



City of Burlington, North Carolina

REQUEST FOR PROPOSALS
COMPLETION OF
UNIFIED DEVELOPMENT ORDINANCE

City of Burlington
Planning and Community Development Department
425 S. Lexington Avenue
Burlington, NC 27215

Issued August 24, 2017

Submission Deadline: 4:00 p.m. local time, Monday, September 11, 2017

INTRODUCTION

In 2014, the City of Burlington, North Carolina, requested proposals for planning services to assist in the development and preparation of a Unified Development Ordinance (UDO). Due to unforeseen circumstances, the firm originally selected was unable to complete the project. Burlington is issuing this Request for Proposals (RFP) in order to find a consultant or team to complete the remainder of the project. We do not want a firm to propose starting over, as that would be too consuming of previously-expended staff time and financial resources.

The previous consultant team put together a Code Assessment, and some drafts of portions of the UDO. These drafts include: "Module 1" (1 of 3 total), which consists primarily of general provisions and procedures, and is approximately 70% complete; and a partial draft of "Module 2", which consists of districts, use standards, measurements, and definitions, and is approximately 30% complete.

The selected firm will have primary responsibility for completing our UDO, working in close coordination and consultation with the City of Burlington Planning and Community Development Department. The City is using its recently updated Comprehensive Plan as a foundation for the UDO. Completion will entail finishing the drafts of Modules 1 and 2, writing Module 3 (which should complete the entire document), as well as multiple reviews and rewrites with staff, the citizen Advisory Committee, and the City Council.

COMMUNITY BRIEF

Burlington is a medium-sized city with a hometown feel, located between Greensboro and Raleigh-Durham. The City of Burlington has over 52,000 residents and covers approximately 25 square miles. Burlington is located in both Alamance and Guilford Counties in the Triad region of North Carolina and borders on the Triangle region, with a combined regional population of well over 3 million people. The heavily-traveled I-40/I-85 corridor passes through Burlington, as does a rail line served by Amtrak and Norfolk-Southern freight. Raleigh-Durham International and Piedmont Triad International Airports are located approximately 45 minutes away, in addition to a growing local airport, Burlington-Alamance Regional. The City also has a new transit system, LINK Transit.

EXISTING ORDINANCES

The current Zoning Ordinance was adopted in 1971 and has had numerous amendments made to it over the past 46 years. The UDO will represent the first major overhaul of Burlington's zoning and subdivision ordinances and will work in partnership with the recent Comprehensive Plan to strengthen the City's development regulations. The City Council, Planning & Zoning Commission, Board of Adjustment, staff, citizens, and the development community continually express concerns with the current ordinances. Many of the processes outlined in the current ordinances are not clearly defined or have become obsolete and will need to be analyzed and rewritten, with the inclusion of smart growth practices. City Council has decided to pursue an optional/voluntary form-based code district for the downtown area. The City has been working toward a UDO that combines all land use and development regulations and ordinances into a single document. The City wishes to modernize its land development regulations and address major issues, content problems, and/or weaknesses including but not limited to the following:

- Awkward and confusing ordinance format and structure;
- Unclear, contradictory language, including standards or requirements which simply cannot be met;
- Unclear review procedures and permitting requirements;
- Outdated standards;
- Lack of graphics and illustrations;
- Lack of sufficient and clear definitions;
- Lack of detailed design guidelines and aesthetic review criteria to address the City's intended gateways and commercial districts;
- Lack of cross-references within sections, section headings, and a comprehensive index; and,
- Incorporate and encourage smart growth practices for long term sustainability.

An electronic copy of Burlington's Zoning and Subdivision Ordinances can be found by visiting <http://www.ci.burlington.nc.us/index.aspx?nid=198>. Other UDO-related ordinances (stormwater, etc.) can be found at <http://library.municode.com/index.aspx?clientId=10115>. The Code Assessment, written by the previous consulting team, is available at <http://www.designburlington.com/>. The City's Comprehensive Plan, Destination Burlington, is available at <http://www.burlingtonnc.gov/DocumentCenter/View/7212>.

DESCRIPTION OF THE UNIFIED DEVELOPMENT ORDINANCE TO BE DEVELOPED

It is anticipated that this new UDO will be:

- User-Friendly, with “clickable” links within the document’s online version, easy to read and understand for all users, including citizens, staff, developers, and elected and appointed officials;
- Simple, flexible, and easily administered by staff;
- Heavily illustrated, with considerable graphics depicting the requirements, recommendations, and concepts detailed in the code, to include flow charts;
- In keeping with our Code Assessment, including: streamlining and flexibility of the development review process, encouraging development and redevelopment, innovative and creative approaches to land-use regulations (including form-based codes), applicability to creation of distinct gateways, major thoroughfares, and designated target areas, and built upon the best design principles and practices throughout the United States.

SCOPE OF SERVICES REQUIRED OF THE CONSULTANT

The services being sought from the consultant selected for this project include:

- How you intend to incorporate the work product already submitted by previous consultant;
- Provide regular (monthly, at a minimum) email updates on the project progress so that elected officials, staff, and the general public are all kept informed of changes;
- Work with City's Public Information Office to provide updates and documents for the website the City has created for this project, allowing the community to review progress and comment;
- Form-based codes (FBC) are being utilized in this project for the downtown. The design parameters shall incorporate: an overview section, a regulating plan, building form standards, public space/street standards, use regulations, and any other elements determined to be needed. This code will be consistent with the definitions and criteria established by the Form-Based Codes Institute, to include integration;
- Complete the UDO in such a way that it will clearly define the expectations of the City in regards to appearance, quality, and density of development, and address identified weaknesses;
- Work with a staff review team and advisory committee, allowing sufficient time for detailed staff review;
- Act as facilitators, providing neutral opinions and resolutions in cases of conflict with representatives of the City's business community, residents, board members, and City staff in the formulation of regulations that are acceptable to the City, environmental interests, and the development/business community;
- Coordinate the development of this UDO with the Code Assessment, which carries out the goals of the Comprehensive Plan;
- Provide guidance regarding any zoning map changes which result from converting to the UDO and work with City's GIS Division in preparing necessary updates to GIS files;
- Provide the document in a format that will be easily updated and managed by City staff;
- Present the draft and final draft of the ordinance at meetings, consisting of at least two City Council meetings and one public hearing;
- Using review by an attorney approved by City staff, ensure compliance with all applicable State of NC Statutes; and,
- Train staff and interested members of the development community, including recommendation of the best approach for managing/maintaining the new UDO.

END PRODUCT

The Unified Development Ordinance is to be presented in a format and language that is user-friendly and

accessible to the general public. Technical jargon should be kept to a minimum. The extensive use of graphics and other devices that will enhance the readability and ease-of-use of the ordinance is required. We also require an internet-ready version of the UDO with “clickable” links that is extremely user-friendly and creative in digital content/management, preferably not simply an ordinary PDF document. For an example, please see that of Raleigh, NC (<https://www.raleighnc.gov/content/extra/Books/PlanDev/UnifiedDevelopmentOrdinance/>).

Immediately following adoption of the Unified Development Ordinance, the City of Burlington Planning and Community Development Department shall receive 25 hard copies, one digital copy, and an internet-ready copy of all elements of the final document, including graphics/illustrations. In addition, all sections of the ordinance, including any graphic files, are to be provided in the appropriate digital format.

The City of Burlington shall retain ownership of all data generated.

PROJECT BUDGET

A proposed project task outline, budget with personnel assignments and benchmarks for completion of each task and final report, along with a not-to-exceed cost for all proposed services shall be submitted. The City’s budget for this project is capped at \$70,000, with an additional \$9,000 to be used specifically for legal review. The work will be performed on a fixed price basis with a specific amount and payment program being determined through contract negotiations with the successful firm and will be based upon major milestones and/or identified tasks and subtasks.

TIMEFRAME

The proposal shall outline the consultant’s best estimate of time to carry the proposed planning process to its completion. The realism of proposed timeframes, given other work and projects, will be considered in the ultimate selection of a consultant. We expect the project to be able to be completed within a reasonable time, but preferably not to exceed one year.

SUBMITTAL REQUIREMENTS

In order to be considered, six (6) copies of the proposal must be received by the City of Burlington Planning and Community Development Department **on or before Monday, September 11, 2017 by 4:00 p.m., EDT.**

All proposals must be in a sealed envelope marked: REQUEST FOR PROPOSAL – UNIFIED DEVELOPMENT ORDINANCE.

Each proposal shall contain the following information in the order listed:

- A proposed work program detailing public participation, phases, tasks, and sub-tasks of the project based upon the SCOPE OF SERVICES REQUIRED OF THE CONSULTANT in this request.
- A detailed timeline for the completion of the project, showing timing for each phase, task and sub-task, to include needed meetings with the Advisory Committee and City Council.
- A detailed organizational chart and management approach, including descriptions of the use of any sub-consultants.
- A brief description of the proposed planning team, including any sub-consultants and an experienced attorney for legal review, identifying each key member, their respective responsibilities and familiarity with North Carolina Statutes, and the anticipated percentage of their time to be allocated to this project.
- Detail how you plan on integrating your work with what has already been done by the previous firm.
- A description of the proposed final format for the Unified Development Ordinance, both hardcopy and online.
- A statement of qualifications and relevant experience, including any relevant work on form-based or hybrid codes.
- A list of at least five (5) references for previously developed Unified Development Ordinances, including names, titles, addresses and telephone numbers.

- Please include any additional information you believe distinguishes your firm from others.

A budget proposal based upon the SCOPE OF SERVICES REQUIRED OF THE CONSULTANT shall also be provided. The budget proposal is to list the cost for each phase of the project (including person-hours by specific consultant), individual costs for hard copies, internet-ready copy, and cost per meeting/workshop, and any additional supplemental charges.

A separate sample work product prepared by the consultant/consultant team for a comparable community shall also be included with the submittal.

COPYRIGHT RELEASE

Those firms responding to this RFP shall supply a copyright release in order for the City of Burlington to make copies of any copyrighted materials submitted.

SELECTION PROCESS

The Senior Planner for the City of Burlington will serve as the project manager. A Selection Committee will assist the project manager in the review of all submitted proposals. Several criteria will be closely evaluated for ranking purposes, including but not limited to the following: technical approach to the project, qualifications of key personnel, previous experience and performance with similar projects, project management capabilities and schedule, public participation methods, plan for and ability to pick up project where it was interrupted, and cost.

Interviews may or may not be required and can be conducted by telephone if necessary. These interviews, if needed, will be held on September 18 and 19, 2017. The Selection Committee will attempt to negotiate an agreement with the top ranked firm. If no agreement can be reached with the top ranked firm, that firm shall be dismissed and staff shall proceed with discussions with the second ranked firm. This process may be repeated as many times as necessary until an agreement can be negotiated that is satisfactory to both parties.

The City of Burlington reserves the right to select the consultant we feel best fits the needs of the City. The City also reserves the right to re-advertise and reject any or all proposals which are deemed to be non-responsive, late in submission, or unsatisfactory in any way. The City of Burlington shall have no obligation to award a contract for services as a result of this RFP.

LIABILITY INSURANCE REQUIREMENTS

The successful bidder shall be responsible for obtaining and maintaining adequate liability insurance to completely and fully protect the City of Burlington against all claims and actions arising out of any property damages or personal injury or death as shown in the table below. The Contractor shall furnish proof of this liability insurance to be attached to the executed copies of the contract.

INSURANCE REQUIREMENTS, LIMITS OF LIABILITY IN THOUSANDS (000)	EACH OCCURRENCE	AGGREGATE
<u>GENERAL LIABILITY</u>		
Bodily Injury & Property Damage Combined Single Limit	\$1,000	\$2,000
<u>AUTOMOBILE LIABILITY</u>		
Bodily Injury & Property Damage Combined Single Limit	\$1,000	
<u>OWNERS PROTECTIVE LIABILITY OR PROJECT SPECIFIC AGGREGATE</u>		
Bodily Injury & Property Damage Combined Single Limit	\$1,000	\$2,000

*This is a special additional policy written for this project alone which specifically indemnifies the City of Burlington as the Owner of this project.

****NOTE****

THE CITY OF BURLINGTON MUST BE NAMED AS AN ADDITIONAL NAMED INSURED ON CONTRACTOR'S POLICY.
A Blanket Waiver of Subrogation shall apply in favor of the City of Burlington and all additional insureds as required by contract for Workers Compensation and General Liability.

WORKERS COMPENSATION

Statutory limits, as required by law.
\$500,000 Employers Liability Limit

SPECIAL HAZARD

Contractual
Broad Form Property Damage
Personal Injury
Products/Completed Operations

PROFESSIONAL LIABILITY

Limit of no less than \$1,000,000

PROPOSAL SUBMISSION

The City shall not be responsible for any expense incurred by the firm in preparing and submitting a proposal. All Proposals submitted shall become the property of the City. Proposals should be limited to no more than twenty pages. Submit six (6) hard copies of the written proposals and an electronic version (PDF format). All hard-copy proposals must be signed in ink by principal(s) of the firm authorized to negotiate and contract for the work.

If you have questions concerning this RFP, please contact the City of Burlington Planning & Community Development Department via email to the staff listed below. Please submit all questions or requests for additional information no later than one week prior to the final submission deadline. All questions and answers regarding the RFP may be shared with all consultants known to be interested in submitting a proposal.

For specific questions concerning the *existing* zoning ordinance, please contact:

Joey Lea, CZO
Zoning Administrator
Email: jlea@burlingtonnc.gov

For specific questions concerning this *proposal*, please contact:

Daniel Shoffner
Senior Planner
Email: dshoffner@burlingtonnc.gov

RFP SUBMISSION MAILING ADDRESS:

Daniel Shoffner
Senior Planner
Planning & Community Development Dept.
425 S. Lexington Avenue
Burlington, NC 27215