



**CITY OF SCOTTSDALE
CAPITAL PROJECT MANAGEMENT**

REQUEST FOR STATEMENTS OF QUALIFICATIONS

**DESERT DISCOVERY CENTER
AT THE GATEWAY TO THE
MCDOWELL SONORAN PRESERVE**

SOLICITATION NUMBER: 15SQ015

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**STATEMENTS OF QUALIFICATIONS ARE DUE:
July 16, 2015, by 10:00 a.m. local time**

NOT AN ARIZONA REVISED STATUTES, TITLE 34

SOLICITATION

REQUEST FOR STATEMENTS OF QUALIFICATIONS
DESERT DISCOVERY CENTER AT THE GATEWAY TO THE
MCDOWELL SONORAN PRESERVE

DESCRIPTION

The City of Scottsdale (“City”) is seeking a qualified “Vendor” who has demonstrated professional expertise in environmental education, management, construction and display of exhibits, special attraction programming, launching and marketing of facilities like the Desert Discovery Center (DDC). It is the desire of the City that the selected Vendor becomes the facilitator for the creation of a world-class nature center offering a high quality experience introducing residents and tourists alike to the Sonoran Desert, the world’s richest, most amazingly beautiful desert. This introduction to the Sonoran Desert will be through the McDowell Sonoran Preserve, located in the northeastern area of the City of Scottsdale, Maricopa County, Arizona.

The City intends to solicit for and contract with Design Professionals separately from this solicitation. The Vendor selected under this RFQ may be asked to assist in the selection process and coordination of Design Professionals, but will not have direct management responsibility for those consultants. Under certain circumstances, the Vendor may be asked to directly contract for some specialty design professionals to the extent that the specialty design professionals support the work of the Vendor.

BACKGROUND

It is anticipated that the McDowell Sonoran Preserve will ultimately protect approximately 34,000 acres of largely undeveloped desert land. It includes 30,165 acres that are now owned or protected by the City of Scottsdale. The City hopes and plans to acquire the remaining acreage, completing the Preserve.

The mission statement for the Desert Discovery Center was described in the Phase II Study recommendations as follows:

“The Desert Discovery Center is a magical place providing a culture of educational wonder and recreational insights, inspiring both residents and visitors to understand, appreciate, sustain and return to the McDowell Sonoran Preserve and the world’s richest, most amazing desert, which is its home.”

The City is seeking qualified vendors to present their Statement of Qualifications that clearly demonstrate the Vendor’s vision of how the Vendor would give life and direction (and/or refinement) to this mission statement.

DESCRIPTION OF PROJECT SITE AND ENVIRONS

The Desert Discovery Center is to be located on approximately 20 acres of land at the existing Gateway trailhead (18333 N. Thompson Peak Road, Scottsdale, Arizona 85255). The DDC is to act as a portal for understanding and exploring the Sonoran Desert and the Preserve. The City is seeking to build a world-class nature center offering a high quality experience for the guests. The Greater Phoenix area enjoys an average of 321 days of sunshine each year and a high quality of life and low cost of living and offers an ideal location for global business. More information can be found at www.gpec.org. Additional information about Maricopa County is available at www.maricopa.gov.

Maricopa County is populated by a vibrant workforce, attracted to quality jobs and quality of life. The 2010 census reported the state's population is 6.4 million people with a median age of 35.9 years old. The City of Scottsdale is a vibrant city known as "The West's Most Western Town" and a world-class tourist destination. Shopping, dining, art and special events at venues like WestWorld, Downtown Scottsdale and the Tournament Players Club make Scottsdale a great place to live and visit.

The Arizona Office of Tourism's core brand promise for Arizona states: **Inspiring Unforgettable Southwest Moments**. More information can be found at www.arizonaquote.com.

The Arizona Commission on the Arts is an agency of the State of Arizona that provides grants, programs, services and leadership in support of arts and arts education programs. In partnership with arts organizations, schools, festivals and individual artists, the organization endeavors to celebrate Arizona's diverse communities and rich cultural traditions, inspire creativity, grow local economies and enhance quality of life for all Arizonans. More information can be found at www.azarts.gov

The Scottsdale Convention and Visitors Bureau's website states: "In the heart of the Sonoran Desert, Scottsdale welcomes you with the energy of a sophisticated city on the move, the charm and hospitality of days gone by, and a breathtaking landscape that will inspire you to vacation-induced bliss.

By day, our sunny skies and lush desert setting create an ideal backdrop for outdoor adventures, championship golf, relaxing spa treatments, upscale Shopping, the Museum of the West, the Scottsdale Museum of Contemporary Art, and many fine art galleries selling art in all price ranges. By night, acclaimed chefs, ArtWalks and dozens of wine bars, lounges and performing arts venues await, and, throughout your stay, our resorts and hotels will pamper you with plush accommodations and the exceptional customer service for which Scottsdale is so well known. More information can be found at www.scottsdalecvb.com.

WestWorld is Scottsdale's world-class equestrian and event venue. More information about WestWorld can be found at www.scottsdaleaz.gov/WestWorld.

Scottsdale's Tournament Players Club PGA Waste Management Phoenix Open golf tournament has the highest attendance of any tournament in the world and is a fan-favorite. TPC

Scottsdale is a masterful blend of challenge and playability - compelling the sport's top players and recreational golfers alike. A recent renovation of the Stadium Course at the TPC has resulted in a more challenging experience for professional players and a more enjoyable experience for amateur players. More information about Scottsdale's Tournament Players Club can be found at www.tpc.com/tpc-scottsdale.

PROJECT GOALS

It is the desire of the City that the DDC becomes a world-class exhibit/educational center offering a high quality experience to guests. It may include such features as exhibition pavilions, an educational amphitheater, a multi-media theatre, a restaurant, a gift shop and group meeting facilities. Features of the DDC should support the following goals:

1. Showcase the Sonoran Desert and why it matters to a global audience.
2. Respond to visitors seeking to "Experience the Sonoran Desert".
3. Present the stories and history of the Sonoran Desert and the City of Scottsdale.
4. Unmask the myths and realities of the Sonoran Desert.
5. Present exciting encounters with the authentic Sonoran Desert.
6. Present exhibitions of the Sonoran Desert using artifacts, multi-media, interactive exhibits, photography, memorabilia, and publications.
7. Provide educational programs for school children that relate directly to the K-12 education Standards of Arizona Department of Education and additional programs for all age-groups presenting an array of experience-based opportunities.
8. Use a rich palette of exhibition practices drawn from theater, entertainment, new technologies, storytelling and media.
9. Be a welcoming, hospitable place for visitors.
10. Be a cultural center in Scottsdale and the local community.

STATEMENT OF QUALIFICATIONS EVALUATION CRITERIA

The City's purpose in going through this solicitation is to contract with a Vendor which has the skill, experience, and market knowledge to evaluate the City's existing DDC Phase II Feasibility Study and present to the City the Vendor's evaluation of that Phase II Feasibility Study, including its strengths and weaknesses. The Phase II Study can be found at the following link: <http://www.scottsdaleaz.gov/preserve/DDC>.

In its response to the RFQ, the Vendor should provide its approach to creating the vision for the DDC, whether that includes the existing Phase II Feasibility Study, the Vendor's modification of that Phase II Feasibility Study, or an entirely new vision of the DDC. As part of the process, the Vendor should demonstrate its ability to create a detailed business plan to include analysis of expenses, revenues, fund raising plans and potential partnership opportunities with other organizations or institutions. The Vendor should highlight its plan for evaluating partnership opportunities and how partners would be selected.

The Vendor should also set forth in its Statement of Qualifications, its experience and qualifications to operate and maintain the DDC if the City subsequently requests the Vendor to submit a proposal for the operation and maintenance of the facility. No residential, multifamily or for-profit commercial development will be permitted as a part of this Project other than as may be directly related to providing financial support to the DDC through special events, group meetings, food service and gift shop concessions.

Statements of Qualifications (SOQs) will be reviewed with the following criteria to be used as a guideline for ranking the SOQs:

A. General Information	Maximum 25 Points
B. Experience and Qualifications of the Vendor	Maximum 75 Points
C. Experience of Key Personnel to be Assigned to this Project	Maximum 75 Points
D. Vendor's approach to analyzing the Phase II study and creating the vision, business plan and operating plans	Maximum 300 Points
E. Vendor's plan for evaluating and selecting partner organizations, institutions, corporations or individuals to assist in project development	Maximum 200 Points
F. Vendor's ability to generate direct financial contributions or "in-kind" contributions through each step of work	Maximum 150 Points
G. Vendor's ability to operate and maintain facility	Maximum 150 Points
H. Local Knowledge	Maximum 25 Points

Conformance to these criteria will be of importance when selecting the finalists for the interviews. The criteria are further defined below:

A. General Information

- Organization Name, main office address, local address (if different), office phone, email address and organization web page address.
- Inform the City of the Vendor's organizational structure and business philosophy, including management philosophy and a brief history of the Vendor.
- A brief description of the organization's primary business and any other associated business related activity involving the proposed exhibition/museum industry. Include years of operation and the associated professional accreditations associated with your organization.

B. Experience and Qualifications of the Vendor

- Describe previous experience performing work similar to that identified in this RFQ, including background and outcomes. If the Vendor has limited experience, describe how the Vendor believes it is qualified to provide the services required by this RFQ.

- Identify any prior projects that the Vendor has successfully operated and managed that are similar to the DDC or describe how the Vendor believes it could successfully operate and manage the DDC.
- In narrative form, demonstrate the Vendor's knowledge and experience in this type of industry and its philosophy regarding addressing issues related to this specific Project. References supplied shall not be City of Scottsdale employees. The reference list provided should include a minimum of:
 - Organization Name
 - Contact Name
 - Contact Phone Number
 - Contact Email Address
 - Project Date
 - Project Description and Size
 - Ultimate Project Outcome and Results
- In narrative form, demonstrate the Vendor's knowledge and experience in marketing this type of tourism destination attraction. Identify any prior projects that the Vendor has successfully operated and managed that are similar to the DDC. If none, describe how the Vendor believes it could successfully carry out the requirements of this RFQ.
- In narrative form, demonstrate the Vendor's financial strength and fiscal management experience and responsibility.

C. Experience of Key Personnel to be Assigned to this Project

- Identify existing or planned team members that the Vendor would propose to assign to this Project, their education, experience and the role each member would play.
- Provide copies of resumes of the Executive Director/CEO and of all key project personnel. Resumes should be attached as an appendix to the SOQ and will not be counted toward the total number of pages allowed. All resumes should include a brief summary of past accomplishments, academic credentials, Professional Certifications, Professional Associate Memberships, etc. Where specific positions have not been filled at this time, identify the Vendor's philosophy and plan for filling said positions.

D. Vendor's approach to analyzing the Phase II study and creating the Vision, business plan and operating plans

- Provide information on the Vendor's interest in and knowledge of the Sonoran Desert and the City of Scottsdale and its tourism industry;
- Provide a preliminary analysis of the City's existing DDC Phase II Feasibility Study, both its strengths and weaknesses.

- State the process the Vendor will utilize to create the Vision for the DDC. Include how the Vendor will obtain consensus among the City (including staff, Boards and Commissions and City Council), residents, other key stakeholders and potential business partners for the Vision. Include in the narrative a discussion of the Vendor's proposed public outreach and public information plan.
- Provide an outline of how the Vendor would propose to implement its Vision for the DDC. This should include how the Vendor proposes to prepare business and operating plans for the facility.
- In narrative form, explain and define the Vendor's decision-making process and identification of Project issues.

E. Vendor's plan for evaluating and selecting partner organizations, institutions, corporations or individuals to assist in project development

It is anticipated that the DDC may support its goals through the formation of partnerships with other organizations or institutions which could include financial support for capital funding and for operational costs. The Vendor shall discuss its plan for reaching out, evaluating and selecting affiliate organizations. Include the following items in the narrative:

- Describe the Vendor's plan for creating affiliations with educational institutions such as colleges and universities, school systems and other educational organizations. The plan should include the Vendor's experience in working with these organizations and possible organizations that might be approached, including how these relationships might benefit the DDC.
- Outline how the Vendor will work in collaboration and cooperation with the City, the Scottsdale Convention & Visitors Bureau, the Chamber of Commerce and other Valley cultural and tourism organizations to promote and support the DDC;
- Describe the Vendor's plan for creating affiliations or partnerships with "non-profit" organizations that specialize in operations of the type proposed for the DDC and how the Vendor proposes to reach out to these organizations, evaluate the benefits to the DDC and create appropriate business relationships.
- Describe the Vendor's plan for reaching out and creating relationships with "for profit" corporations for the purpose of generating support for capital investment and operating cost of the facility. The plan should include a discussion of the potential of contributions from wealthy individual contributors as well.

F. Vendor's ability to generate direct financial contributions or "in-kind" contributions through each step of work

- Discuss Vendor's ability to initiate fundraising upon execution of a contract for the initial step of services and for each future step of project development. It is anticipated that

Vendor will seek financial contributions and “in-kind” contributions during the initial and future steps of work and that these contributions will lessen the cost of services to the City through each step of the project.

G. Vendor’s ability to operate and maintain facility

- Discuss Vendor’s ability to create an organization properly structured to undertake the operation and maintenance of the proposed facility. Discuss the Vendor’s general philosophy concerning the management of operational costs, generated revenue and contributions in order to create an operation that minimizes/eliminates reliance on public funding for operations and maintenance and minimizes risk and financial exposure to the City.

H. Local Knowledge

- Identify the Vendor’s familiarity with the City of Scottsdale’s local environment, economy, tourism industry, recognition of the Project’s relationship with the McDowell Sonoran Preserve, and other local issues pertinent to this Project which enhances your qualifications to successfully facilitate the RFQ, including your organization’s local knowledge and your philosophy regarding addressing issues related to this specific project.

SCOPE OF SERVICES

The following is a rough outline of the scope of services the City may ultimately elect to contract with the selected Vendor for, in connection with the Desert Discovery Center (DDC). Each step may be contracted for individually or steps may be combined as necessary. The City may also choose not to contract with the Vendor for any or all steps and conduct a separate solicitation independently for those steps. The scope of services for each step may include, but is not necessarily limited to:

Step One - Preparation of Vendor’s Vision and plan to carry out Vision

1. Provide overall program vision and updated mission statement and project goals.
2. Provide programming analysis and recommendations.
3. Provide a draft business plan including analysis of expenses, revenues and contributions.
4. Begin solicitation and evaluation of partner organizations, institutions, corporations or individuals to assist in project development.
5. Identify and evaluate legal and regulatory issues related to site selection and provide analysis and recommendations for options to resolve site selection issues.
6. Evaluate the financial, legal and regulatory advantages and disadvantages of operating the DDC as a “non-profit” entity vs. a “for-profit” entity, and recommend which form of legal entity is best suited to the construction and operation of the DDC.
7. Initiate fundraising efforts and develop contributions for Step One.

8. Assist staff in presentation of Vision and business plan to City Council, Boards and Commissions and the general public.

Step Two – 30% Project Development

1. Finalize Vision document and create detailed business plan.
2. Prepare detailed fundraising plan for capital construction contributions and preliminary fundraising plan for ongoing operations for the form of legal entity selected by the City.
3. Finalize programing recommendations for exhibits and detailed descriptions of the expected customer experience.
4. Select partners and/or key staff necessary to complete the 30% project development step.
5. Assist in the Design Professional Services selection process.
6. Provide assistance with 30% project plan development.
7. Assist in the identification and resolution of any legal or regulatory issues related to site selection.
8. Provide conceptual facility interior layout and exhibit plans.
9. If needed, assist in the development and processing of a Municipal Use Master Site Plan (MUMSP) that is in compliance with legal and regulatory requirements.
10. Research capital funding alternatives (both charitable and non-charitable fundraising) and provide an explanation of each alternative for financing the project, and recommend the alternative that is most advantageous to the Project.
11. Recommend public outreach plan and coordinate in implementation.

Step Three – 100% Project Development

1. Provide assistance with project development up to 100% plans.
2. Establish partnerships with third party institutions, organizations and corporations for capital contributions to facility as detailed in the fundraising plan.
3. Facilitate exhibit design work and educational components.
4. Assist with public involvement throughout MUMSP process.
5. Execute capital construction fundraising plan and coordinate pledges, contributions and other forms of financial support to the project.
6. Provide detailed fundraising plans for project operational support.

Step Four - Operation and Management of the Facility

1. Establish an organizational structure necessary to operate and manage the facility.
2. Establish partnerships with institutions, organizations and corporations to provide operating financial support as detailed in the fundraising plan.
3. Provide final exhibit design and construction resources as detailed in the business plan.
4. Coordinate and consult with contractors during construction of facility.
5. Coordinate opening and marketing of facility.
6. Operate and manage facility.

PRE-SUBMITTAL MEETING

A **mandatory** pre-submittal meeting for this RFQ will be held on June 3, 2015 at 10:30 a.m., at 7447 E. Indian School Road, Community Development Conference Rooms 1, 2 & 3, Scottsdale, Arizona 85251.

SELECTION PROCESS

A Selection Panel will evaluate and score each SOQ according to the criteria set forth above. The selection panel will establish a shortlist of not more than five Vendors. The Vendors selected for the short list will be provided with a Request for Proposals. The deadline for submission of Proposals, the Opening of Proposals and their review and selection will be as provided in the Request for Proposals.

The Proposals will be reviewed and Vendors will be interviewed. After the interviews, a short list of Proposals will be created ranking them from 1 to 3. The City will then begin negotiations for a contract with the Vendor ranked Number 1 on the short list. If the City is unable to negotiate successfully with the Vendor ranked Number 1, the City will proceed to negotiate with the Vendor ranked Number 2 and so on down the short list until the City is able to negotiate a Contract it believes is most advantageous to the City.

Upon successful negotiations of a Contract, the Contract will be taken to the City Council for approval. The City reserves the right to reject any and all SOQs or Proposals or to withdraw this RFQ or the RFP at any time if it is determined rejection or withdrawal is most advantageous to the City, or the City may elect to end the solicitation process.

The following schedule has been prepared for this project:

Mandatory Pre-submittal meeting	June 3, 2015
SOQs due	July 16, 2015
SOQ evaluations complete	July 31, 2015
Interviews (if required)	Week of August 17, 2015

Until the award and execution of the contract, the City will only release the name of each Vendor invited to the interview session. All other information received by the City in response to the SOQ or contained in the Proposals will be confidential to avoid disclosure of the contents that may be prejudicial to the competing Vendor(s) during the selection process. The submittal of the winning Vendor will be open to public inspection after the contract is awarded and the City has executed the contract with the selected Vendor.

The City has a public art requirement equal to 1% of the building valuation.

INDEMNIFICATION & INSURANCE REQUIREMENTS

Each Vendor submitting a Statement of Qualifications shall hold harmless and indemnify City, its officers, employees, agents, and representatives against all losses, claims, actions, judgments, and all liability for injury to persons, including wrongful death, damage to property, or both occurring, relating to, during, or in consequence of this RFQ. Vendors shall have no rights, claims or remedies against City's officers, employees, agents or other representatives in connection with the RFQ.

Insurance will be set forth in the final contract as determined by the City and as negotiated by the City and the successful Vendor.

Questions regarding insurance and indemnification shall be addressed prior to submittal in writing, by e-mail, to the e-mail address as directed in the next section of this document.

SUBMITTAL REQUIREMENTS

Please be advised that failure to comply with the following requirements will be grounds for disqualification and will be enforced.

Reply to this request with an electronic Statement of Qualifications (SOQ) submittal as noted below. Pages that have project photos, charts, and graphs will count toward the maximum number of pages. However, cover letters, submittal covers, and resumes will not be considered part of the ten-page limitation. Resumes for each key team member shall be limited to a maximum length of one page, and should be incorporated as an appendix at the end of the SOQ.

The minimum font size shall be 10-point and font used shall be Arial, Bookman, Cambria, Century or Times New Roman only. The submittal must be printable. Table of Contents or tabbed divider pages will not be counted towards the maximum number of pages. Submittals which do not conform to the requirements will not be considered.

The electronic submittal shall be submitted in Adobe PDF format and uploaded to: <https://securemail.scottsdaleaz.gov/filedrop/gmeyer@scottsdaleaz.gov>. The subject line of the email MUST READ: 15SQ015 – Desert Discovery Center & *Your Company Name*. Please upload your submission as a single adobe file. An email confirming your submission will serve as a receipt. Please note that emails are not automatic, but an acknowledgement will be sent as promptly as possible.

The SOQ submittal must include:

- A one-page cover letter prepared on the company's letterhead and signed by a principal of the company. Provide primary contact person and contact person's telephone number and e-mail address. This sheet is not included in your page count.
- **The team/firm's responses to the request for qualifications (RFQ) criteria in order, and titled as listed using a MAXIMUM of 15 pages, each 8½" x 11" in size. Maximum document size is 15MB.**

- A statement in the submittal that the firm acknowledges the Addenda (if applicable).

Submittals received past specified cut-off date and time will be disqualified.

GENERAL INFORMATION

City Website - This Request for Qualifications will be posted on the City's website. The address is: <http://eservices.scottsdaleaz.gov/eservices/solicitations>.

Instructions – **The City of Scottsdale will not be held responsible for any oral instructions.** Any changes to this RFQ will be in the form of an addendum (published to City web site).

City Rights – The City of Scottsdale reserves the right to reject any oral SOQs, to waive any informality or irregularity in any SOQ received, and to be the sole judge of the merits of the respective SOQ received.

Release of Project Information – The City shall coordinate the release of all public information concerning the project, including selection announcements and contract awards. Firms desiring to release information to the public must receive prior written approval from the City.

Contact with City Employees – All firms interested in this project (including the firm's employees, representatives, agents, lobbyists, attorneys, and sub consultants) will refrain, under penalty of disqualification, from direct or indirect contact for the purpose of influencing the selection or creating bias in the selection process with any person who may play a part in the selection process, including the evaluation panel, the City Manager, Assistant City Manager, Deputy City Managers, Department Heads and other staff. This policy is intended to create a level playing field for all potential firms, assure that contract decisions are made in public and to protect the integrity of the selection process. All contact on this selection process should be addressed to the authorized representative identified below.

Questions – Questions pertaining to the consultant selection process or contract issues should be directed to Gary Meyer of the Capital Project Management Department at gmeyer@scottsdaleaz.gov. Questions must be submitted in writing by 2:00 p.m., July 7, 2015. Responses to questions will be posted to the City's website at the address above by close of business July 9, 2015.

Non-Collusion Affidavit – All firms submitting proposals must submit a non-collusion affidavit in a form as set forth in Exhibit "A". Failure of any firm to provide the non-collusion affidavit as a part of this sealed proposal is grounds for disqualification of the proposal.

Civil Rights - The City of Scottsdale, in accordance with the provisions of Title VI of the Civil Rights 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

PROTESTS

Protests of this solicitation will be subject to the provisions of Scottsdale Revised Code §2-213 et. seq. An aggrieved Vendor may protest any aspect of a solicitation prior to award of a contract. As used herein, the phrase “any aspect of a solicitation” shall be limited in its interpretation to mean an alleged violation of the City’s Procurement Code as it relates to the bid solicitation, its evaluation, or its award.

A protest must be filed within ten (10) calendar days after the protestor, exercising reasonable diligence, knew, or should have known of facts and circumstances upon which the protest is based. Failure to protest any issue, fact or circumstance the protestor knew or should have known upon the exercise of reasonable diligence within said ten (10) calendar day period shall forever preclude a hearing based upon that issue, fact or circumstance.

NO PREFERENTIAL TREATMENT OR DISCRIMINATION

In accordance with the provisions of Article II, Section 36 of the Arizona Constitution, the City will not grant preferential treatment to or discriminate against any individual or group on the basis of race, sex, color, ethnicity or national origin.

COMPLIANCE WITH IMMIGRATION LAWS

Under the provisions of A.R.S. § 41-4401, Vendor warrants to the City that the Vendor and all its subcontractors will comply with all Federal Immigration laws and regulations that relate to their employees and that the Vendor and all its subcontractors now comply with the E-Verify Program under A.R.S. § 23-214(A).

A breach of this warranty by the Vendor or any of its subcontractors will be considered a material breach of this Contract and may subject the Vendor or Subcontractor to penalties up to and including termination of this Contract or any subcontract.

The City retains the legal right to inspect the papers of any employee of the Vendor or any subcontractor who works on a Contract awarded under this solicitation to ensure that the Vendor or any subcontractor is complying with the warranty given above.

The City may conduct random verification of the employment records of the Vendor and any of its subcontractors to ensure compliance with this warranty. The Vendor agrees to indemnify, defend and hold the City harmless for, from and against all losses and liabilities arising from any and all violations of these statutes.

The City will not consider the Vendor or any of its subcontractors in material breach of this Contract if the Vendor and its subcontractors establish that they have complied with the employment verification provisions prescribed by 8 USCA § 1324(a) and (b) of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214(A).The “E-Verify Program” means the employment verification pilot program as jointly

administered by the United States Department of Homeland Security and the Social Security Administration or any of its successor programs.

The provisions of this Article must be included in any contract the Vendor enters into with any and all of its subcontractors who provide services under this Contract or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

Attachments:

- Exhibit A – Affidavit Regarding Non Collusion

EXHIBIT A

AFFIDAVIT REGARDING NON COLLUSION

BID NUMBER: (bid number) PROJECT NUMBER: (project number)

PROJECT NAME: (project name)

State of _____

County of _____

I, _____

(Name and title of authorized representative) says and certifies, that said Contractor/Company has not, either directly, or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive proposing in connection with the preparation or submission of its Offer in response to this solicitation or any potential resulting Contract. This affidavit must be notarized for it to be acceptable.

Contractor / Company Name

Signature of Authorized Representative

Printed Name and Title of Authorized Representative

Date

The forgoing instrument was acknowledged before me this ____ day of _____ 20__.

Notary Public

My Commission Expires

Notary Stamp: