DEPARTMENT OF FINANCE AND PURCHASING

345 South Main Street

Harrisonburg, VA 22801

ISSUE DATE: September 12, 2014	**REQUEST FOR PROPOSAL NUMBER:** 2015010-ED-P	**FOR:** Eastham House Sale or Lease
DEPARTMENT: Economic Development	**DATE/TIME OF CLOSING:** October 22, 2014 at 3:00pm local time	**CONTRACT ADMINISTRATOR:** Brian Shull, Director of Economic Development

Proposals - In accordance with the following and in compliance with all terms and conditions, unless otherwise noted, the undersigned offers and agrees, if the proposal is accepted, to furnish items or services for which prices are quoted, delivered or furnished to designated points within the time specified. It is understood and agreed that with respect to all terms and conditions accepted by the City of Harrisonburg the items or services offered and accompanying attachments shall constitute a contract.

NAME AND ADDRESS OF FIRM:

Telephone/Fax No.:

Federal Employer Identification # :

State Corporation Commission #:

E-mail:

By signing this proposal, Vendor(s) certifies, acknowledges, understands, and agrees to be bound by the conditions set forth in this RFP.

CHECK ONE: ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ CORPORATION ☐ LLC

Vendor's Legally Authorized Signature

Date

Print Name

Title

Sealed proposals, subject to terms and conditions of this Request for Proposal will be received by the City of Harrisonburg Procurement Manager at 345 South Main St, Room 201, Harrisonburg, Virginia 22801 until the date/ time specified above for furnishing items or services delivered or furnished to specified destinations within the time specified or stipulated by the vendor(s).

The City does not discriminate against small and minority businesses or faith-based organizations.

**This document must be completed and returned with proposal.*

Table of Contents

1. Purpose 2
2. Timetable 2
3. Qualifications 2
4. The Property 2
5. Proposal 3
6. Site Assessment 3
7. Continuity & Design Principles 3
8. Proposal Requirements 3
9. Proposal Submission 4
10. Insurance-For a Lease Agreement 5
11. Scoring Matrix 5
12. Interviews 5
13. Contract Negotiation 5

Attachments:

A. Property Aerial Photographs & Property Card Eastham House
B. City of Harrisonburg Comprehensive Plan Chapter 14
C. B-1 Zoning Ordinance
D. City Code – Arts & Cultural District
E. General Terms & Conditions
F. Proprietary/Confidential Information Identification
G. State Corporation Commission Form

REQUEST FOR PROPOSAL
CITY OF HARRISONBURG, VIRGINIA

1. Purpose

The City of Harrisonburg is marketing for sale or lease a three story building (Eastham House) and property consisting of approximately 5,000 square feet of commercial business space and property from Main Street curb to ten (10) feet west of the rear of the back porch located within the City's downtown business district. It is the intent that the occupant(s) of the Eastham House shall be non-profit organization(s). Unlike a traditional sale of City-owned property, this RFP approach will provide the Proposer(s) an opportunity to present plans for the use(s) and redevelopment of the property.

Prior to final sale or lease, the Harrisonburg City Council will consider the disposition of the property after conducting a public hearing and after mutually agreeing upon terms and conditions of reuse and redevelopment of the property through a negotiated contract with the future owner(s) or tenant(s). Please note that a final sales contract or lease must be approved by a public vote of the Harrisonburg City Council.

The current tenant of the Eastham House, the City's Information Technology Department, shall remain in this facility until relocating to the new Municipal Building complex during 3rd Quarter 2015. The selected Proposer shall be granted access only after the current tenant relocates.

2. Timetable

The sale or lease and subsequent redevelopment of this property are considered a high priority for City Council. The planning and design should begin immediately following the contract award and proceed through construction and occupancy in a timely and uninterrupted manner.

3. Qualifications

Those interested in responding to this RFP must have a sound understanding of the goals of this solicitation and the financial resources necessary to satisfactorily complete the work.

4. The Property

The project site consists of a rectangular shaped parcel of land developed with one commercial building that is adjacent to The Municipal Building parcel. The site is located at 317 South Main Street in downtown Harrisonburg, Virginia adjacent to the Harrisonburg Municipal Complex. The property is identified as City tax map parcel 25-J-9-12.

Included as a contributing structure in the inventory of the Harrisonburg Downtown Historic District, the project site is a Queen Anne two-story house of stretcher-bond brick with a high asphalt-shingled hip roof. A chimney at the south front corner has corbeled fins at the top of its four sides. Two-story bay windows rise on the east and south sides and a third, rectangular-plan bay window on the north side has

an upper balcony with turned posts and sawn brackets. The one-story wraparound porch has turned posts on stone pedestals, turned balusters, and an angled corner with a small gable roof. Between the stone porch piers are sections of curved stone underpinning with rough copings. Similar stonework forms cheeks on each side of the front porch steps. To the rear is a one-story porch with square posts, board railings, a stair, and an enclosed end. Other features include a limestone foundation, 1/1 windows with fake shutters, board-and-batten gable ornament, decorative rafter ends, a small hipped dormer with flared caves, a south side entry with a stained glass transom, and a modem glass vestibule over the front entry. The house was used as the Homestead Inn in 1955. Annie B. Foley may have been the innkeeper. This structure most recently housed the Harrisonburg School Board Administrative Office. (Hering and Wilson Sanborn map index). Building is 5,026 sq. ft. plus 577 sq. ft. of porches.

Site visits to the property are encouraged and can be coordinated through Mr. Brian Shull, Director of Economic Development, at (540) 432-7736. Site visits will be arranged upon request. Please provide at least one (1) business day notice if possible.

5. Proposal

Proposals to redevelop the Eastham House will need to address site assessment, continuity with existing downtown buildings and a description of the design principles proposed to be utilized in the building's redevelopment. Both categories are further defined below.

6. Site Assessment

The proposed development of this property will need to reflect the highest and best possible use(s) for this building. Development will need to be sensitive, however, to adjoining properties, buildings and their respective uses. Proposals will also need to consider planning elements which address the downtown business district including the City's zoning ordinances (see Appendix D) for B-1 zoned property. Through the site assessment, each proposer should identify existing constraints to the conceived development use(s) of the building and how the constraints will be addressed.

7. Continuity and Design Principles

The location of the Eastham House in downtown Harrisonburg provides a unique opportunity for the redevelopment of an existing character building in a thriving downtown location. The proposal will need to identify how the use(s) of the building and renovations/alterations to the building will complement and enhance the existing downtown area. Proposer(s) are encouraged to refer to various planning documents including the City of Harrisonburg's Comprehensive Plan, and other documents included in the RFP packet. The design should include conceptual architectural renderings of the building's interior and exterior, provisions for ingress and egress of tenants and visitors to the building including commercial delivery, if applicable, and provisions for tenant and visitor parking. Note that the property is in close proximity to a public parking lot. The Proposer(s) must be able to demonstrate how the building and proposed uses of the property will function within the existing downtown setting.

8. Proposal Requirements

The proposal should have all information necessary for the City of Harrisonburg to evaluate the expertise and qualifications of the Proposer in developing the property as outlined above. A $250 deposit will be required at the time of submission of the proposal.

Each proposal shall be limited to twenty (20) typewritten pages excluding illustrative material which shall be included as appendices. All information included in any submitted proposal(s) shall be considered public record only after an interim agreement has been reached between the City of Harrisonburg and the selected Proposer. Therefore, any material which is deemed proprietary by the Proposer(s) must be clearly and prominently noted at the time of submission. Financial data and other proprietary information should be identified and separated within the proposal, preferably in an appendix. Attachment F is where this information shall be identified and this form shall be returned with the proposal submission.

Proposals must include all information and documentation listed below:

- Name of company (or business entity) submitting proposal. In the case of a team submission, the lead company or business entity must be clearly noted.
- Type of business entity (i.e. corporation or partnership, etc.)
- Place(s) of incorporation;
- Name, location and telephone number of the Proposer's representative to contact regarding all matters. In the case of a team submission, the primary contact needs to be clearly noted;
- Name, addresses, and function to be performed by any and all subcontractors, vendors, partners or consultants to be involved in performance of the work;
- Qualifications of key personnel ;
- Federal Tax Identification Number and/or copy of business license;
- A non-binding purchase price or lease arrangement for the property;
- Attachment F: Proprietary/Confidential Information Identification Form;
- Attachment G: State Corporation Commission Form;
- Cover Sheet, completed and signed; and
- Any and all addenda if applicable, signed.

9. Proposal Submission

Two (2) paper copies and one (1) electronic copy must be submitted in an opaque, sealed envelope or package and received in the Harrisonburg City Purchasing Office, 345 S. Main Street, Room 201, Harrisonburg, VA 22801 by **3:00 pm local time Wednesday, October 22, 2014**. Proposal submission packets should be prominently marked "Eastham House RFP Number 2015010-ED-P". Late proposals will not be accepted. Emailed and faxed proposals will not be accepted. Electronic copy shall exactly match the paper copy. The City of Harrisonburg reserves the right to reject any and all proposals for any reason at any time during this RFP process. The City of Harrisonburg further reserves the right to waive any informalities in the proposal document.

*PLEASE NOTE: The City of Harrisonburg Municipal Building (345 South Main Street) is currently undergoing construction around the facility. Parking options tend to be congested throughout the day. It is recommended to park on the North side of the building in visitor parking (follow signs). Please take this into account when submitting your bid/proposal document and give yourself enough time to park and take your bid/proposal to the correct office for acceptance.

Questions about the RFP should be submitted in writing to Mr. Brian Shull, Director of Economic Development, 345 S. Main Street, Room 201, Harrisonburg, VA 22801 or to Brian.Shull@harrisonburgva.gov. Questions shall be submitted by **October 15, 2014 at 12:00pm (noon), local time**. Any relevant questions will be answered and posted as an addendum on the City's website at www.harrisonburgva.gov/bids-proposals and on eVA at www.eva.virginia.gov.

10. Insurance- For a Lease Agreement

The lessee will maintain a general liability policy with $1,000,000 combined single limits. Coverage is to be on an occurrence basis with an insurer licensed to conduct business in the Commonwealth of Virginia. The insurer must have an A. M. Best rating of A- or better. The insurer must list the City of Harrisonburg as an additional insured. The endorsement must be issued by the insurance company. A notation on the certificate of insurance is not sufficient.

Fire Damage Legal Liability coverage/ Damages to premises rented to you- $1,000,000 limit

11. Scoring Matrix

The City of Harrisonburg will review the proposals and score them on a one hundred (100) point scale using the following matrix:

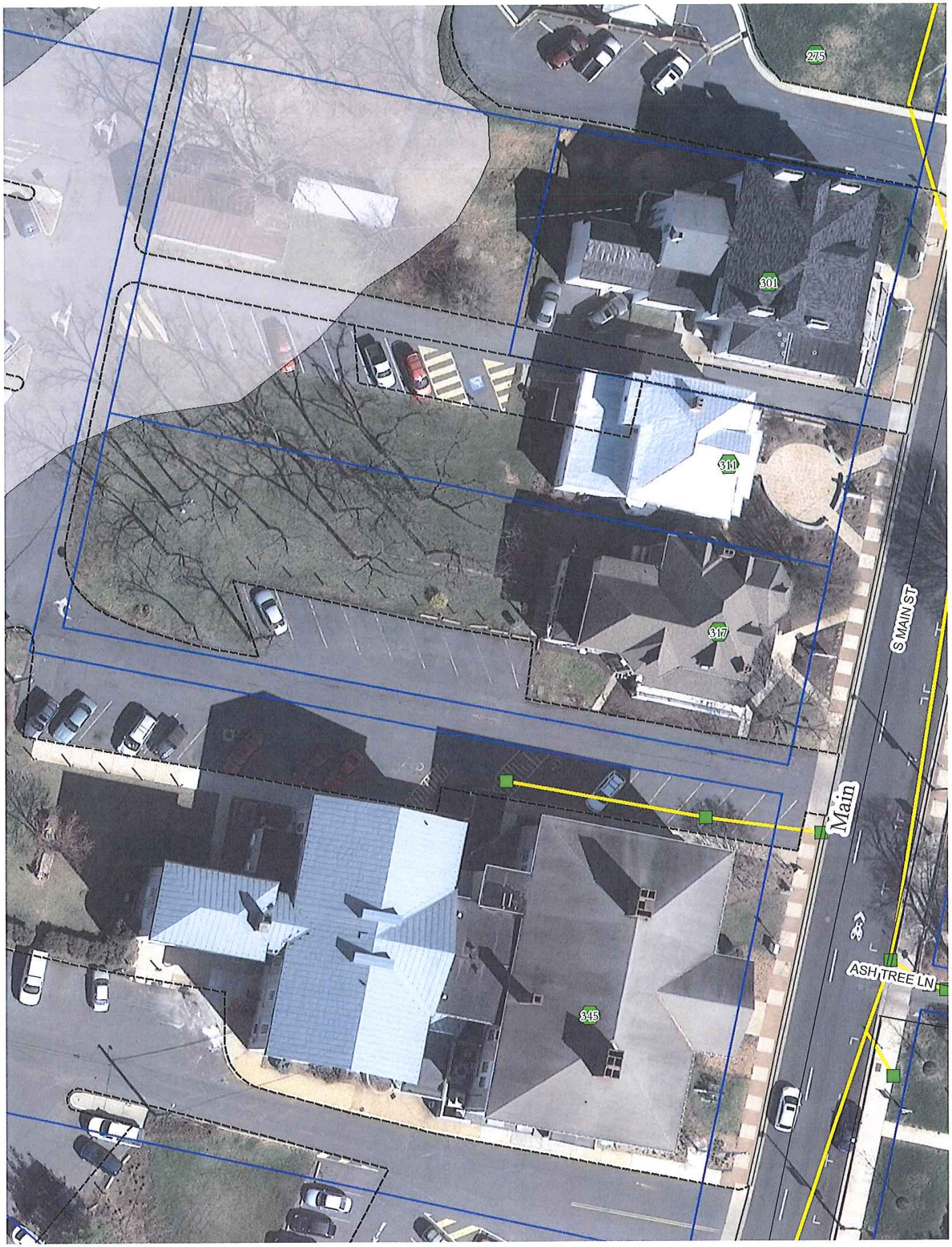
Description	Points Available
Quality and thoroughness of proposed plan for the redevelopment of property; compatibility with neighboring uses	65
Qualifications of personnel, references and financial stability of Proposer and team	25
Technical approach and methodology	10
Total Points Available:	**100**

12. Interviews

Following the evaluation and scoring of proposals, one or more finalist(s) will be asked to appear for an interview. If invited for an interview, those individuals identified in the proposal as key personnel must participate. Interviews will be conducted in person in Harrisonburg at a time and place to be determined. The City of Harrisonburg will not be responsible for any costs associated with development of this proposal or attendance for the interview(s).

13. Contract Negotiation

Following the evaluation, scoring and interviews, if applicable, the City of Harrisonburg will select at least one (1) proposal for further discussions and negotiations to review the proposed scope of work et al. Following these negotiations the invited Proposer(s) will be given the opportunity to submit a final and best proposal. This final proposal will become the basis for the development agreement and will be incorporated into a final contract between the Owner (City of Harrisonburg) and the Buyer(s) or Tenant (Proposer).


275
301
311
317
345
S MAIN ST
Main
ASH TREE LN

2013 CITY OF HARRISONBURG PROPERTY RECORD CARD

PARCEL ID 025 J 9-12
CARD # 01 OF 01

PROPERTY ADDRESS
345 S MAIN ST

RECHECK
REV-ID LN
CONTACT
REV-DATE 09/11/2012
11 Commercial Improved

LIST DATE 01/25/2012 LISTER ID DR

OWNERSHIP & MAILING ADDRESS

CITY OF HBURG CIVIC CENT

345 S MAIN ST
HARRISONBURG VA 22801

LEGAL DESCRIPTION

SUB QUADRANT 4
WS S MAIN ST

SALES HISTORY

PREV. OWNER

SALESDATE	BOOK	PAGE	VALIDITY	SALE PRICE

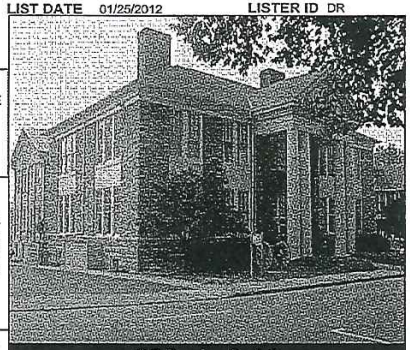
NBHD	Quadrant 4		
DESIRE	Standard	ACRES	-.2200
TREND	Stable	TAX STATUS	
STATECODE	Exempt Local		
USECODE	Governmental Bldg. Exempt Loca		
ZONING	B1 B-1 Central Business		
PROP.TYPE	Commercial		
TOPO			
ACCESS			
UTILITIES			
FRANCHISE			

BUILDING PERMITS

PERMIT DATE	NUMBER	VALUE	DESCRIPTION OF WORK	DATE COMPLETE
09/14/2005	05080264	0	RENOS ON 2ND FL	/ /
08/30/2005	05080244	0	RENO 1ST FL	/ /
08/30/2005	05080245	0	RENOS RALPH OFFICE	/ /
04/21/2008	08040481	19545	REPLACE SIDEWALK	/ /
06/30/2008	08060422	21000	FOUNDATION WORK	/ /
06/24/2008	08060388	6200	RENO OFFICES	/ /

ASSESSMENT HISTORY

YEAR	LAND	IMPROVEMENT	TOTAL
2013	1,097,900	2,542,100	3,640,000
2012	1,097,900	2,617,100	3,715,000
2011	1,097,900	2,617,100	3,715,000



025- J- 9-11

OUTBUILDINGS

	UNITS	SIZE	AREA	RATE	PRICING	DEPREC	VALUE
						TOTAL	

BUILDING CHARACTERISTICS

OCCUPANCY		TOTAL RMS	0
STYLE		BEDROOMS	0
STORIES	0.00	FAMILY RMS	0
EXT.WALL		FULL BATHS	0
ROOFING		HALF BATHS	0
HEATING		ADD.FIXT.	0
COOLING		UNFIN.LIV	0
FL COVERING		BSMT.GAR.	0
BSMT TYPE		FIRE/OPEN	0
FOUNDATION		FIRE/STACKS	0
ATTIC		YR BUILT	0
CONDO LEVEL		EFF.YR BLT	0
CONDO TYPE		YR REMOD	0
		CONDITION	
		GRADE	

LAND

	ACT FRONT ACRES/SQFT	EFF FRONT	EFF DEPTH	UNITS	RATE	NOTES	VALUE
S1	65448	0	0	0.000	8.00	300 X 250	523,580
S2	62500	0	0	0.000	5.00	250 X 250	312,500
						TOTAL	836,100

FINISHED LIVING AREA
UNFIN LIV AREA
ATTIC
BASEMENT
BSMT FINISH

OTHER FEATURES

	UNIT	VALUE
	TOTAL	0

ext. brk, int. plstr panel, comp. shing, 2rr, hot water

ADDITIONS

ID	DESCRIPTION	AREA	PRICING	RATE	VALUE
				TOTAL	

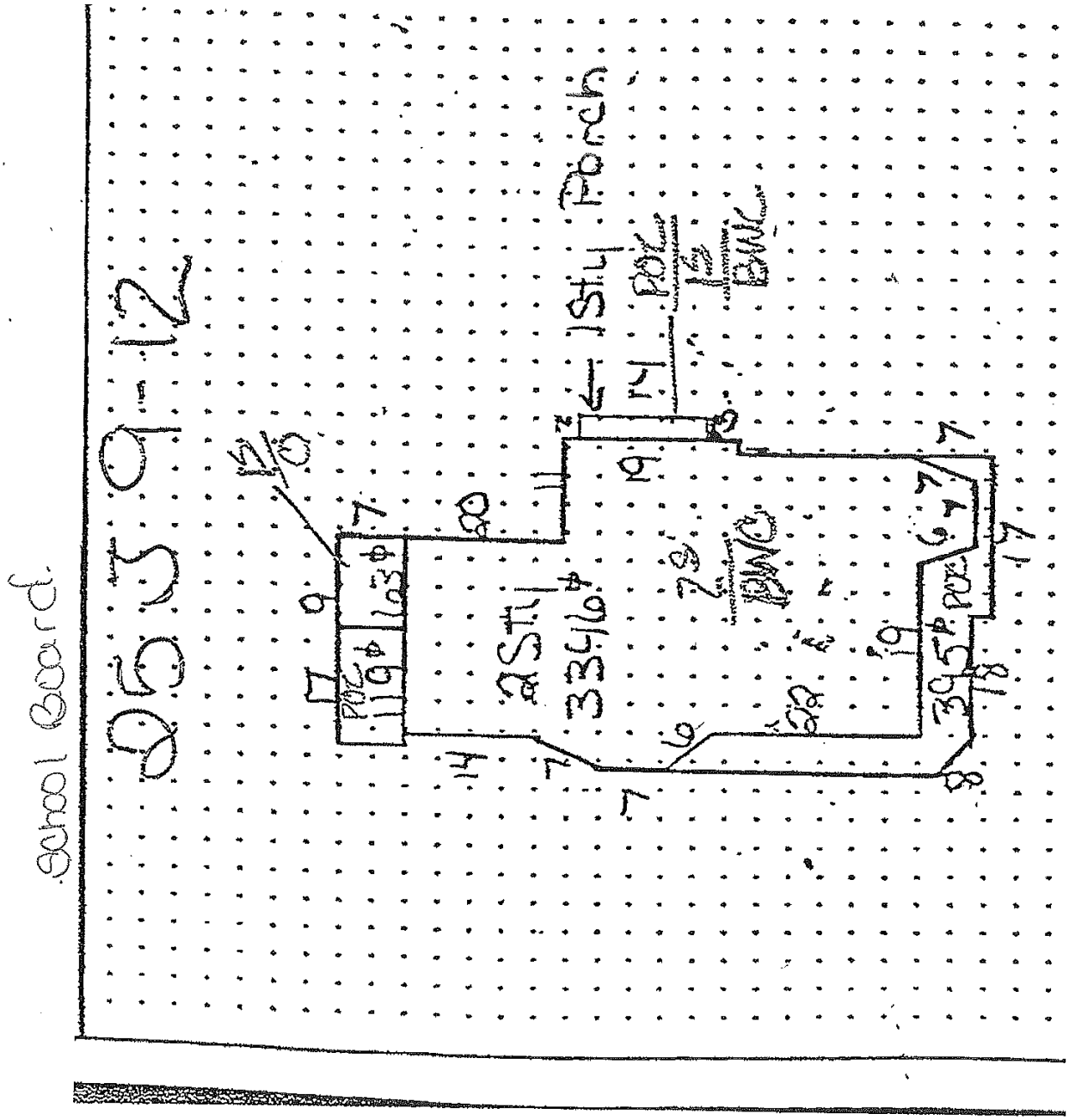
COST LADDER

DWELLING	
ADDITIONS	
FEATURES	
GRADE 0.00	
Replacement Cost New	***,***,***.**
DEPRECIATION	0.000%
NEIGHBORHOOD ADJUSTMENT	100
OBSOLESCENCE	
Replacement Cost New Less Depreciation	***,***,***.**
TOTAL OUT BUILDINGS	
TOTAL BLDG VALUE	**2,542,100**
TOTAL LAND VALUE	**1,097,900**
TOTAL ASSESSED VALUE	**$3,640,000**

***APPRAISAL REASON 01**
(01 Reassessment,02 New Constr.,03Rezoning,04 Carry Over,05 Land Sub., 06 Lnd after 1/1, 07 Prorated 1/1,08 Demo, 10 fire, 11BOE Change,14Other 15 NC & Split,16 Partial,17 1/1 prorated nc value,18 1/1 & Part)

ATTACHMENT A: PROPERTY AERIAL PHOTO & PROPERTY CARD EASTHAM HOUSE

City of Hburg Civic Cent			**2014**				
025-J-009-12							
B2							
#1 Old School Board Vacant Now							
2 Sty		3,346.00	SQ FT	AT	80.00	=	267,700
Bsmt		1,680.00	SQ FT	AT	15.00	=	25,200
Porches		577.00	SQ FT	AT	12.00	=	6,900
					Total		299,800
					Funtional	**25%**	75,000
					Depreciated Total		224,800
#2 Municipal Bldg							
2 Sty		19,732.00	SQ FT	AT	85.00	=	1,677,200
Bsmt		6,010.00	SQ FT	AT	12.00	=	72,100
Elevator		1.00	SQ FT	AT	100,000.00	=	100,000
Finished Bsmt		1,480.00	SQ FT	AT	25.00	=	37,000
Porches		420.00	SQ FT	AT	12.00	=	5,000
#3 Smith House 25-J-11							
2 Sty		1,680.00	SQ FT	AT	80.00	=	134,400
1 Sty		195.00	SQ FT	AT	80.00	=	15,600
DK		96.00	SQ FT	AT	12.00	=	1,200
POC		224.00	SQ FT	AT	12.00	=	2,700
Crawl			SQ FT	AT	NV	=	0
A/C		1,875.00	SQ FT	AT	1.00	=	1,900
Brick PT	23 x 24	552.00	SQ FT	AT	3.00	=	1,700
# 4 Farmer's Market							
Pole Frame Structue Built **2008**	30 x 215	6,450.00	SQ FT	AT	30.00	=	193,500
Paving		100,000.00	SQ FT	AT	0.75	=	75,000
					TOTAL:		**2,542,100.00**
LAND	S1	65,448	SQ FT OR ACRES	AT	12.00	=	785,400.00
LAND	S2	62,500	SQ FT OR ACRES	AT	5.00	=	312,500.00
					TOTAL:		**1,097,900.00**
					GRAND TOTAL:		**3,640,000.00**


School Board
2653 9-12
1st Porch
2nd Porch
Bmt
2 Stl
3 Stl
Bmt
Poc
119
163
395
Poc
67

Chapter 14 Revitalization

Introduction

Cities, and areas within cities, often go through periods of community and economic health as well as periods of stress. Virtually all cities have areas within them that at some time are in need of rehabilitation and revitalization. The City of Harrisonburg has identified a number of areas of the City where revitalization strategies should be applied. The goal is to help these areas return to their original prosperity, attractiveness, and function so that they again become assets to the community and meet the needs of businesses and/or residents.

Background

Downtown

Downtown Harrisonburg was once the economic center of the City and the region, but has been overshadowed by new commercial and business areas. The City has made steps toward revitalizing its downtown, recognizing that a vital city center attracts business, tourists, and improves the overall quality of life for residents. To that end, Harrisonburg offers tax incentives to downtown property owners, has created special districts and zones, and has provided support for Harrisonburg Downtown Renaissance, a non-profit organization seeking revitalization of downtown.

Central Business District: The City has established tax incentives to encourage the renovation and/or rehabilitation of older structures downtown. The incentive is offered to owners of B-1, Central Business District commercial and residential real estate that is at least 25 years old. It provides partial exemption of real estate taxes, not to exceed the amount of the increase in assessed value due to the renovation, for up to five years.

Arts and Cultural District: The ordinance establishing the Arts and Cultural District was adopted in 2001. The district is comprised of the B-1, Central Business District, parts of B-2, General Business District adjacent to B-1, and James Madison University's (JMU) main campus. The City's stated goal in creating the district is "to improve the economic conditions of the central portion of the City, which could, in turn, benefit the welfare of the citizens of Harrisonburg." The district offers qualified arts organizations exemption from business, professional, and occupational license taxes and fees for three years. In addition, organizations are exempt from admission taxes and can qualify for the Central Business District tax incentive described above.

Harrisonburg Downtown Technology Zone: The zone was created to encourage technology businesses to locate in this limited area of downtown. Incentives include water and sewer connection fee exemption and 3 year business, professional, and occupational license tax exemption for qualified high-technology businesses.

Economic Revitalization Zone: This zone is defined as all parcels of real estate located within the City's B-1, Central Business District and the City's Virginia Main Street district. Tax incentives include partial exemption for 5-10 years from real estate taxation for new commercial and residential mixed-use construction exceeding $1 million and containing at least 40 percent retail on the ground floor.

Harrisonburg Downtown Renaissance: This organization grew out of an effort initiated by City Council in April 2002 to evaluate a proposal to create a pedestrian mall in downtown Harrisonburg. Its mission has since broadened in scope, and is to "work in partnership with City government and the community to develop a comprehensive vision and master plan to revitalize downtown Harrisonburg into a prosperous and vibrant city center." Its board of directors and advisory board include representatives of City government, non-profits, and the universities, as well as individual property and business owners and professionals.

Harrisonburg Downtown Renaissance's board of directors has laid out the following organizational objectives:

- Economic: To strengthen the downtown district's existing economic base, seek ways to introduce new types of commerce suitable for a downtown venue, and convert underutilized space into productive uses.
- Design: To promote the enhanced physical appearance of the district by capitalizing on its assets, rehabilitating historic buildings, encouraging supportive new construction and beautifying the streetscape.
- Promotion: To market the downtown district's unique qualities to potential customers, investors, new businesses, local citizens, and visitors through effective strategies and special events.
- Organization: To build cooperation and consensus between all stakeholders in an effort to meet our mission and objectives, to strengthen our Main Street program, and to improve the quality of life for the people who live, work, and visit downtown Harrisonburg.

Harrisonburg applied for and became a designated community with the Virginia Main Street program in August 2004 and will use the resources of that program to further the goals of downtown revitalization and the goals, objectives, and strategies of the comprehensive vision and master plan called for in Harrisonburg Downtown Renaissance's mission statement and organizational objectives. Included in the latter is the development of a document from August 2008 by Eugene Stoltzfus Architects titled: Urban Values & Vision for Downtown Harrisonburg, which is incorporated into the Comprehensive Plan by reference. This plan addresses a wide range of issues, among them the following:

- Local, regional, national and global perspectives
- Urban design principles and urban trees
- Opportunities for private building renovation and new construction
- Creative public projects and enhancements
- Guiding concepts and values

Edom Road Revitalization Area

The City has identified several blocks around Edom Road, as shown on the Plan Framework Map, as an area in need of revitalization. Located next to downtown, this area currently exhibits low quality and deteriorating building stock and conflicting land uses. The goal is to encourage reinvestment and to seek coordinated redevelopment of the area transforming it into an attractive and vital City asset. The revitalization plan for this area should consider such issues as the following:

- Quality of building stock

- Number of vacancies
- Presence of historic and environmental resources
- Economic viability of businesses
- Parcels where redevelopment is recommended
- Appropriate land uses and zoning
- Redevelopment and building rehabilitation incentives
- Needed public investments (roads, sidewalks, streetscape, infrastructure)

Neighborhood Conservation Areas

The Comprehensive Plan Advisory Committee has identified a number of neighborhoods around the edges of downtown as experiencing stress. These neighborhoods are highlighted on the Plan Framework Map. Some are suffering from poorly maintained, deteriorating, or vacant homes and spot conversions of single family homes to apartments, often for students. Other areas contain older deteriorating apartment buildings. Some are affected by encroaching commercial development or inappropriate conversion of houses to non-residential uses. Impacts of traffic on highly traveled roadways may also be creating neighborhood stress. This plan recommends that for each of these areas a community-based neighborhood plan be developed to address these and other issues raised by the community. Such plans might include:

- Programs to encourage the rehabilitation and renovation of older houses;
- Programs to facilitate home ownership and improve the quality of rental housing;
- Revisions to the Zoning Ordinance to reduce the number of variances and conditional use permits needed to build and renovate older homes on small lots;
- Strategies to reduce land use conflicts, including conflicts between residential areas and adjacent commercial or industrial areas and conflicts created by the expansion of public and institutional uses within neighborhoods;
- Programs to reduce pressures to convert single family houses and lots to other uses;
- Traffic impact analyses addressing commuter traffic on major through roads and industrial truck traffic;
- Recommended infrastructure improvements, including street and sidewalk repairs, traffic calming measures, new sidewalks and trails, upgraded water and sewer lines;
- Other public investments, such as street tree planting, pocket parks, and community centers;
- Resolution of safety and security issues;
- Programs to encourage the involvement of neighborhood residents in the improvement and maintenance of their neighborhoods (building leadership capacity, encouraging civic involvement); and
- Standards for public landscaping, streets, and utilities in the historic districts to enhance their distinctive design.

Revitalization Goal, Objectives and Strategies

Goal 15. To enhance and revitalize existing residential and commercial areas.

Objective 15.1 To make downtown revitalization a major, high priority public/private initiative, the cornerstone of the City's economic development, tourism, historic preservation, and civic pride enhancement efforts.

Strategy 15.1.1 To support the initiatives of Harrisonburg Downtown Renaissance in such areas as:

- Creating a permanent, well funded downtown revitalization organization
- Developing design guidelines and design enhancement projects
- Marketing and promoting downtown businesses, restaurants and retailers
- Promoting the Arts and Cultural District and encouraging the location of museums and other cultural facilities downtown
- Strengthening downtown's economic base as a regional destination
- Making downtown the focal point for community and regional events.
- Encouraging flexibility and creativity in the use of public property and resources in the downtown (i.e. restaurant/cafe use of public sidewalk, and other proposals for public properties)

Strategy 15.1.2 To develop with Harrisonburg Downtown Renaissance a downtown revitalization plan to guide the rehabilitation and development of the area. This plan should address the following:

- Recommended changes in land use
- The appropriate density and intensity of downtown development and redevelopment
- Incentives to rehabilitate existing quality buildings
- Design guidelines addressing such issues as building height, setback, orientation, façade treatment, commercial signage, etc.
- Parking needs and standards for the location and design of parking lots and structures
- Needed transportation improvements, including roads, sidewalks, bicycle lanes and trails, transit stops, etc.
- Streetscape improvements, including signage, lighting, street trees, landscaping, paving materials, and street furniture.
- Parks and public spaces, including bathrooms and a permanent stage for the park adjoining the Turner Pavilion.

Strategy 15.1.3 To promote and create incentives for development of new housing downtown in accordance with the downtown revitalization plan.

Strategy 15.1.4 To conduct a downtown parking survey and/or study directed toward identifying current and future needs and strategies which address those needed in light of the critical role that parking resources play in

promoting and accommodating existing and additional retail and housing growth.

Strategy 15.1.5 To prepare a redevelopment and revitalization plan for the Edom Road Revitalization Area, which is located adjacent to downtown.

Objective 15.2 To examine the extent to which changes in the retail sector are related to retail growth versus retail relocation, to seek to minimize long-term retail vacancies, and to initiate programs to redevelop and revitalize abandoned older retail areas.

Strategy 15.2.1 To understand and monitor trends and conditions in the local and regional retail market.

Strategy 15.2.2 To consider the impacts of new retail commercial rezonings on the current retail supply and demand.

Strategy 15.2.3 To actively market older shopping centers with high vacancies including consideration of conversion to other uses.

Objective 15.3 To identify neighborhoods under stress and seek to stabilize, improve the maintenance of, and revitalize these neighborhoods.

Strategy 15.3.1 To prepare community-based neighborhood plans for neighborhood conservation areas identified on the Plan Framework Map. Such plans might include:

- Programs to encourage quality rehabilitation and renovation of older houses;
- Programs to facilitate home ownership and improve the quality of rental housing;
- Revisions to the Zoning Ordinance to reduce the number of variances and special use permits needed to build and renovate older homes on small lots;
- Strategies to reduce land use conflicts, including conflicts between residential areas and adjacent commercial or industrial areas and conflicts created by the expansion of public and institutional uses within neighborhoods;
- Tools to assure compliance with zoning and property maintenance codes, particularly for residential rental units;
- Programs to reduce pressures to convert single family houses and lots to inappropriate other uses;
- Traffic impact analyses addressing commuter traffic on major through roads and industrial truck traffic;
- Recommended infrastructure improvements, including street and sidewalk repairs, traffic calming measures, new sidewalks and trails, upgraded water and sewer lines;
- Other public investments, such as street tree planting, pocket parks, and community centers;
- Resolution of safety and security issues;

- Programs to encourage the involvement of neighborhood residents in the improvement and maintenance of their neighborhoods (building leadership capacity, encouraging civic involvement); and
- Standards for public landscape, streets, and utilities in the historic districts to enhance their distinctive design.

Strategy 15.3.2 To utilize the planning process described under Objective 3.1

Strategy 15.3.3 To implement neighborhood conservation area plans.

ATTACHMENT C: B-1 ZONING ORDINANCE

Harrisonburg, Virginia, Code of Ordinances >> PART II - THE CODE OF GENERAL ORDINANCES >> Title 10 - PLANNING AND DEVELOPMENT >> CHAPTER 3. - ZONING >> ARTICLE P. B-1 CENTRAL BUSINESS DISTRICT >>

ARTICLE P. B-1 CENTRAL BUSINESS DISTRICT

Sec. 10-3-82. General.
Sec. 10-3-83. Purpose of district.
Sec. 10-3-84. Uses permitted by right.
Sec. 10-3-85. Uses permitted only by special use permit.
Sec. 10-3-86. Area and dimensional regulations.
Sec. 10-3-87. Other regulations.

Sec. 10-3-82. General.

The regulations set forth in this article or set forth elsewhere in this chapter when referred to in this article are the "B-1" central business district regulations.

(Ord. of 4-23-96)

Sec. 10-3-83. Purpose of district.

This district is the urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. These regulations are intended to protect and improve activities, and to prevent uses not requiring a central location which would create friction in the efficient performance of the primary activities of an urban and regional center. In addition, both transient and nontransient housing facilities are permitted within limits that will assure a supporting role to the primary functions of the district.

(Ord. of 4-23-96)

Sec. 10-3-84. Uses permitted by right.

[The following uses are permitted by right:]

(1) Retail stores, convenience shops, personal service establishments, restaurants, food and drug stores.

(2) Governmental, business and professional offices and financial institutions.

(3) Hotels, motels and buildings used for dwelling unit(s), CBD, as defined under section 10-3-24. Dwelling unit(s), CBD, may be occupied by a family or not more than four (4) persons, except that such occupancy may be superseded by building regulations.

(4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education.

(5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities.

(6)

General service or repair shops, when not employing more than fifteen (15) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building. Examples: Cleaning and laundry establishments, printing and tailoring shops, appliance repairs, upholstery and furniture repairs.

(7) Accessory uses incidental to any permitted uses which are attached to or within the principal building.

(8) Telecommunications equipment and facilities, provided such equipment and facilities are located in an enclosed structure.

(9) Public libraries.

(10) Public uses.

(11) Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion other than uses permitted in this district and which involve no more than 15 percent of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.

(12) Home occupations.

(Ord. of 4-23-96; Ord. of 2-22-02; Ord. of 3-26-02; Ord. of 1-11-05; Ord. of 6-22-10(2); Ord. of 4-24-12(9); Ord. of 10-9-12(2); Ord. of 3-26-13(2))

Sec. 10-3-85. Uses permitted only by special use permit.

[The following uses are permitted by special use permit only:]

(1) Manufacturing, processing and assembly operations when not employing more than fifteen (15) persons on the premises in a single shift and provided that all storage and activities are conducted within a building.

(2) Telecommunications equipment and facilities not located in an enclosed structure.

(3) Vehicle recreation equipment, or trailer sales served by a permanent building facility unless clearly incidental to an existing building. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.

(4) Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.

(5) Structures in excess of seventy-five (75) feet in height.

(6) Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.

(7) Transportation service facilities, including but not limited to: taxicabs. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.

(8) Parking lots and parking garages as principal uses.

(Ord. of 4-23-96; Ord. of 10-28-97; Ord. of 8-12-03; Ord. of 1-13-04; Ord. of 4-27-04, § 1; Ord. of 7-26-05; Ord. of 1-23-08; Ord. of 4-24-12(10); Ord. of 10-9-12(3); Ord. of 3-26-13(3))

ATTACHMENT C: B-1 ZONING ORDINANCE

Sec. 10-3-86. Area and dimensional regulations.

Except as provided in article T, the following area and dimensional regulations shall apply:

Minimum Setback:

Front—None.

Side—None—Zero (0) setback conditions may be superseded by building code regulations.

Rear—None.

Maximum Building Height:

Seventy-five (75) feet unless superseded by special use permit subsection 10-3-85(5).

(Ord. of 4-23-96; Ord. of 4-27-04, § 1; Ord. of 11-25-08(2))

Sec. 10-3-87. Other regulations.

(a) There are no minimum off-street parking requirements for uses in this district; provided, however, that when off-street parking is offered, such parking shall comply with the design standards under article G. In addition, loading and unloading facilities for all new buildings or additions shall comply with the design standards under article G.

(b) Unless modified or superseded by other ordinances which directly apply to the general health, safety and welfare of the public, all accessory storage of products to be processed or being processed, and supplies and waste materials resulting from such work, shall be completely enclosed within structures of permanent and durable construction. In addition, all on-site refuse containers or refuse storage facilities shall be located within a designated area and screened from general public view by means appropriate to the appearance of this district.

(Ord. of 4-23-96)

Harrisonburg, Virginia, Code of Ordinances >> PART II - THE CODE OF GENERAL ORDINANCES >> Title 9 - PARKS, RECREATION AND CULTURAL AFFAIRS >> CHAPTER 5. - ARTS AND CULTURAL DISTRICT >> ARTICLE A. GENERAL PROVISIONS >>

ARTICLE A. GENERAL PROVISIONS

Sec. 9-5-1. Purpose.
Sec. 9-5-2. Administration.
Sec. 9-5-3. Definitions.
Sec. 9-5-4. Boundaries.
Secs. 9-5-5—9-5-9. Reserved.

Sec. 9-5-1. Purpose.

The City of Harrisonburg finds that the continued development and success of its arts and cultural venues requires incentives, and determines that the most appropriate method of offering incentives for the area described below is to create an arts and cultural district in that area, as authorized by section 15.2-1129.1 of the Code of Virginia. The city believes that the establishment of an arts and cultural district will improve the economic conditions of this geographic area located in the central portion of the city which could, in turn, benefit the welfare of the citizens of Harrisonburg.

(Ord. of 6-12-01(2))

Sec. 9-5-2. Administration.

The administrator of the Harrisonburg Arts and Cultural District shall be the city manager or his designee. The administrator shall determine the procedures for obtaining the benefits created by this chapter and for the administration of this chapter.

(Ord. of 6-12-01(2))

Sec. 9-5-3. Definitions.

For the purposes of this chapter, and unless otherwise indicated to the contrary, the following term(s) shall have the following meaning(s):

Creative economy business shall mean a business whose primary economic activities are the generation or utilization of innovation, knowledge and information involving individual creativity, skill and talent which activities have a potential for wealth and job creation through the generation of ideas, products and/or services. Standard categories may include, but are not limited to: advertising, architecture, art and antiques, designing computer games or software, culinary arts, crafts, design, designer fashion, film and video, music performing arts, publishing, TV and radio.

Expanded business shall mean a qualified arts organization that is currently located in the City of Harrisonburg and does one (1) of the following: (i) Makes a capital investment in the qualified arts organization of at least ten thousand dollars ($10,000.00). Capital investments are

amounts spent to acquire or upgrade productive fixed assets (such as buildings, machinery and equipment, vehicles) to increase the capacity or efficiency of a firm for more than one (1) accounting period. Capital investments do not include funds spent for working capital or day-to-day operation of the business; or (ii) creates at least one (1) new full-time job at the qualified arts organization.

Incentives for an expanded business will apply only to the increased amount of business, professional and occupational license taxes ("BPOL") and increased admission taxes that the expanded business pays after it qualifies as an expanded business.

When applying for any benefit afforded under this chapter, the applicant shall have the burden of proving qualification as a qualified arts organization. The application for a new business or an expanded business must be filed within six (6) months from its startup or its expansion.

New business shall mean a qualified arts organization that is not currently located within the City of Harrisonburg.

Qualified arts organization shall mean a new business or expanded business, as defined below or not-for-profit organization that carries on at least one (1) of the following business activities in the arts district and has been classified by the administrator as a qualified organization for the purposes of this chapter:

(1) A business for profit or not-for-profit organization that presents live performances of theatre, dance, music or other imaginative work and/or produces or exhibits physical works created by, or under the direction of one (1) or more artists, which are intended for unique production or limited reproduction. Museums or historic sites, the primary mission of which is education, history, or historic preservation, shall also qualify as arts and culture organizations.

(2) A creative economy business.

In no case shall an office use such as a bank, real estate office, medical office, attorney's office or any other general office use qualify as a qualified arts organization for the purposes of this chapter. Additionally, in no case shall a restaurant or retail shop that is a franchise or chain with three (3) or more physical locations qualify as a qualified arts organization for the purposes of this chapter.

(Ord. of 6-12-01(2); Ord. of 3-13-12(30))

Sec. 9-5-4. Boundaries.

The arts and cultural district shall be located in the central portion of the city, defined by the following borders. Beginning at the intersection of Washington and Main Streets, the boundary line follows Washington Street northwest to the railroad tracks, then follows the tracks southwest to Rock Street; west along Rock Street to High Street; south along High Street to Grace Street; east along Grace Street to the railroad tracks; follows the railroad tracks southeast through the James Madison University campus to Cantrell Avenue; west along Cantrell Avenue to Mason Street; north along Mason Street to Newman Avenue; east along Newman Avenue to Ott Street; north along Ott Street to Market Street; west along Market Street to Broad Street; north along Broad Street to Elizabeth Street; west along Elizabeth Street to Community Street; north along Community Street to Johnson Street; east along Johnson Street to Harris Street; north along Harris Street to Washington Street; northwest along Washington Street to the intersection with Main Street. All parcels located within the boundaries described above are included in the Harrisonburg Arts and Cultural District.

ATTACHMENT D: CITY CODE-ARTS AND CULTURAL DISTRICT

(Ord. of 6-12-01(2))

Secs. 9-5-5—9-5-9. Reserved.

ATTACHMENT D: CITY CODE-ARTS AND CULTURAL DISTRICT

Harrisonburg, Virginia, Code of Ordinances >> PART II - THE CODE OF GENERAL ORDINANCES >> Title 9 - PARKS, RECREATION AND CULTURAL AFFAIRS >> CHAPTER 5. - ARTS AND CULTURAL DISTRICT >> ARTICLE B. TAX EXEMPTIONS >>

ARTICLE B. TAX EXEMPTIONS

Sec. 9-5-10. Taxes eligible for exemption.
Secs. 9-5-11—9-5-19. Reserved.

Sec. 9-5-10. Taxes eligible for exemption.

(a) *Business, professional and occupational license ("BPOL") taxes and fees.* Qualified arts organizations shall be exempted from the payment of the BPOL taxes and fees imposed by chapter 1 of title 12 of the Harrisonburg City Code for the first three (3) full years following the actual occupation and/or certification of the qualified arts organization with the arts and cultural district.

(b) *Admission taxes.* Qualified arts organizations shall be exempt from the fees for admission taxes imposed by chapter 2 of title 4 of the Harrisonburg City Code for the first five (5) full years following the actual occupation and/or certification of the qualified arts organization within the arts and cultural district.

Upon certification by the administrator and proof that no taxes are outstanding at the time of the application, the qualified arts organization shall be entitled to the exemptions created by this section. Failure of the qualified arts organization to pay taxes when due or to comply with the requirements of this chapter shall result in the loss of the qualification under this chapter and the loss of the above tax exemptions.

(Ord. of 6-12-01(2); Ord. of 3-13-12(30))

Secs. 9-5-11—9-5-19. Reserved.

GENERAL TERMS AND CONDITIONS FOR THE CITY OF HARRISONBURG, VA

PURCHASING AND CONTRACTING MANUAL: This solicitation is subject to the provisions of The Purchasing and Contracting Policy Manual for the City of Harrisonburg (City) and any revisions thereto, which are hereby incorporated into this contract in their entirety. A copy of the manual is available for review at www.Harrisonburgva.gov/bids.

APPLICABLE LAWS AND COURTS: This solicitation and any resulting contract shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto shall be brought in the courts of the Commonwealth. The contractor shall comply with all applicable federal, state and local laws, rules and regulations.

ANTI-DISCRIMINATION: By submitting their (bids/proposals), (bidders/offerors) certify to the City that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, the Americans With Disabilities Act and 2.2-4311 of the *Virginia Public Procurement Act*.

In every contract over $10,000 the provisions below apply:

1. During the performance of this contract, the contractor agrees as follows:

    a. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

    b. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.

    c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting these requirements.

    The contractor will include the provisions of 1. above in every subcontract or purchase order over $10,000, so that the provisions will be binding upon each subcontractor or vendor.

2. The City does not discriminate against small and minority businesses or faith based organizations.

ETHICS IN PUBLIC CONTRACTING: By submitting their (bids/proposals), (bidders/offerors) certify that their (bids/proposals) are made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other (bidder/offeror), supplier, manufacturer or subcontractor in connection with their (bid/proposal), and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

IMMIGRATION REFORM AND CONTROL ACT OF 1986: By submitting their (bids/proposals), (bidders/offerors) certify that they do not and will not during the performance of this contract employ illegal alien workers or otherwise violate the provisions of the federal Immigration Reform and Control Act of 1986.

DEBARMENT STATUS: By submitting their (bids/proposals), (bidders/offerors) certify that they are not currently debarred by the Commonwealth of Virginia from submitting bids or proposals on contracts for the type of goods and/or services covered by this solicitation, nor are they an agent of any person or entity that is currently so debarred.

ANTITRUST: By entering into a contract, the contractor conveys, sells, assigns, and transfers to the City all rights, title and interest in and to all causes of action it may now have or hereafter acquire under the antitrust laws of the United States and the Commonwealth of Virginia, relating to the particular goods or services purchased or acquired by the City under said contract.

MANDATORY USE OF CITY FORM AND TERMS AND CONDITIONS FOR IFBs AND RFPs

1. (For Invitation For Bids(ITB):) Failure to submit a bid on the form provided, (if provided) shall be a cause for rejection of the bid. Modification of or additions to any portion of the Invitation for Bids may be cause for rejection of the bid; however, the City reserves the right to decide, on a case by case basis, in its sole discretion, whether to reject such a bid as nonresponsive. As a precondition to its acceptance, the City may, in its sole discretion, request that the bidder withdraw or modify nonresponsive portions of a bid which do not affect quality, quantity, price, or delivery. No modification of or addition to the provisions of the contract shall be effective unless reduced to writing and signed by the parties.

2. (For Request For Proposals(RFP):) Failure to submit a proposal on the form provided, (if provided) shall be a cause for rejection of the bid. Modification of or additions to the General Terms and Conditions of the solicitation may be cause for rejection of the proposal; however, the City reserves the right to decide, on a case by case basis, in its sole discretion, whether to reject such a proposal.

REVISIONS TO THE OFFICIAL ITB/RFP: No offeror shall modify, revise, edit or make any unauthorized change(s) to the original Official Invitation to Bid (ITB) or Official Request for Proposal (RFP). The Official solicitation document and the Addenda(s) are the documents posted on the City of Harrisonburg's web site and/or authorized by the City

of Harrisonburg's Purchasing Agent. Any such violation as stated above may result in rejection of the ITB/RFP response. In addition, violations may result in the debarment of the offeror by the City of Harrisonburg.

CLARIFICATION OF TERMS: If any prospective (bidder/offeror) has questions about the specifications or other solicitation documents, the prospective (bidder/offeror) should contact the person whose name appears on the face of the solicitation no later than five working days before the due date. Any revisions to the solicitation will be made only by addendum issued by the buyer.

PAYMENT:

1. To Prime Contractor:

   a. Invoices for items ordered, delivered and accepted shall be submitted by the contractor directly to the payment address shown on the purchase order/contract. All invoices shall show the purchase order number; social security number (for individual contractors) or the federal employer identification number (for proprietorships, partnerships, and corporations).

   b. Any payment terms requiring payment in less than 30 days will be regarded as requiring payment 30 days after invoice or delivery, whichever occurs last. This shall not affect offers of discounts for payment in less than 30 days, however.

   c. All goods or services provided under this contract or purchase order, that are to be paid for with public funds, shall be billed by the contractor at the contract price.

   d. The following shall be deemed to be the date of payment: the date of postmark in all cases where payment is made by mail, or the date of offset when offset proceedings have been instituted as authorized under the Virginia Debt Collection Act.

   e. Individual contractors shall provide their social security numbers, and proprietors , partnerships, and corporations shall provide the City with a federal employer identification number, prior to receiving any payment from the City.

   f. **Unreasonable Charges**. Under certain emergency procurements and for most time and material purchases, final job costs cannot be accurately determined at the time orders are placed. In such cases, contractors should be put on notice that final payment in full is contingent on a determination of reasonableness with respect to all invoiced charges. Charges which appear to be unreasonable will be researched and challenged, and that portion of the invoice held in abeyance until a settlement can be reached. Upon determining that invoiced as to those charges which it considers unreasonable and the basis for the

determination. A contractor may not institute legal action unless a settlement cannot be reached within thirty (30) days of notification. The provisions of this section do not relieve the City of its prompt payment obligations with respect to those charges which are not in dispute (*Code of Virginia*, 2.2.4363.

2. To Subcontractors:

   a. A contractor awarded a contract under this solicitation is hereby obligated:

      (1) To pay the subcontractor(s) within seven (7) days of the contractor's receipt of payment from the City for the proportionate share of the payment received for work performed by the subcontractor(s) under the contract; or

      (2) To notify the City and the subcontractor(s), in writing, of the contractor's intention to withhold payment and the reason.

   b. The contractor is obligated to pay the subcontractor(s) interest at the rate of one percent per month (unless otherwise provided under the terms of the contract) on all amounts owed by the contractor that remain unpaid seven (7) days following receipt of payment from the City, except for amounts withheld as stated in (2) above. The date of mailing of any payment by U. S. Mail is deemed to be payment to the addressee. These provisions apply to each sub-tier contractor performing under the primary contract. A contractor's obligation to pay an interest charge to a subcontractor may not be construed to be an obligation of the City.

PRECEDENCE OF TERMS: General Terms and Conditions shall apply in all instances. In the event there is a conflict between any of the other General Terms and Conditions and any Special Terms and Conditions in this solicitation, the Special Terms and Conditions shall apply.

QUALIFICATIONS OF (BIDDERS/OFFERORS): The City may make such reasonable investigations as deemed proper and necessary to determine the ability of the (bidder/offeror) to perform the services/furnish the goods and the (bidder/offeror) shall furnish to the City all such information and data for this purpose as may be requested. The City reserves the right to inspect (bidder's/offeror's) physical facilities prior to award to satisfy questions regarding the (bidder's/offeror's) capabilities. The City further reserves the right to reject any (bid/ proposal) if the evidence submitted by, or investigations of, such (bidder/offeror) fails to satisfy the City that such (bidder/offeror) is properly qualified to carry out the obligations of the contract and to provide the services and/or furnish the goods contemplated therein.

TESTING AND INSPECTION: The City reserves the right to conduct any test/inspection it may deem advisable to assure goods and services conform to the specifications.

ASSIGNMENT OF CONTRACT: A contract shall not be assignable by the contractor in whole or in part without the written consent of the City.

CHANGES TO THE CONTRACT: Changes can be made to the contract in any of the following ways:

1. The parties may agree in writing to modify the scope of the contract. An increase or decrease in the price of the contract resulting from such modification shall be agreed to by the parties as a part of their written agreement to modify the scope of the contract.
2. The Purchasing Agent or City delegated agent may order changes within the general scope of the contract at any time by written notice to the contractor. Changes within the scope of the contract include, but are not limited to, things such as services to be performed, the method of packing or shipment, and the place of delivery or installation. The contractor shall comply with the notice upon receipt. The contractor shall be compensated for any additional costs incurred as the result of such order and shall give the City a credit for any savings.

DEFAULT: In case of failure to deliver goods or services in accordance with the contract terms and conditions, the City, after due oral or written notice, may procure them from other sources and hold the contractor responsible for any resulting additional purchase and administrative costs. This remedy shall be in addition to any other remedies, which the City may have.

CANCELLATION OF THE CONTRACT: The City may terminate any agreement resulting from this solicitation at any time, for any reason or for no reason, upon thirty days advance written notice to the Contractor. In the event of such termination the Contractor shall be compensated for services and work performed prior to termination.

TAXES: Sales to the City of Harrisonburg are normally exempt from State sales tax. State sales and use tax certificates of exemption, Form ST-12, will be issued upon request.

(NOT NORMALLY REQUIRED FOR SERVICE CONTRACTS)

USE OF BRAND NAMES: Unless otherwise provided in this solicitation, the name of a certain brand, make or manufacturer does not restrict (bidders/offerors) to the specific brand, make or manufacturer named, but conveys the general style, type, character, and quality of the article desired. Any article which the public body, in its sole discretion, determines to be the equal of that specified, considering quality, workmanship, economy of operation, and suitability for the purpose intended, shall be accepted. The (bidder/offeror) is responsible to clearly and specifically identify the product being offered and to provide sufficient descriptive literature, catalog cuts and technical detail to enable the City to determine if the product offered meets the requirements of the solicitation. This is required even if offering the exact brand, make or manufacturer specified. Normally in competitive sealed bidding only the information furnished with the bid will be considered in the evaluation. Failure to furnish adequate data for evaluation purposes may result in declaring a bid nonresponsive. Unless the (bidder/offeror) clearly indicates in its (bid/proposal) that the product offered is an "equal" product, such (bid/proposal) will be considered to offer the brand name product referenced in the solicitation.**(NOT NORMALLY REQUIRED FOR SERVICE CONTRACTS)**

TRANSPORTATION AND PACKAGING: By submitting their (bids/proposals), all (bidders/offerors) certify and warrant that the price offered for FOB destination includes only the actual freight rate costs at the lowest and best rate and is based upon the actual weight of the goods to be shipped. Except as otherwise specified herein, standard commercial packaging, packing and shipping containers shall be used. All shipping containers shall be legibly marked or labeled on the outside with purchase order number, commodity description, and quantity.**(NOT NORMALLY REQUIRED FOR SERVICE CONTRACTS)**

INSURANCE: By signing and submitting a bid or proposal under this solicitation, the bidder or offeror certifies that if awarded the contract, it will have insurance coverages per the solicitation document at the time the contract is awarded. For construction contracts, if any subcontractors are involved, the subcontractor will have workers' compensation insurance in accordance with 2.2-4332 and 65.2-800 et seq. of the *Code of Virginia*. The bidder or offeror further certifies that the contractor and any subcontractors will maintain these insurance coverages during the entire term of the contract and that all insurance coverages will be provided by insurance companies authorized to sell insurance in Virginia by the Virginia State Corporation Commission. **(NOT NORMALLY REQUIRED FOR GOODS CONTRACTS. INSURANCE IS REQUIRED WHEN WORK IS TO BE PERFORMED ON CITY OWNED OR LEASED FACILITIES OR PROPERTY.)**

AVAILABILITY OF FUNDS: Agreements are made subject to the appropriation of funds by the Harrisonburg City Council and are null and void in the event of non-appropriation by the City Council. Non-appropriation of funds shall not be deemed a cancellation and shall terminate this agreement without recourse and with no liability on the part of the City.

SELECTION PROCESS/AWARD: Upon the award or the announcement of the decision to award a contract as a result of this solicitation, the department will publicly post such notice for a minimum of ten (10) days, or will notify all responsive bidders/offerors.

BID/PROPOSAL ACCEPTANCE PERIOD: Any bid/proposal resulting from this solicitation shall be valid for (30) days. At the end of the (30) days the bid/proposal may be withdrawn at the written request of the Bidder/Offeror. If the bid or proposal is not withdrawn at that time it remains in effect until an award is made or the solicitation is canceled.

EXCUSABLE DELAY: The City shall not be in default of any failure in performance of this agreement in accordance with its terms if such failure arises out of causes beyond its reasonable control and without the fault of or negligence of the City. Such causes may include, but are not restricted to acts of God or the public enemy, fires, flood, epidemics, quarantine restrictions, strikes, freight embargoes, and usually severe weather, but in every case the failure to perform must be beyond the reasonable control and without the fault or negligence of the City.

DRUG-FREE WORKPLACE: During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement

notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over $10,000, so that the provisions will be binding upon each subcontractor or vendor.

SAFETY and OSHA STANDARDS: All parties performing services for the City shall comply with all Occupational Safety and Health Administration (OSHA), State Occupational Health Standards, and any other applicable rules and regulations. All parties shall be held responsible for the training, supervision, and safety of their employees. Any unsafe acts or hazardous conditions that may cause injury or damage to any persons or property within and around the work site areas under this contract shall be remedied per the regulatory agency's guidelines.

PERMITS AND FEES: All proposals submitted shall have included in price the cost of any business or professional licenses, permits or fees required by the City of Harrisonburg or the Commonwealth of Virginia. The offeror must have all necessary licenses to perform the services in Virginia and, if practicing as a corporation, be authorized to do business in the Commonwealth of VA.

COOPERATIVE PROCUREMENT: This procurement is being conducted on behalf of other public bodies, in accordance with 2.2-4304 (A) of the Code of VA. The successful bidder has the option to provide these same items (services), except architectural and engineering services, at the same prices, awarded as a result of this solicitation to any public body within the Commonwealth of Virginia. If any other Public body decides to use the final contract, the contractor(s) must deal directly with that public body concerning the placement of orders, issuance of the purchase orders, contractual disputes, invoicing and payment. Failure to extend a contract to any public body will have no effect on consideration of your bid.

LIABILITY AND LITIGATION: The City shall not indemnify or hold harmless any Contractor or other third party. The City does not waive any right or release any party from liability, whether on its own behalf or on behalf of any boards, employees or agents. The City does not waive the right to trial by jury for any cause of action arising from the Contract and shall not submit any Contract claim to binding arbitration or mediation. The City shall not be liable to Contractor for any special, punitive or exemplary damages arising from the performance of the contract, including, but not limited to, incidental damages, and lost profit and lost wages, even if such special damages are reasonably foreseeable. Any provision(s) in the Contract contrary to these statements is/are hereby deleted and rendered void.

STATE CORPORATION COMMISSION IDENTIFICATION NUMBER: Pursuant to Code of VA 2.2-4311.2 subsection B, a bidder or offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 is required to include in its bid or proposal the identification number issued to it by the State Corporation Commission (SCC). Any bidder or offeror that is not required to be authorized to

transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law is required to include in its bid or proposal a statement describing why the bidder or offeror is not required to be so authorized. Link to the SCC site is http://www.scc.virginia.gov.

ATTACHMENT F: PROPRIETARY/CONFIDENTIAL INFORMATION IDENTIFICATION

Name of Firm/Offeror/Provider:

Trade secrets or proprietary information submitted by an offeror shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the offeror must invoke the protections of §2.2-4342F of the Code of Virginia, in writing, either before or at the time the data or other material is submitted. The written notice must specifically identify the data or materials to be protected, including the section of the proposal in which it is contained, as well as the page number(s), and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute a trade secret or proprietary information. In addition, a summary of proprietary information provided shall be submitted on this form. The designation of an entire proposal document, line item prices, and/or total proposal prices as proprietary or trade secrets is not acceptable. If, after being given reasonable time, the offeror refuses to withdraw such a classification designation, the proposal will be rejected.

SECTION/TITLE:	PAGE NUMBER(S):	REASON(S) FOR WITHHOLDING FROM DISCLOSURE:

This page must be returned with your proposal

STATE CORPORATION COMMISSION FORM

<u>Virginia State Corporation Commission ("SCC") registration information</u>: The undersigned Offeror:

☐ is a corporation or other business entity with the following SCC identification number: _____ **-OR-**

☐ is not a corporation, limited liability company, limited partnership, registered limited liability partnership, or business trust **-OR-**

☐ is an out-of-state business entity that does not regularly and continuously maintain as part of its ordinary and customary business any employees, agents, offices, facilities, or inventories in Virginia (not counting any employees or agents in Virginia who merely solicit orders that require acceptance outside Virginia before they become contracts, and not counting any incidental presence of the Offeror in Virginia that is needed in order to assemble, maintain, and repair goods in accordance with the contracts by which such goods were sold and shipped into Virginia from bidder's out-of-state location) **-OR-**

☐ is an out-of-state business entity that is including with this bid an opinion of legal counsel which accurately and completely discloses the undersigned Offeror's current contacts with Virginia and describes why those contacts do not constitute the transaction of business in Virginia within the meaning of § 13.1-757 or other similar provisions in Titles 13.1 or 50 of the Code of Virginia.

****NOTE**** >> Check the following box if you have not completed any of the foregoing options but currently have pending before the SCC an application for authority to transact business in the Commonwealth of Virginia and wish to be considered for a waiver to allow you to submit the SCC identification number after the due date for proposals (the Commonwealth reserves the right to determine in its sole discretion whether to allow such waiver): ☐

Signature: _____ **Date:** _____

Name: _____
(*Print*)

Title: _____

Name of Firm: _____