
**Request for Qualifications
for
Professional Design Services for Falls Park**

**City of Sioux Falls, South Dakota
February 5, 2021**

Proposal Request No. 21-0006

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Request for Qualifications for Professional Design Services for Falls Park

Section 1 Introduction and Instructions

1.01 Purpose of the RFQ

This Request for Qualifications (RFQ) and design competition is issued by the City of Sioux Falls (hereinafter referred to as the “City”). This RFQ entails a two-phase design competition to reconsider the design and use of Falls Park (the “Park”). Phase I involves selection of qualified candidates. The top qualified candidates will be given a \$10,000 stipend (each) to partially fund participation in Phase II, the design competition. The City expects to select three to four candidates to participate in Phase II, but the actual number may vary depending on the quality of responses or ability to perform. The final purpose of this RFQ is to establish a contract with a qualified proposer to provide professional design services for a Falls Park master plan.

1.02 Contact Person and Email

All questions regarding this RFQ are required to be submitted in writing to Matthew Newman, Business Analyst, Finance Office, at mnewman@siouxfalls.org. Answers to questions will be posted to the City’s website at www.siouxfalls.org. The deadline for questions is **2 p.m., Central time, Tuesday, March 30, 2021.**

The Proposer, legal counsel, or anyone affiliated with the Proposer are prohibited from communicating or lobbying in any other manner about this project with any other City employee, elected official, or evaluation team member from the date of issuance of this RFQ until the final selection unless authorized by the Business Analyst. Other means of communications or contact may disqualify the Proposer.

1.03 RFQ Schedule of Events

This schedule of events represents the City’s best estimate of the schedule that will be followed for this RFQ. If a component of this schedule, such as the deadline for receipt of qualifications, is delayed, the rest of the schedule will be shifted by the same number of days.

The approximate RFQ schedule is as follows:

- RFQ issued: February 5, 2021
- Preproposal Meeting: March 16, 2021
- Deadline for Questions: March 30, 2021
- Phase I Proposals Due: April 8, 2021
- Phase I Review of Proposals: April 2021

- Phase I Webex Interviews, if necessary: May 5–6, 2021
- Phase I Intent to award contracts issued: May 2021
- Phase II Kickoff Meeting—June 2021
- Phase II Proposals Due—September 2, 2021
- Phase II Presentations—September 22 and 23, 2021
- Phase II—Committee Review of Design Proposals—September 2021
- Phase II—Intent to award contract Issued: October 2021

1.04 Return Mailing Address and Deadline for Receipt of Proposals

Offerors must submit one (1) original hard copy (marked “Original”), one (1) digital copy in a PDF format on a USB, and ten (10) hard copies of the proposal in a sealed envelope or package to the City no later than **2 p.m., Central time, on Thursday, April 8, 2021.**

No proposals will be accepted after that time. Responses received after the stated time will be returned unopened and will not be considered.

Envelopes or packages containing proposals must be clearly addressed as described below to ensure proper delivery and to avoid being opened by the City before the deadline for receipt. Envelopes or packages must be addressed as follows:

City of Sioux Falls Customer Service Counter
 Attention: Matthew Newman
 Professional Design Services for Falls Park
 RFQ No. 21-0006
 224 West Ninth Street
 P.O. Box 7402
 Sioux Falls, SD 57117-7402

Proposals will not be publicly read at the opening.

Proposals may not be delivered orally, by facsimile transmission, by other telecommunication, or electronic means.

Proposers assume the risk of the method of dispatch chosen. The City assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt by the City. A Proposer’s failure to submit its proposal prior to the deadline will cause the proposal to be rejected. Late proposals or amendments will not be opened or accepted for evaluation.

1.05 Preproposal Meeting

A preproposal meeting will be held via Webex on Tuesday, March 16, 2021, at 2 p.m. Contact the Purchasing Analyst by email at mnewman@siouxfalls.org a minimum of 24 hours in advance to receive a Webex meeting invitation.

Representatives of the City will be present to discuss the project. The City will transmit to all prospective proposers of record such addenda as the City considers necessary in response to questions arising at the conference. Oral statements may not be relied upon and will not be binding or legally effective.

1.06 Submittal of Questions

Prospective Proposers are requested to submit any questions no later than **2 p.m. Central time on Tuesday, March 30, 2021** to Matthew Newman, at mnewman@siouxfalls.org. Oral answers to questions relative to interpretation of requirements or the proposal process will not be binding on the City. The City reserves the right to include questions and responses in the form of written addendums, as it deems necessary.

1.07 Addendum

To ensure fair consideration for all Proposers, any interpretation made to prospective Proposers will be expressed in the form of an addendum to the specifications, if such information is deemed necessary for the preparation of proposals or if the lack of such information would be detrimental to the uninformed Proposer. Such addendums, if issued, will be posted on the City's website at:

<https://www.siouxfalls.org/business/rfq>

Please note, that it is the Proposer's responsibility to check this site frequently for Addendums that may impact pricing, this document's requirements, terms, and/or conditions.

No addenda will be issued after 5 p.m., Thursday, April 1, 2021.

Section 2 Scope of Work

2.01 Introduction and Background Information

Falls Park is a large, approximately 120-acre, municipal park located in downtown Sioux Falls, SD. Falls Park is named after the raging waters of the Big Sioux River that tumbles over the exposed quartzite bedrock located within the park. This natural wonder makes the park a destination point for area residents and tourists year-round. Falls Park is currently organized into four regions; Falls Proper, Falls East, Falls North, and Falls West (see attachment A).

Prior to 1990, Falls Park and the adjacent downtown areas were largely neglected. This led to an overrun volunteer vegetation and dilapidated infrastructure throughout the area. In the early 2000s, the City began a series of significant investments to revitalize its downtown. This entailed demolition and remediation of unused industrial sites, street and utility projects throughout the central business district, and improvements to the City's namesake park. Improvements included multiple construction projects within Falls Park, two phases of the City's downtown river greenway, and multiple streetscape improvements within the City's downtown core.

Attendance within Falls Park has increased over 65 percent in the past 15 years. Due to increased usage, many of the existing facilities within the park are nearing the end of their useful or programmable life. In 2019, the City completed a \$4 million construction project in Falls Park West. The project was completed as part of a public/private partnership with the National Levitt Foundation and the local nonprofit Friends of Levitt Shell Sioux Falls. The project transformed the open space of Falls Park West into a state of the art outdoor performance venue and festival grounds. Falls Park West is now home to 50 free professional concerts every year.

Private properties within Sioux Falls' downtown have also continued to redevelop over the past few decades. Many past industrial sites have been repurposed into mixed used developments, offering business space, entertainment, and housing in the areas around Falls Park.

It is within this context that the City is launching the Falls Park Master Plan Design Competition.

2.02 Scope of Work and Project Goals

The challenge for the design teams is to create a comprehensive vision for the entirety of Falls Park. The vision should address current demands, as well as future uses. A successful design will fully integrate the diverse features of the park into a unified program that maximizes the potential of this special place. It will operate at the scale of the city, but capitalize on site-specific qualities and unique experiences of the park. It will explore multiple possibilities and opportunities, transform the area, and inspire the community. Ultimately, this master plan of Falls Park will do for Sioux Falls what Central Park does for New York City!

Goals

The goal of the design competition is to conduct a comprehensive evaluation of the entire Falls Park area. A successful design will address, at a minimum, the following programmatic considerations, and create an inclusive framework to:

- Generate big ideas to meet the growing needs of the community, and respond to the natural environment and build history of the site.
 - Consider multiple scales, from broad systems to local sites.
 - Think about long-term development and flexible solutions that change/mature over time.
 - Investigate landscapes that are accessible year-round and respond to the changing seasons with a focus on more year-round activities.
 - Explore new and compelling experiences to support a wide range of social activities.

- Build upon the existing features and spaces of the park.
 - Utilize new and innovative park designs.
 - Capitalize on the existing assets through place-based solutions that consider the geography, history, culture, ecology, and economic conditions of the City of Sioux Falls.
 - Accommodate individual land uses, landscapes, and places that perform more than one function.

- Investigate new opportunities for connectivity, sustainability, infrastructure, art, public space, public/private partnerships, and the Big Sioux River including the transportation network.

- Examine multiple types of movement to safely navigate to and through the park.
 - Consider connections to all places within the park, the Big Sioux River, and the surrounding neighborhoods.

- Connect the diverse recreational, ecological, and historic opportunities located within the park to the surrounding downtown urban environment.

Phase I—Qualifications

The City is seeking qualifications from professional design firms (or teams) with a track record of creativity, design excellence, problem-solving skills, and the successful completion of similar scale park master planning projects.

The City encourages lean teams, maximum creativity, and the use of resources on design, rather than the expenditure of time and resources on the creation of large teams and arrangements that will not be necessary at this stage of the process.

Candidates must possess a valid license to practice at least one of the following professions in the state of South Dakota or comparable certification [e.g. Council of Landscape Architecture Registration Boards (CLARB) certification]:

- Landscape architecture, architecture, or civil engineering

The competition is open to all candidates who meet all of the following criteria:

- Have had completed design of at least one park master plan within the last five years, and
- One park design shall have been constructed within the past five years, and
- Have previously received an award(s) for design of public spaces or have had work published in a national design magazine, and
- Have park design experience working in a municipal government context.

Team Composition

Design teams are expected to reflect the scope and complexity of this project in their makeup. Teams should have a strong understanding of the unique characteristics of Sioux Falls and expertise with national and regional design trends involving parks and recreational facilities. Teams shall embody a high quality and creative design philosophy, an interdisciplinary approach, and the pragmatism necessary for implementation.

Joint Ventures

Joint ventures are acceptable. If submitting a proposal as a joint venture, the offeror must submit a copy of the joint venture agreement that identifies the principals involved and its rights and responsibilities regarding performance and payment.

Indemnification

To the fullest extent permitted by law, the provider, its subcontractors, agents, servants, officers, or employees, shall indemnify and hold harmless the City of Sioux Falls, including but not limited to, its elected and appointed officials, officers, employees, and agents, from any and all claims brought by any person or entity whatsoever, arising from any act, error, or omission of the provider during the proposer's performance of the agreement or any other agreements of the proposer, entered into by reason thereof. The proposer shall indemnify and defend the City of Sioux Falls, including, but not limited to, its elected and appointed officials, officers, employees, and agents, with respect to any claim arising, or alleged to have arisen from negligence, and/or willful, wanton, or reckless acts or omissions of the proposer, its subcontractor, agents, servants, officers, or employees, and any and all losses or liabilities resulting from any such claims, including, but not limited to, damaged awards, costs, and reasonable attorney's fees. The indemnification shall not be affected by any other portions of the agreement relating to insurance requirements. The proposer agrees that it will procure and keep in force at all times at its own expense insurance in accordance with these specifications.

2.03 Insurance Requirements

At a minimum, the proposer shall secure the insurance specified below. All insurance secured by the proposer under the provisions of this section shall be issued by insurance companies acceptable to the City. The insurance specified in this section may be in a policy or policies of insurance, primary or excess. Certificates of all required insurance shall be provided to the City upon execution of this agreement.

1. Workers' compensation insurance providing the statutory limits required by South Dakota law. In addition, it shall provide Coverage B, Employer's Liability Coverage, of not less than \$1,000,000 each accident, \$1,000,000 disease-policy limits. The required limit may be met by excess liability (umbrella) coverage.
2. Commercial general liability insurance providing occurrence form contractual, personal injury, bodily injury, and a property damage liability coverage with limits of at least \$1,000,000 per occurrence, \$2,000,000 general aggregate, and \$2,000,000 aggregate products and completed operations. The required limit may include excess liability (umbrella) coverage. The policy shall name the City and its representatives as an additional insured. If "occurrence form" insurance is not available, "claims made" insurance will be acceptable. The policy shall be maintained for three years after completion of this agreement.
3. Automobile liability insurance covering all owned, nonowned, and hired automobiles, trucks, and trailers. The coverage shall be as broad as that found in the standard comprehensive automobile liability policy with limits of not less than \$1,000,000 combined single limit each occurrence. The required limit may include excess liability (umbrella) coverage.
4. Professional liability insurance providing occurrence basis coverage for any claim arising from the errors, omissions, failure to render a service, or the negligent rendering of the service by the contractor in the amount of \$2,000,000 each occurrence and \$2,000,000 annual aggregate. If occurrence form insurance is not available, claims made coverage shall be maintained for two years after final completion of the services. The City does not represent that the above coverages and limits are adequate to protect the contractor and assumes no responsibility therefor.

The proposer will provide the City with at least 30 days' written notice of an insurer's intent to cancel or not renew any of the insurance coverage. The contractor agrees to hold the City harmless from any liability, including additional premium due because of the proposer's failure to maintain the coverage limits required.

The City's approval or acceptance of certificates of insurance does not constitute City assumption of responsibility for the validity of any insurance policies, nor does the City represent that the above coverages and limits are adequate to protect any individual/group/business, its consultants' or subcontractors' interests, and assumes no liability therefore.

2.04 License for Architectural Works

The original architectural works created pursuant to this agreement may include architectural plans, technical drawings, studies, models, and documents containing overall form, design, design elements, arrangement and composition of spaces, and models, and other documents prepared or assembled by contractor (“Works”). Contractor hereby grants the City a license to use, reproduce, or create derivative works based on the Works; and the right to sublicense to contractors and other architects under contract with the City the Works. Contractor waives all causes of action either in law or in equity for past, present, or future infringement based on the use of the Works for City purposes.

2.05 Ownership and Use of Drawings, Specifications, and Other Instruments of Service

2.05.1 For purposes of this section, “Instruments of Service” are representations, in any medium of expression now known or later developed, of the tangible and intangible creative work performed by Proposer and the Proposer’s consultants. Instruments of Service may include, without limitation, plans, studies, surveys, models, sketches, drawings, specifications, and other similar materials.

2.05.2 All Instruments of Service prepared by the awarded Proposer and the Proposer’s consultants in connection with the Project constitute documents prepared for hire and will become the property of the City without further consideration, including the transfer of all rights, title, copyrights, trademarks, licenses, intellectual property rights, and all other tangible and intangible property interests. In the event such design documents, or any portion thereof, is not deemed to be made on a “work for hire” basis, the awarded Proposer irrevocably agrees to transfer and assign and hereby transfers and assigns all right, title, and interest, including copyright and intellectual property rights, in said design documents to the City. The awarded Proposer agrees to execute such additional documents as may hereafter be reasonably requested by City to further evidence such ownership by and/or assignment to the City and agrees to include provisions in all its contracts with Consultants that are consistent with and implement the requirements of this section. As a clarification to the ownership and assignment rights set forth above, the City acknowledges that the plans, specifications, and other design documents prepared by the awarded Proposer will contain innumerable design details and typical specifications which, collectively, form part of the design for the Project but which, separately, are not Project specific, are primarily related to function as compared to design form, are repetitive in nature, and/or were not specifically developed for or identifiable with the Project (“Standard Details/Specifications”). The City acknowledges and agrees that the Standard Details/Specifications shall remain the Property of the awarded Proposer and may be used by the awarder Proposer on other projects in other contexts or for other clients, so long as they are not collectively used in a manner which replicates the overall design concepts of the Project.

2.06 Contract Award

The City will be using a two-phase, qualifications-based selection process that will include a request for qualifications (Phase I) and a design competition (Phase II). The winner of the design contest will be selected after Phase II presentations.

It is the City's intent to enter into multiple design agreements after Phase I, and a single design contract for Falls Park may be awarded to the winning proposer who best demonstrates the ability to provide design services as described after Phase II. After review of the proposals, if the City decides it is not in the best interest to enter into a contract, the City will notify all proposers.

2.07 Evaluation and Award

The evaluation will be based solely on the evaluation factors set forth in this RFQ. Proposals will be evaluated by a panel of committee members representing the City, industry specialists, and community leaders.

Section 3

Phase I—Submittal Requirements

3.01 Submittal Requirements

The City discourages overly lengthy and costly proposals; however, in order to provide each proposer with an equal opportunity for consideration, adherence to a standardized proposal format is required. The format of your proposal must contain the following elements organized into separate chapters and sections.

The submittal must contain the following information:

- Cover letter expressing why you would like to participate in the project.
- Candidate Description and distinguishing characteristics of the design team.
- Approach, Understanding, and Philosophical approach to the project.
- Experience.

Prepare and submit text, images, graphics, tables, and schedules to demonstrate you are qualified for the competition. Materials must fit on no more than 24, 8.5-inch x 11-inch, pages. Alternative submittal formats will be accepted provided they don't exceed the space allocation of 24, 8.5-inch x 11-inch, sheets of paper (e.g. 2,244 square inches).

Each submittal should indicate the entity responsible for execution on behalf of the proposal team.

3.02 Cover Letter

Introduce yourself, your firm or your team and include any information you think relevant to this RFQ. At a minimum, the cover letter shall identify the person to whom the City should direct questions and correspondence, including their mailing address, telephone number and e-mail address.

3.03 Candidate Description

Describe the firm, team, or individual that will lead the design of the master plan, and the reasons why they are uniquely qualified to participate in the competition.

- Professional License: Submit a current license (or license number) and valid dates to practice one of the following professions by the state of South Dakota [or comparable certification (e.g. CLARB Certificate)]:
 - Landscape architecture, or
 - Architecture, or
 - Civil engineering.
- Project Staffing: Provide resumes for key individuals who will play an active role in the project.

3.04 Approach and Understanding

Describe how you have approached planning for and designing improvements on similar projects. For Falls Park, we expect the following tasks to have particular relevance:

- Identifying issues, opportunities, and constraints
- Establishing design objectives that will govern your work
- Identifying desired outcomes
- Incorporating community input from the recently completed comprehensive system master plan and community needs assessment
- Addressing historic, cultural, and environmental resources
- Responding to programming opportunities
- Improving circulation and connectivity
- Addressing how the existing facilities, including the recently completed Levitt Performance Venue functions within the context of the larger park, and how the park will serve everyday needs, even when the performance venue is not in use
- How your design philosophy aligns with the ONE SIOUX FALLS framework (Attachment B)

3.05 Experience

Provide examples of past and present work and references as follows:

- Three examples of public space design projects of similar scale, level of detail, or programmatic functions to Falls Park. At least one example should have been constructed in the last five years, or is currently being constructed.
- Include references and contact information for three projects, including one reference for a project that has been constructed.

Section 4

Phase I—Review of Qualifications and Evaluation Criteria

4.01 Phase I Selection Criteria

Proposers are advised that the City intends to select the Proposers that the City determines are the most responsive and qualified to provide the City with the highest quality and creative design services based on the criteria set out below.

Upon receipt of the proposals, an evaluation team will determine the proposals deemed most qualified to participate in the design competition.

The evaluation team will rely on the information contained and presented in the proposals and the reference checks made. Selection criteria will be based on the following:

4.02 Phase I Evaluation Criteria (100-Point Potential Score)

The committee members will independently evaluate the proposals based on the following criteria and associated point values:

	Description	Relevance
Responsiveness	Did the submittal adhere to and address submittal requirements?	10
Experience	Did the submittal demonstrate experience in designing and building similar park facilities? Does the proposer demonstrate a strong understanding of national and regional design trends involving parks and recreational facilities? Do they demonstrate the ability to account for the unique characteristics of Sioux Falls in their designs?	40
Approach and Understanding	Does the Approach demonstrate: Understanding of the setting and issues associated with the Park? A commitment to quality and creativity? Clarity and thoroughness? Adequate capacity to commit necessary resources to the project?	50

Upon review of the proposals, the City will score the Phase I proposals and based on the committee members' evaluation of the proposals, a composite rating will be developed which indicates the committee's collective ranking of the highest rated Phase I proposals in descending order.

Based on ranking and available funds, the highest ranking Phase I Proposers will then be asked to enter into contract negotiations with the City to enter into Phase II of the competition. If an agreement cannot be reached with the highest ranked Proposer, the City will move to the next highest ranked Proposer. The same process will be repeated with the other ranked Proposers if no such agreement can be reached. The City reserves the right to not select a Proposer as part of this process if an agreement cannot be reached.

Section 5

Phase II—Design Competition

5.01 Submittal Requirements

The top qualified proposers will be selected to participate in Phase II of this process, a juried design competition. Before commencing work, selected proposers will enter into a contract with the City that describes in detail the scope of work, including the deliverables and timeline required for compensation.

The scope detailed in Section 2 of this RFQ and the items listed below are the general requirements of the Phase II design competition.

5.02 Compensation and Work Hours

The proposers deemed most qualified (anticipated to be three to four) will be invited to enter into an agreement during Phase II to develop conceptual plans for Falls Park. These select proposers will be given a \$10,000 stipend within thirty (30) days of City approval and acceptance of the work identified in the contract. These funds are intended to off-set some of the Phase II costs including, but not limited to, time, travel expenses, and preparing the deliverables identified in the contract.

5.03 Falls Park Master Plan

Provide a Vision Statement describing the vision you express for Falls Park. Include graphic depiction of your vision for Falls Park. Through various media (e.g. image boards, video, illustrations, or other), communicate your vision for:

- Natural and human environments; and
- Use and activities; and
- Landscape and structural forms; and
- Movement and connectivity.

5.04 Outcomes

Designers must provide a comprehensive vision for the site that includes, at a minimum, these five elements:

- A multilayered framework for the entire planning area that identifies and illustrates a strategy for redevelopment of new or enhanced social, recreational, economic, and environmental opportunities.
- Identification of critical connections throughout the park, from surrounding neighborhoods, along and across the river, including enhanced community networks and historical and cultural assets.

- Identification of strategic sites, physical features and catalytic opportunities for design and development.
- Conceptual design of the highest priority strategic site as a development prototype.
- Estimates of the short-term and long-term costs of design features and maintenance.

5.05 Format and Plans

Design proposals may be presented in multiple venues to lay people, as well as design professionals. Submissions must be in the form of stand-alone presentations that can be projected, displayed online, and published in print as part of the competition documentation. Submissions must communicate ideas in a clear and compelling manner that expresses the unique character of the design to a variety of audiences. Identify conceptual uses and development of facilities, amenities, and features. **Include diagrams, sketches, infographics, plan views, section views, perspective views, three dimensional renderings, precedent pictures, animations, phasing plans, and other forms of media as appropriate.**

Communication techniques should be explored that make sure that the presentations are very accessible to non-designers.

5.06 Cost to Construct

Submit an opinion of a probable cost range for constructing the various improvements identified in the master plan. The opinion should be separated by the suggested phasing and identify the key components.

5.07 Phase II Evaluation Criteria

Evaluation Criteria	Description	Relevance
Vision	Does the design create a comprehensive vision for the entirety of the planning area? <ul style="list-style-type: none"> • Is the vision a framework for redevelopment of the park that will respond to the needs of the community? • Does the vision explore multiple scales? • Does the vision capitalize on the unique and distinguishing features of Falls Park and Sioux Falls? • Will the design be a catalyst for continuous growth, improvement, and development of downtown Sioux Falls? 	20%

	<ul style="list-style-type: none"> • Will the vision inspire the community? 	
Innovation & Creativity	<p>Does the design generate original ideas that can improve and transform the area?</p> <ul style="list-style-type: none"> • Does the design capture your imagination and advance your thinking about the future? • Does the design stand out? <p>Does the design provide new opportunities and improve existing experiences?</p>	20%
Feasibility & Practicality	<p>Are the ideas in the design achievable?</p> <ul style="list-style-type: none"> • Can the design realistically be accomplished? • Does the design adequately explore opportunities and address issues? • Does the design take into account the climate conditions associated with year round activity in a cold weather community? • Can the design realistically be completed in phases? • Does the design capitalize on existing assets and generate place based solutions? 	20%
Activation & Recreation	<p>Will the design draw people to the park?</p> <ul style="list-style-type: none"> • Does the design create spaces for interaction and engagement? • Does the design create opportunities for varied types of recreation on a year round basis? 	20%
Connectivity	<p>Does the design explore and address all possible connections to support the new vision for Falls Park?</p> <ul style="list-style-type: none"> • Does the design examine all types of physical movement? • Does the design foster safe movement to and through the park? • Does the design connect the diverse features and opportunities located within the park and surrounding context? 	20%

5.08 Oral Presentations

Phase II proposers shall be required to provide a presentation of the proposed solution for the evaluation committee. Unless alternate arrangements are made, presentations will be held at a yet to be determined site in Sioux Falls, SD. The City will schedule a date and time with each of the Phase II proposers. Proposers will be responsible for all costs associated with providing the demonstration.

Upon review of the Phase II proposals and presentations, the City will score the proposals.

The City intends to enter into a contract with the winner of the Phase II Design Competition for full master planning services related to the project. The winning team will consolidate the best ideas from its own and the other submissions, if appropriate, into a single vision for Falls Park. Design fees for the master plan will be negotiated with the consultant and based on scope and available budget.

If an agreement cannot be reached with the highest ranked proposer, the City will move to the next highest ranked proposer. The same process will be repeated with the other ranked proposers if no such agreement can be reached. The City reserves the right to not select a proposer as part of this process if an agreement cannot be reached.

Section 6 Additional Proposal Information

6.01 Conflict of Interest

Proposers must disclose any instances where the Proposer or any individuals working on the contract has a possible conflict of interest and, if so, the nature of that conflict (e.g., employed by the City). The City reserves the right to cancel the award if any interest disclosed from any source could either give the appearance of a conflict or cause speculation as to the objectivity of the Proposer's proposal. The City's determination regarding any questions of conflict of interest is final.

6.02 Request for Qualifications as Part of Contract

Part or all of this RFQ and the successful proposal may be incorporated into the contract.

6.03 Proposer's Certification

By signature on the proposal, the Proposer certifies that it complies with:

The laws of the state of South Dakota.

All applicable local, state, and federal laws, codes, and regulations.

All terms, conditions, and requirements set forth in this RFQ.

A condition that the proposal submitted was independently arrived at without collusion.

A condition that the offer will remain open and valid for the period indicated in this solicitation and any condition that the Proposer and/or any individuals working on the contract do not have a possible conflict of interest (e.g., employed by the City).

If any Proposer fails to comply with the provisions stated in this paragraph, the City reserves the right to reject the proposal, terminate the contract, or consider the proposer in default.

6.04 No Contact Policy

Any contact with any City representatives, related officials, or representatives other than those outlined in the RFQ is prohibited. Such unauthorized contact may disqualify your proposal from this procurement.

6.05 Clarification of Offers

In order to determine if a proposal is reasonably acceptable for award, communications by the Purchasing Office or the proposal evaluation committee are permitted with any offeror to clarify uncertainties or eliminate confusion concerning the contents of a proposal and determine responsiveness to the RFQ requirements. Clarifications may not result in a material or substantive change to the proposal. The initial evaluation may be adjusted because of a clarification under this section.

6.06 General Conditions

1. Federal Tax ID Number: Each bidder shall state its federal tax identification number on the line provided on the bid form. The City is required to report to IRS on Form 1099 all payments involving labor or services provided by vendors, and lack of this number may delay contract payments until the number is provided.
2. Right to Protest: Any bidder who is aggrieved in connection with the award of a contract may contact the Purchasing Manager to discuss the basis for an award. Venue and jurisdiction for any appeals from the award decision are in the South Dakota Circuit Court in Minnehaha County. Such protests and appeals regarding the request for bids and bid proposals are governed by and must be construed in accordance with South Dakota law.
3. Civil Rights Requirements: The successful bidder shall be subject to the provisions of Chapter 98 of the Code of Ordinances of Sioux Falls, SD. It is declared to be discrimination for the successful bidder, because of race, color, sex, creed, religion, ancestry, national origin, or disability, to fail or refuse to hire, to discharge an employee, or to accord adverse, unlawful, or unequal treatment to any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, discharge, or any term or condition of employment.

If the successful bidder is guilty of discrimination, this invitation for bid may be terminated in whole or in part by the City and the successful bidder shall be liable for any costs or expense incurred by the City in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the invitation for bid so terminated or canceled.

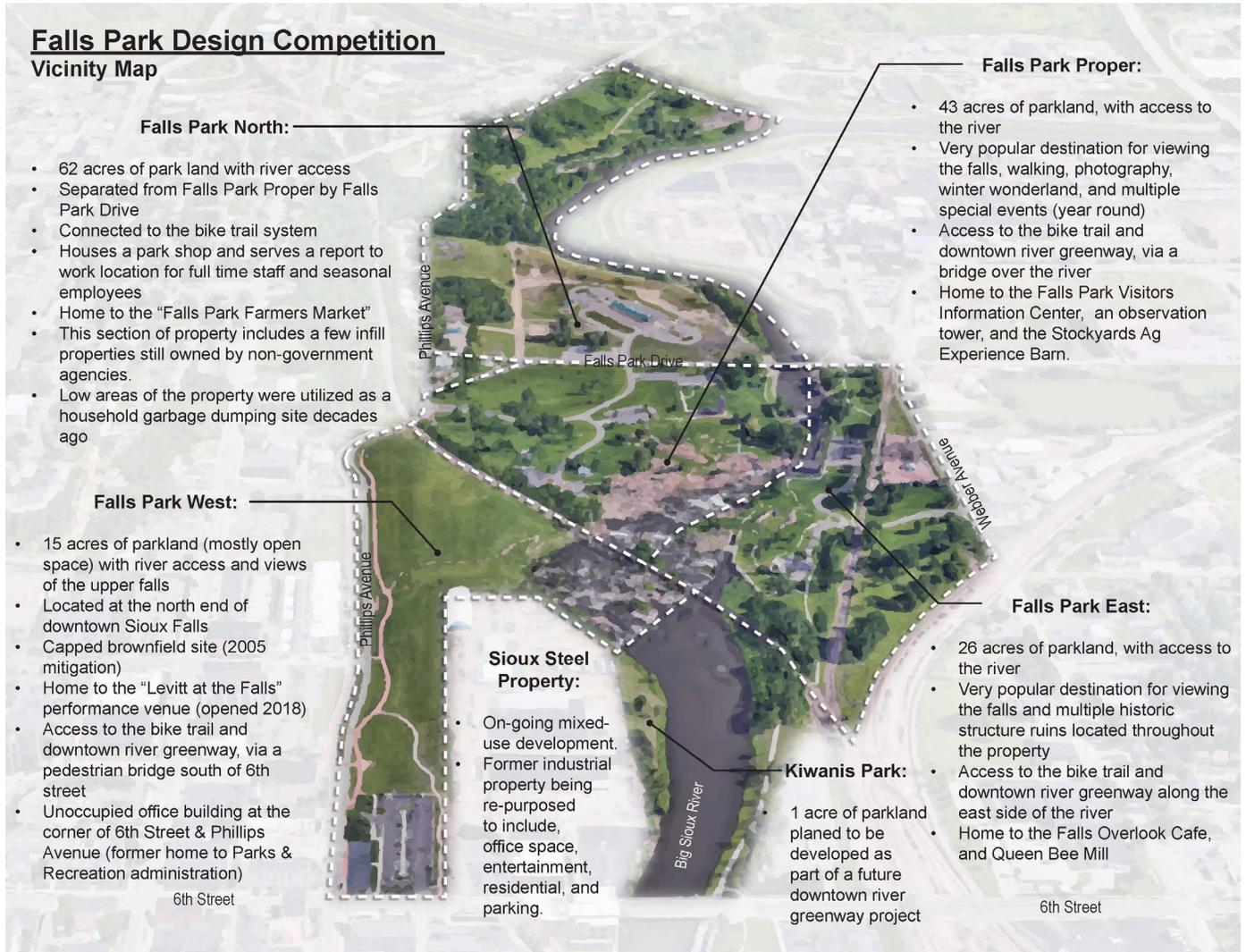
Should the Sioux Falls Human Relations Commission in a proceeding brought as provided by the Code of Ordinances of Sioux Falls, SD, find that the successful bidder has engaged in discrimination in connection with this invitation for bid and issue a cease and desist order with respect thereto, the City shall withhold up to 15 percent of the contract price until such time as the Commission's order has been complied with or the successful bidder has been adjudicated not guilty of such discrimination.

The successful bidder will permit access to any and all records pertaining to hiring and employment and to other pertinent data and records for the purpose of enabling the Commission, its agencies or representatives, to ascertain compliance with the above provisions.

This section shall be binding on all subcontractors or suppliers.

Attachment A

Falls Park



Note: Shallow and exposed quartzite bedrock exists randomly throughout the park, as well as pockets of random municipal solid waste dumping areas.

Attachment B

One Sioux Falls Framework



One Sioux Falls is the framework for the establishment of an excellent quality of life in Sioux Falls. Each of the four focus areas fall under the umbrella of innovation and investments in foundational growth for our growing community.

Safety and Health: Provide a safe community in which the health and well-being of our citizens is above the national average.

Accessible Housing: Foster the availability of housing options at all income levels, throughout the city.

Workforce: Continue to develop a community with a quality of life that will attract and retain the best employee base in the United States.

Engaging People: Engage, collaborate, and partner with the community to solve our challenges and seize our opportunities.