



City of Franklin

Request For Proposals

Professional Services – Unified Development Ordinance
Rewrite

RFP Release Date: March 16, 2021

Proposals Must Be Received By 4:00 PM On April 16, 2021



RFP #21-002

PROFESSIONAL SERVICES – UNIFIED DEVELOPMENT ORDINANCE REWRITE

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NOTICE OF SOLICITATION

City of Franklin
Department of City Development
9229 W. Loomis Road
Franklin, WI 53132
Phone: 414-425-4024
heddy@franklinwi.gov

Proposals will be received at this office until April 16, 2021 at 4:00 PM for providing Professional Services – Unified Development Ordinance Rewrite to the City of Franklin.

Heath Eddy, AICP
Planning Manager

Section I - INSTRUCTIONS

I. **EXAMINATION OF THE REQUEST FOR PROPOSAL**

It is the responsibility of all prospective proposers to carefully read this entire Request for Proposals (hereafter referred to as RFP), which contains provisions applicable to successful completion and submission of a proposal, and consists of all documents shown in the Table of Contents. If you discover any ambiguity, inconsistency, error or omission in the RFP, you must notify the Director of Administration in writing. Only interpretations or corrections of the RFP made in writing are binding. You shall not rely upon any interpretation or corrections given by any other method.

II. **PREPARATION AND SUBMISSION OF PROPOSALS**

- A. Deadline: Proposals and Pricing Statement/Cost must be received in the Department of City Development office no later than 4:00 PM on April 16, 2021. Proposals received after the deadline will not be considered by the City.
- B. *Five (5) hard copies of the proposal, along with a separate pricing statement/cost of proposal, shall be mailed to: Planning Manager, City of Franklin, 9229 W. Loomis Road, Franklin, WI 53132, and one (1) electronic copy of the proposal shall be transmitted in pdf format emailed to heddy@franklinwi.gov. The following notation must appear in the subject line of the electronic (email) copy: RFP#21-002 PROFESSIONAL SERVICES – UNIFIED DEVELOPMENT ORDINANCE REWRITE.*
- C. It is the intent of the City of Franklin to engage a consultant who will provide professional services as described herein. However, the City reserves the right, at its sole discretion, to terminate this RFP process or negotiations with a selected consultant and either perform the work with its staff, or begin a new RFP process. Nothing herein, or in the process, shall be construed as having obligated the City to pay for any expenses incurred by respondents to this RFP, or to the selected consultant prior to approval by the City of Franklin of a consultant services agreement.

III. **PROPOSAL COSTS**

The City shall not be liable for any costs incurred to prepare or submit a proposal for these services.

IV. **TERM OF CONTRACT**

The initial term of the contract shall be dependent on the nature of the proposals received and the one selected. The City initially anticipates this contract to be for a term of at least eighteen (18) months, though a longer period is certainly up for consideration.

The City of Franklin, at its sole discretion, may terminate contract services upon written notification with or without cause, upon a 60-day notice.

V. **GENERAL**

- A. Upon submission of a proposal to the City of Franklin, the offer to perform contractual services may not be withdrawn by the contractor for a period of 60 days to allow the City of Franklin the opportunity to take official action.
- B. Payment will be made within 30 days of receipt of an itemized invoice.
- C. No part of the contract shall be subcontracted without prior written consent of the City. Consultant shall retain full responsibility for all work performed.
- D. Consultant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability arising out of or in connection with this agreement where such liability is found upon or grows out of the errors, omissions, or negligent acts of any of the consultant, its agents or employees.



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- E. Consultant shall maintain insurance coverage as required and identified in the attached "Insurance Requirements" document (pages 10-12).
 - 1. If you cannot meet the minimum insurance requirements outlined within this RFP:
 - a. Provide a copy of the insurance you currently carry; and,
 - b. Provide an estimate of how much it would cost to attain the additional insurances required within this RFP.
- F. The City reserves the right to negotiate revisions to the Scope of Services and fees and to terminate negotiations if a final contract cannot be agreed upon.
- G. Contract shall be construed according to the laws of the State of Wisconsin.

VI. CONTACT INFORMATION

Questions regarding this proposal may be directed to heddy@franklinwi.gov.

VII. TIMELINE

The following is the planned schedule for the selection process. The City reserves the right to modify the schedule.

RFP Released	Tuesday, March 16, 2021
Question Deadline	Monday, April 5, 2021
Respond to Questions.....	Monday, April 12, 2021
Proposals Due	Friday, April 16, 2021
Interview of Finalists.....	During Period of April 26 – May 7, 2021
Selection.....	Friday, May 14, 2021
NTP Issued.....	Friday, June 4, 2021

VIII. NON-DISCRIMINATION STATEMENT

The City of Franklin does not discriminate on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability, or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

IX. AMERICANS WITH DISABILITIES ACT NOTICE

Upon reasonable notice, the City will furnish appropriate accommodations when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

X. LIMITED ENGLISH PROFICIENCY STATEMENT

It is the policy of the City of Franklin to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

Section II - SPECIFICATIONS

I. **Statement of Need**

The City of Franklin is seeking a professional planning consultant to review the current City of Franklin Unified Development Ordinance (hereinafter, "UDO") and prepare a comprehensive revision of the UDO that to better align with the City's environmental and economic development goals. The existing UDO has not been substantially updated since it was formatted for online coding in 2004. This, plus significant procedural and design handicaps, along with changes to state statutes, the City recognizes the need for more than just an incremental reform or modernization of the current UDO. The new ordinance must be readable, understandable by the public, and enforceable.

Background Information

The City of Franklin (City) is issuing a Request for Proposal (RFP) to select a consultant (or team of consultants) to assist in the development and adoption of a comprehensive update to the City's Unified Development Ordinance (UDO) and associated Zoning Map. The UDO is the primary source of land use regulations for the City, including both zoning and subdivision ordinances. The updated UDO is expected to be complimentary to the eventual update of the City's Comprehensive Master Plan. The City anticipates that the new UDO will express a progressive vision that promotes thoughtful growth and protects the health, safety and welfare of the community.

The City last reviewed and updated the Comprehensive Master Plan in 2009, and will need to conduct an update to the Plan which would potentially result in additional revisions to the UDO. Nevertheless, this project was deemed as a higher priority by the City due to several issues arising from the existing UDO. It is envisioned that the new code will seamlessly combine conventional zoning districts with innovative techniques and approaches and 21st Century approaches to land development, management, and sustainability.

The following are pertinent resources on the City's website:

Current City of Franklin Unified Development Ordinance:

<https://www.ecode360.com/33224107>

All City of Franklin ordinances:

<https://www.ecode360.com/FR1719>

City of Franklin Comprehensive Master Plan (adopted October 21, 2009)

<https://www.franklinwi.gov/Departments/Planning/Comprehensive-Master-Plan.htm>

Objectives

The City wishes to achieve a comprehensive rewrite of the UDO based on the following objectives. Potential consultants should consider these as part of their submissions:

1. Ensure that the revised UDO implements the recommendations of the City's Comprehensive Master Plan.
2. Review of all existing zoning classifications with recommendations for additions, deletions, and modifications.
3. Inclusion of innovative and user-friendly graphics that illustrate regulations and make the codes easy to use.
4. Inclusion of provisions that will help the City achieve high-quality infill and redevelopment projects that are consistent with the context of existing development in the area.
5. Develop provisions that reflect the creation of opportunities to establish development centers.
6. Address development procedures – review and suggest improvements based upon compliance with the Comprehensive Master Plan, zoning requirements, and standards and environmental and economic impacts.
7. Incorporate steps to ensure that residential and commercial development is consistent with availability of infrastructure, public services, and the limitations of resources.
8. Promote and support multi-modal transportation options including bicycles and pedestrians.

9. Provide for and promote a sustainably built and natural environment.
10. Manage change among the City's neighborhoods.
11. Evaluate and update overlay districts.
12. Consideration of the impacts of land use on the environment and mitigation requirements for those areas prone to flooding.
13. Provide for and promote incorporation of public spaces and art.

II. Cost of Information Preparation

The costs of developing and submitting a proposal, discussions required to clarify items related to the proposal, and/or future interviews is entirely the responsibility of the applicant. All proposals and other information provided to the City becomes the property of the City. The City reserves the right to use such proposals and other material or information and any of the ideas presented therein without cost to the City.

III. Qualifications

Demonstrate and provide evidence of significant knowledge and experience in providing comprehensive planning and zoning expertise.

IV. Scope of Work

The consultant will work with the City staff and officials to develop a UDO draft that implements the City's environmental and economic development policies. The consultant will propose standards and regulations that reflect the unique place types found in the City's Future Land Use Map and other neighborhoods and employment areas. The draft UDO should reflect current practice and innovations that streamline use review approaches along with potential form-based methods and low-impact development techniques.

The final work program will be development in conjunction with City staff but the scope of work should include the following:

- A. **Current Unified Development Ordinance Diagnosis:** The consultant will work closely with City staff in assessing the advantages and shortcomings of the existing code. This assessment should include the following:
 - i. Evaluate and clarify the purpose for each of the zoning districts and associated land uses and development standards.
 - ii. Evaluate special (conditional) uses and advise as to what conditions, if any, should apply.
 - iii. Identify components that could provide barriers to achieving environmental sustainability and more affordable housing in the city (such as separation of uses, large building setbacks, low densities, excessive parking requirements).
 - iv. Identify and—working with staff—resolve any inconsistencies such as zoning terms and definitions references through the entire code.
- B. **Guidance regarding Best Practices.** The consultant will review model ordinances (such as the SmartCode and CNU's Project for Code Reform) and zoning regulations in other communities, and then make recommendations—as allowed by Wisconsin laws and regulations—that, at a minimum:
 - i. Allow establishment of accessory dwelling units within existing single-family residences as well as the establishment of housing co-operatives (see Madison's code in particular).
 - ii. Promote high-quality infill and redevelopment projects that are consistent with the context of the existing development area, while protecting the historic nature of downtown Middleton and other unique neighborhoods.
 - iii. Encourage pedestrian- and bicycle-oriented building and site design.
 - iv. Assess parking needs for the involved land uses while factoring in shared parking opportunities and new technologies' impact on parking demand.
 - v. Ensure provision of suitable stormwater runoff and infiltration practices.

- vi. Reduce the City's reliance on Planned Development District zoning.
 - vii. Allows for adaptations of building materials, with flexibility to add and revise newer and more modern technologies that promote environmental sustainability.
 - viii. Identify a process for addressing non-conforming uses.
- C. **Public Outreach.** The consultant will develop a public outreach strategy designed to inform community stakeholders and the general public about the rezoning rewrite project. The consultant will NOT be responsible for facilitating meetings and web/social media interaction.
- D. **Project Coordination and Meetings.** The consultant should anticipate up to six (6) meetings with the City's designated reviewing committee or task force, and regular consultation with the City's project manager.
- E. **Drafting the Document.** The consultant will prepare drafts of the UDO, including graphics, for review by staff and the City's designated reviewing committee or task force, culminating in a final version to be acted upon by the Plan Commission and Common Council.
- F. **Integration of the New Code into User-Friendly Formats.** The consultant will work with City staff as well as its information technology team to make the new code accessible and interactive with the public.
- G. **Process and UDO Completion.**
- i. Process:
 - a. The City wishes to develop and adopt several targeted, high priority updates to the UDO early in the process, then complete a more holistic revision of the remaining document. The consultant will be apprised of these interim amendments as City staff prepares them for adoption, and will be forwarded any adopted amendments for incorporation into the full UDO draft.
 - b. The City would like the consultant to propose an overall project schedule. The process should involve public participation, stakeholders, analysis, the adoption process, etc.
 - ii. UDO Completion:
 - a. The overall UDO process will be complete when it is adopted by the City Council; however, if any edits are included with the adoption of the UDO, the process is complete when an updated version is provided to staff following UDO adoption.
 - b. Assume approximately six (6) months for the adoption process of the final, revised UDO.
 - iii. Expectations: Staff will present and lead the adoption process, but expects the consultant to be present, either in-person or virtually via Zoom conference call, provide presentation materials, incorporate feedback, etc.

V. **Proposal Contents and Format**

In order to be considered as a qualifying proposal, the following information is required. Each submittal should include the items listed below. However, the organization may include additional materials as appropriate.

- A. Five (5) hard copies of the proposal shall be mailed to: Planning Manager, City of Franklin, 9229 W. Loomis Road, Franklin, WI 53132, and one (1) electronic copy shall be transmitted in pdf format emailed to heddy@franklinwi.gov.
- B. An officer who is authorized to execute legal documents on behalf of the organization shall sign the proposal.
- C. Information within the proposal should be clearly marked and formatted with the following sections:

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1. Introductory Letter: Provide an overview including (i) Name of the individual or firm; (ii) Contact information for the person authorized to serve as point of contact during the RFP evaluation process and to negotiate on behalf of the firm or team if selected for projects; and (iii) General statement of interest and availability for the project described in the RFP.

2. Detailed Information – Response Requested: Please respond to the following statements:
 - Provide a description of your firm (size, location, staffing level, longevity, etc.).
 - Explain the qualifications of the team members that will be assigned to this project. Also, identify the consultant point of contact who will be responsible for the project.
 - Explain your firm’s approach to successfully providing these services, including what you see as your role, and how you communicate with the City.
 - Explain your expectations for the City and its staff as it relates to your ability to successfully provide consulting services on the City’s benefit offerings.
 - Please identify specialized computer software packages and other technology tools used to service your clients.
 - Explain how your firm will work collaboratively with City officials, other stakeholders, and the general public throughout the process to ensure that the City obtains the best possible combination of alternatives and value.
 - Describe the schedule in which your firm can complete the scope of work.

3. Relevant Project Experience: Please list a minimum of three (3) relevant projects completed within the past five (5) years, and your proposed team members’ specific roles in those projects:
 - Name of Client/Owner
 - Description of Project
 - Identification of which key personnel were responsible for the relevant tasks.
 - Please cite specific examples of how you responded to the needs of your client
 - Experience with context sensitive design and public processes; multimodal transportation design; flexible housing development options and methods.
 - Experience with high-quality and dynamic graphics, maps, etc.
 - Please include the estimated budget provided to the client and the actual costs
 - Completion date
 - Client references (provide a link to the project, a reference name, and contact information for the clients of these projects).

4. Project Team and Structure:
 - Identification, qualifications, expertise, and availability of the primary project contact, and key staff proposed to be assigned to the project.
 - Identification of proposed subconsultants for any tasks not to be completed by the prime consultant and the type and percentage of work each subconsultant will complete.
 - Relevant information regarding team organization or leadership in place to ensure efficiency and accountability during the course of the project as well as quality control and schedule control.
 - Current workload of team members and location(s) of current project(s).
 - Knowledge of and experience with pertinent federal, state, and local laws, regulations, and policies.
 - Knowledge of and experience with Smart Growth, CNU, LEED, NACTO, AASHTO, and other relevant design guidance.
 - Disadvantaged Business Enterprise (DBE) or other relevant certifications.

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5. **Project Timeframe and Deliverables.** Please provide a detailed listing of expected timeframe and deliverables, based on specifications within this RFP and also with consideration for the following:
 - Deadlines for information requests from the City, including specifications of materials and data requirements.
 - Use an assumed Notice to Proceed date of June 4, 2021.
 - Assume a six (6) month adoption process for the final rewritten UDO.
 - Provision for a public participation process that is comprehensive and provides for the greatest level of interaction potential with the public, stakeholders, elected and appointed officials. This process should include multiples methods for gaining public participation.

6. **References:** Provide a minimum of five (5) municipal references, for similar size organizations with similar offerings, including the name of person(s) who may be contacted, title of the person, mailing address, email address and phone number. Please include references for the specific project manager who will be assigned to the City of Franklin.

7. **Appendix/Portfolio:** Proposing firms may provide a portfolio of work, either as an attachment or via web link, to highlight the organization's past work as it applies to these proposed services. This section may also be used to provide any additional information regarding the firm's additional qualifications or methods relevant to these services. Please identify the project manager for each sample portfolio of work provided.

8. **Cost Summary:** A detailed cost for services broken into product and service costs. Also provide any and all other costs pertinent to the Scope of Work required for this project. Proposals shall clearly list the fee for each year of the proposed contract, on a monthly basis, in a not-to-exceed sum to include all of the firm's costs including but not limited to: labor, materials, supplies, equipment, transportation costs, meals, lodging, computer software, etc. All expense reimbursements will be the responsibility of the firm.

9. All work shall be accomplished in accordance with the provisions of the laws of the State of Wisconsin.

VI. EVALUATION AND SELECTION PROCESS

Proposals will be evaluated based on the following criteria (100 points):

1. Understanding of the issues (20 points)
2. Relevant experience of firm and assigned project team (20 points)
3. Project approach and commitment to innovative solutions (20 points)
4. Equity experience and diversity of project team (10 points)
5. Clarity of presentation (10 points)
6. Preliminary schedule (10 points)
7. Fee proposal (10 points)

The City may request to interview finalists, and will rank the proposals and make a recommendation to the Plan Commission. The Commission will recommend a consultant to the Common Council. The selected consultant will be notified following Council approval.

The City of Franklin reserves the right to reject any and all proposals for any reason at its sole discretion and to negotiate the terms and conditions of the eventual contract with the consultant awarded the project. The consultant to whom the contract is awarded will be notified as early as possible.



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Section III - INSURANCE REQUIREMENTS

The CONSULTANT shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below:

A. General/Commercial Liability	\$1,000,000 per each occurrence \$2,000,000 per annual or general aggregate, and \$2,000,000 products/completed operations aggregate CITY shall be named as an additional insured on a primary, non-contributory basis.
B. Automobile Liability	\$1,000,000 combined single limit (together with excess or umbrella coverage with a combined minimum limit of \$5,000,000) CITY shall be named as an additional insured on a primary, non-contributory basis and shall receive a waiver of subrogation in favor of the Owner.
C. Umbrella or Excess Liability Coverage for General/Commercial and Automobile Liability	\$4,000,000 or in the event the general/commercial liability coverage limits exceed the minimum amount stipulated in "A" above, such lesser amount as is necessary to achieve a total of \$5,000,000 in coverage between the general/commercial liability and umbrella or excess liability coverage. CITY shall be named as an additional insured on a primary, non-contributory basis.
D. Worker's Compensation and Employers' Liability	CONSULTANT shall maintain at levels as required by the State of Wisconsin, The coverage shall provide a waiver of worker's compensation subrogation and/or any rights of recovery allowed under any worker's compensation law, both in favor of the Owner.
E. Errors and Omissions (Professional Liability)	\$1,000,000 per claim \$2,000,000 annual aggregate
F. Builders Risk Insurance (Property Coverage) – If applicable	Note: The CONSULTANT shall recommend amount of coverage necessary to complete the project should a loss of any type occur. Used to cover property in transit, property stored on the project work sites, and property stored off the project work sites.