/responding or accepting award of County contracts. Accepting gifts and favors from vendors and contractors is prohibited under N.C. G.S. 133-32, additionally officers, employees, elected officials, governing body members, and agents of Pender County are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Violating this policy will result in disciplinary action for the employee and termination of the contract and violating firms/persons may not be eligible for future contract awards.

4. Addenda and Changes

Any additions, deletions, modifications or changes made to this RFQ shall be processed through the Pender County Finance Department. Any deviation from this procedure may result in the disqualification of the firm's submittal or the cancellation of any contract resulting from this RFQ.

5. Proprietary Information

All Statements of Qualifications received are considered public record and available for public inspection as required by General Statutes 132 - 1.2. Trade secrets or proprietary information submitted by a firm in connection with a procurement transaction shall not be subject to the public disclosure under the North Carolina Public Records Act pursuant to NC General Statutes §66-152(3).

However, the firm must invoke the protection of this section prior to or upon submission of the data or other materials, and must identify the data on other materials to be protected and state the reasons why protection is necessary. Each individual page considered a trade secret or proprietary information must be labeled “Confidential” in the top right corner. This right of privacy will be construed as narrowly as possible to protect the interests of the individual responding to the RFQ while attempting to maximize the availability of information to the public.

6. Minority-Owned Businesses

Pender County encourages all businesses, including DBE, minority, and women-owned businesses to respond to all Request for Qualifications.

7. Award and Contract Time

No part of this solicitation is to be considered part of a contract nor are any provisions contained herein to be binding on Pender County.

Award shall be made to the responsible firm whose qualifications are determined to be the most advantageous to the County, taking into consideration the evaluation factors set forth in the RFQ.

The County wishes to enter into an agreement with one firm which will be responsible for the work associated with this RFQ.

A notice of contract award is anticipated on/by October 17, 2022. The detailed Scope of Work and schedule of deliverables shall be negotiated with the successful firms for each specified project.

8. Contract Document

The successful firm will be required to enter into a contract with Pender County. A sample contract shall be provided by the firm at the time of submission of the Statement of Qualifications.

9. Subconsultants

If any subconsultants will be used for the various projects, the successful firm shall provide to the Finance Director a list of names of any of the intended subconsultants, their applicable license number(s) and a description of the work to be done by each subconsultant.

The successful firm shall not substitute other subconsultants without the written consent of the County.

The successful firm shall be responsible for all services performed by a subcontractor as though they had been performed by the successful firm. Responsibilities include, but are not limited to, compliance with applicable licensing regulations.

If at any time the County determines that any subcontractor is incompetent or undesirable, the County shall notify the successful firm accordingly, and the successful firm shall take immediate steps for cancellation of the subcontract and replacement.

Nothing contained in any contract resulting from this RFQ shall create any contractual relationship between any subcontractor and the County of Pender.

It shall be the successful firms’ responsibility to ensure that all terms of the primary contract with Pender County are incorporated into all subcontracts.

10. Insurance

The selected firm shall purchase and maintain in force, at its own expense, such insurance as will protect the firm and the County, to include general liability insurance coverage, professional liability (E&O), automobile and worker's comp (as applicable), from claims which may arise out of or result from the firm's execution of the work, whether such execution be by himself, his employees, agents, subcontractors, or by anyone for whose acts any of them may be liable. The insurance coverage shall be such as to fully protect the County, and the general public from any and all claims for injury and damage resulting by any actions on the part of the firm or its forces as enumerated above.

Terms and Limits should be reasonably associated with the contract. As a minimum, the Contractor or vendor shall provide and maintain the following coverage and limits.

Commercial General Liability – General Liability Coverage, on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 combined single limit (Defense cost shall be in excess of the limit of liability).

Professional Liability (E&O) – Professional Liability Coverage, on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 combined single limit (Defense cost shall be in excess of the limit of liability).

Automobile – Automobile Liability Insurance, to include liability coverage, covering all owned, hired, and non-owned vehicles used in connection with the contract. The minimum combined single limit shall be \$150,000.00 bodily injury and property damage; \$150,000.00 uninsured/under-insured motorist; and \$1,000.00 medical payment.

Worker's Compensation (when applicable) – The Contractor or vendor shall provide and maintain worker's compensation insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$150,000, covering all of Contractor or vendor's employees who are engaged in any work under the contract. If any work is sublet, the Contractor or vendor shall require the subcontractor to provide the same coverage for any of his employees engaged in any work under the contract.

The selected firm shall furnish a copy of an original Certificate of Insurance, naming Pender County as an additional insured within 10 days of notice of contract award. Should any of the policies be canceled before the expiration date, the issuing company will provide thirty (30) days written notice to the certificate holder. The firm shall furnish insurance in satisfactory limits, and on forms and of companies which are acceptable to the Pender County Finance Director and shall require and show evidence of insurance coverage on behalf of any subcontractors (if applicable), before entering any agreement to sublet any part of the work to be completed under this contract.

11. Indemnification

Contractor agrees to defend, indemnify, and hold harmless the County for all loss, liability, claims, or expense (including reasonable attorney's fees) arising from bodily injury, including death or property damage, to any person or persons caused in whole or in part by the negligence or misconduct of the Contractor, except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this section to require Contractor to indemnify Pender County to the extent permitted under North Carolina law.

12. Venue for Legal Actions

By responding to this RFQ, all parties agree to be governed by North Carolina law without regard to its conflicts of law principles. Any legal actions arising from this RFQ process or resulting contract shall be brought in Pender County, North Carolina.

13. Availability of Funds

Any resulting contract shall be deemed in force only to the extent of appropriations available to each department for the purchase of such goods and/or services. The County's extended obligations on contracts that include funding through successive fiscal periods shall be contingent upon actual appropriations for the successive periods (additional years).

14. Non-Exclusive Contract

Nothing herein is intended nor shall be construed as creating any exclusive arrangement with the selected firm. A contract of award shall not restrict the County from acquiring similar, equal, or like goods and/or services from other sources.

- END -

Attachment

NON-COLLUSION AFFIDAVIT

A completed, signed, and notarized form shall be submitted with the SOQ.

The firm submitting a Statement of Qualifications (SOQ), under penalty of perjury under the laws of the United States, certifies that neither they, nor any official, agent, or employee has entered into any agreement, participated in any collusion, or otherwise taken any action which is in restraint of free competitive bidding in connection with any bid or contract.

By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any collusion has been offered, accepted, or promised by any employees of your organization.

FIRM NAME: _____

BIDDER/RESPONDING REPRESENTATIVE: _____

Print

Sign

Date

NOTARY-

_____ State _____ County

I, _____, a Notary Public for said County and State, do

hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the ____ day of _____, 20____.

(Official Seal)

Notary Public Commission expires _____, ____ 20____.