

**SECTION 00 11 16 CITY OF ROCHESTER, NH**  
**31 Wakefield St. Rochester, NH 03867**  
**INVITATION TO BID**

City of Rochester, NH is soliciting a competitive bid;

1. **Bid: \_ RFP 24-17\_ Conservation Subdivision Ordinance Rewrite RFP**
2. **Bid Submission Options-Hardcopy, or Electronically:**
  - a) Submit Hardcopy via USPS, FEDEX, or UPS: City of Rochester, NH, Purchasing Agent 31 Wakefield St. Rochester, NH 03867. Reference **RFP 24-17** on package.  
In person drop offs are to go to the Finance Office at City Hall, 31 Wakefield Street, Rochester, NH 03867
  - b) Submit Electronically via Email: [RFP24-17@rochesternhnet.onmicrosoft.com](mailto:RFP24-17@rochesternhnet.onmicrosoft.com) Include in Email subject line: **RFP 24-17**. An automated email confirmation will be generated to bidder once bid has been received. It is bidder's responsibility to ensure proper email submission of bid, and to monitor for the confirmation email.
3. **RFP Receipt Date & Time: No later than **November 1, 2023 at 5:00pm.****
4. **RFP Opening Date & Time: **November 2, 2023 at 2:30.** Opening will be conducted in person in Council Chambers, 31 Wakefield Street, Rochester, NH 03867.**
5. **RFP Specifications, Questions & Addendums (Q&A):** Can be obtained by visiting <https://rochesternh.gov/bids> see **OPEN BIDS** section. Or contact City of Rochester, NH Purchasing Agent 31 Wakefield St. Rochester, NH 03867, [purchasing@rochesternh.gov](mailto:purchasing@rochesternh.gov), 603-335-7602. Note Q&A updates will end one week prior to bid opening.
6. **RFP Results:** Results can be obtained at <https://rochesternh.gov/bids>, in **CLOSED BIDS** section. Select the specific bid to see all results, or contact Purchasing Agent.

## **Conservation Subdivision Ordinance Rewrite RFP**

### **RFP 24-17**

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The City of Rochester, New Hampshire on behalf of the Planning Board (hereafter referred to as the Board) is seeking a qualified Professional Consultant (hereafter referred to as the City) to submit their qualifications and a proposal to update the Conservation Subdivision section of the City's Zoning Ordinance, Article 33, (hereafter referred to as the Ordinance) in conformance with RSA 674:21. Specific required tasks associated with the Ordinance rewrite will include: (1) Public outreach and consistent engagement with Planning Board and staff (2) Assessing and preparing recommendations to address mixed housing type and affordability within the Ordinance (3) Addressing current conservation and natural resource objectives (4) Establish a revised Conservation Subdivision Ordinance (5) Preparing recommendations to applicable land use regulations in relation to the Conservation Subdivision Ordinance.

Following the receipt of the Request for Proposals (RFP), the Board will evaluate the submissions and select the Consultant that meets the Board's objectives. Emphasis will be placed on the Consultant's familiarity with Rochester, experience, and successful completion of similar work.

See the Submittal Requirements section at the end of this RFP for submittal details. Replies marked "Planning Board Conservation Subdivision Rewrite", will be accepted until November 1, 2023 until 5pm at the Rochester Town Hall, 31 Wakefield St, Rochester NH 03867. The City reserves the right to reject any and all proposals.

### **Introduction**

Rochester, NH has a population of just over 32,000 and a land area of approximately 45 square miles. The City has seen significant growth in recent years and with more development in sight, Rochester looks to design regulations which maintain and grow the value of our community, offer a mix of housing choice, and highly value our natural resources.

Growth has been rapid along the Seacoast and land value continues to push development further north. While the City values new development, we also value the three River systems that run through the City and strive to ensure rents and home prices don't become inaccessible to Rochester citizens. Providing secure housing, protection of natural resources, and community values are vital to ensure an equitable future for all income levels, while at the same time protecting natural resources.

Rochester continually hears about housing shortages for employees, the price of rents, and concern that large developments take away from established community character. The City seeks to create a Conservation Subdivision Ordinance which outlines how best to guide housing development while preserving natural resources. Regulations need to guide land use which ensures housing, access & preservation of nature, and community building are valued as the City develops.

The Board envisions creating a Conservation Subdivision Ordinance which:

- Balances community, housing, and environmental preservation.
- Promotes efficient land use, limiting sprawl.
- Preserves valued soils, views, and natural resources.
- Creates a preferred subdivision layout.
- Is functional and practical for developers.
- Focuses on pedestrian access or efficient transportation.
- Limits impacts to City infrastructure.

## **Scope of Work**

### A. Coordination

The Consultant will meet with the Board or their designed working group and members of the Planning Department prior to the initiation of work to discuss proposed methods, schedule, and approach of the project. The Consultant will meet regularly with staff and the Board to share progress and receive input on work to date. Communication, working with the Board or their working group, and public outreach are critical steps to the development of this Ordinance and a strong expectation of the Consultant.

Upon completion of the draft Ordinance, the Consultant will make a presentation to the Board for discussion. The Consultant will respond to official comments, making appropriate amendments, within 30 days of the meeting in order to be heard at subsequent meetings appropriately. This may take place over several Planning Board workshop meetings as the Ordinance is finalized.

### B. Data Collection

The Consultant will review the existing Conservation Subdivision Ordinance and historically proposed or approved developments under those regulations. The review must consider similar ordinance in surrounding communities or other comparable towns and cities.

Data collection must also include regional housing trends and affordable housing needs specific to Rochester. The Consultant will also review data and maps created for our Natural Resource Master Plan, which is currently in development. Natural resource mapping and affordable housing needs will be used to influence the requirements of the Conservation Subdivision Ordinance. This ordinance will also be compared with Rochester's existing Master Plan and applicable chapters. The Consultant will work with City staff to gather existing GIS resources and historical subdivision data.

#### i. Public Outreach, to include:

1. The development of a web-based resource to act as a document library and track progress of the Ordinance rewrite.
2. A minimum of one public outreach meeting/charrette to define a Conservation Subdivision, show development trends, share possible solutions, and garner input regarding policy priorities.
3. Reaching to the Rochester Development community to identify what works or doesn't work in practice.

4. Participation in Planning Board and committee meetings.
  - ii. Housing data collection:
    1. Using assessing data identify land valuation and ROI on utility and roadway investments in order to show the affordable housing value of compact development design.
    2. Understand historical housing trends of Rochester to include construction pricing data, affordability, and regional trends to review in relation to aspects of the ordinance
  - iii. Natural Resources identification:
    1. Work with Staff and the Conservation Commission to establish conservation and Natural Resource priorities.
    2. Ensure consistency with the Natural Resource Master Plan currently in development.
  - iv. Examples of Conservation Subdivisions and elements that work, and perhaps don't work across NH and perhaps other New England State. Examples will be used in both public outreach and with discussions with the Planning Board. Consultant must clearly understand the function of both natural resource protection and enabling high quality lower cost housing stock and be able to mend the two functions into one ordinance.

#### C. Redevelop the Conservation Subdivision Ordinance.

The Consultant will develop a Conservation Subdivision Ordinance prioritizing efficient land use and focusing on the preservation of natural resources, community, and providing a mix of housing opportunities. The format must fit into the existing Zoning Ordinance. Planning Staff and the Board will work closely with the Consultant to guide development of the Ordinance language, which must also address the following:

- a. Clearly define the purpose. Consistency with the Master Plan must be identified as well as the overall objectives.
- b. Review applicability. Currently these developments are allowed by Conditional Use. Revisit this requirement and how best to make these subdivisions the development of choice.
- c. Review open space requirements, development layout, and other general provisions.
- d. Determine density requirements and bonuses, prioritizing housing and natural resources.
- e. Establish allowed uses and housing types. Consider the balance of multifamily, single-family and duplex units.
- f. Define lot dimensional standards.
- g. Review open space requirements.

## **Minimum Qualifications**

- A. The Consultant must meet the following minimum qualifications:
  - a. Expertise in developing ordinances, specifically Conservation Subdivisions.
  - b. Experience and capability in GIS, and data analysis
  - c. Knowledge of regional housing needs
  - d. Experience with natural resource prioritization and conservation
  - e. Familiarity with community development and planning
  - f. A strong commitment to public outreach and working with staff and Board members throughout this process.
  - g. Experience in working with local planning boards and commissions.

## **Submittal Requirements**

- A. The respondents should provide:
  - a. A brief scope of work with any modifications to the tasks described above.
  - b. Proposed deliverables.
  - c. Proposed schedule by task.
  - d. Proposed budget by task, and total budget.
  - e. Three relevant references and a succinct qualifications statement.
  
- B. The Commission and/or City Staff may conduct interviews of short-listed consultants

## **INSTRUCTION TO BIDDERS**

- I. PREPARATION OF BID PROPOSAL**
- II. IRREGULAR PROPOSALS**
- III. DELIVERY OF PROPOSALS**
- IV. ELECTRONIC BID FORMAT**
- V. WITHDRAWAL OF BID PROPOSAL**
- VI. PUBLIC OPENING OF BID PROPOSAL**
- VII. DISQUALIFICATION OF BIDDERS**
- VIII. CONSIDERATION OF PROPOSALS**
- IX. AWARD OF CONTRACT**
- X. CANCELLATION OF AWARD**
- XI. BID EVALUTAION**
- XII. LAWS, PERMITS & REGULATIONS**
- XIII. INSURANCE & LEGAL BUSINESS ENTITY**
- XIV. DEFAULT & TERMINATION OF CONTRACT**
- XV. OPENING BID RESULTS**
- XVI. BID FORM**

## **I. PREPARATION OF BID PROPOSAL**

1. The Bidder shall submit her/his proposal upon the form(s) furnished by the City (attached). The bidder shall specify a unit price for each pay item. All figures shall be in ink or typed.
2. If a unit price or lump sum bid already entered by the bidder on the proposal form is to be altered it should be crossed out with ink, the new unit price or lump sum bid entered above or below it, and initialed by the bidder, also with ink. In case of discrepancy between the prices written in words and those written in figures, the prices written in words shall govern.
3. The bidder's proposal must be signed with ink by an individual authorized by company to execute the proposal. Required information shall be name of authorized individual, title of individual, legal business name, address, email, and telephone number.
4. All questions shall be submitted in writing to and received by the Purchasing Agent at the above address, a minimum of 7 days prior to the scheduled bid opening. The Purchasing Agent, will then forward both the question and the city's response to the question to all known prospective bidders.

## **II. IRREGULAR PROPOSALS**

Bid proposals will be considered irregular and may be rejected for any of the following reasons:

1. If the proposal is on a form other than that furnished by the Owner or if the form is altered or any part thereof is detached.
2. If there are unauthorized additions, conditional or alternate bids, or irregularities of any kind which may tend to make the proposal incomplete, indefinite or ambiguous as to its meaning.
3. If the bidder adds any provisions reserving the right to accept or reject an award, or to enter into a contract pursuant to an award.
4. If the proposal does not contain a unit price for each pay item listed, except in the case of authorized alternate pay items.

## **III. DELIVERY OF BID PROPOSALS**

When sent by mail, the sealed proposal shall be addressed to the City of Rochester, Purchasing Agent, 31 Wakefield Street, Rochester, NH 03867. All proposals shall be filed prior to the time and at the place specified in the invitation for bids. Proposals received after the time for opening of the bids will be returned to the bidder, unopened. Emailed or faxed bid proposals are not acceptable.

**IV. ELECTRONIC BIDS:** Due to Covid-19 the City of Rochester has incorporated an electronic bid process. If an electronic format is to be utilized specific submission instructions will be identified in the bid cover page.

**V. WITHDRAWAL OF BID PROPOSALS**

A bidder will be permitted to withdraw his proposal unopened after it has been deposited if such request is received in writing prior to the time specified for opening the proposals.

**VI. PUBLIC OPENING OF BID PROPOSALS**

Proposals will be opened and read publicly at the time and place indicated in the invitation for bids. Bidders, their authorized agents, and other interested parties are invited to be present.

**VII. DISQUALIFICATION OF BIDDERS**

Either of the following reasons may be considered as being sufficient for the disqualification of a bidder and the rejection of her/his bid proposal(s):

1. Evidence of collusion among bidders.
2. Failure to supply complete information as requested by the bid specifications.

**VIII. CONSIDERATION OF PROPOSALS**

1. Bids will be made public at the time of opening and may be reviewed only after they have been properly recorded. In case of discrepancy between the prices written in words and those written figures, the prices written in words shall govern. In case of a discrepancy between the total shown in the proposal and that obtained by adding the products of the quantities of items and unit bid prices, the latter shall govern.
2. The right is reserved to reject any or all proposals, to waive technicalities or to advertise for new proposals, if in the judgment of the City, the best interest of the City of Rochester will be promoted thereby.
3. Bid results will be available on the website at [www.rochesternh.net](http://www.rochesternh.net) within 48 hours of the bid opening.

**IX. AWARD OF CONTRACT**

The City holds the right, in its judgment, to award the contract to the bidder, which it feels is in the best interest of the City. If a contract is to be awarded, the Contractor/Vendor selection shall be based in part on possession of the necessary experience, organization, technical and professional qualifications, skills and facilities, reference checks, project understanding, approach, ability to comply with proposed or required time to completion or performance, licensing or certification, in good standing with Federal, State and Local agencies, possession of satisfactory record of performance, cost and to a responsible and qualified bidder whose proposal complies with all the requirements prescribed as soon as practical after the bid opening. No bid shall be withdrawn for a period of (60) sixty days subsequent to the opening of bids without the consent of the City of Rochester. The



successful bidder will be notified, by the form mailed to the address on his proposal, that his bid has been accepted and that he has been awarded the contract.

#### **X. CANCELLATION OF AWARD**

The City reserves the right to cancel the award of any contract at any time before the execution of such contract by all parties without any liability or other claim against the City.

#### **XI. BID EVALUATION**

In addition to the bid amount, additional factors will be considered as an integral part of the bid evaluation process, including, but not limited to:

1. The bidder's ability, capacity, and skill to perform within the specified time limits.
2. The bidder's experience, reputation, efficiency, judgment, and integrity.
3. The quality, availability and adaptability of the supplies and materials sold.
4. The bidder's past performance.
5. The sufficiency of bidder's financial resources to fulfill the contract.
6. The bidder's ability to provide future maintenance and/or services.
7. Any other applicable factors as the City determines necessary and appropriate (such as compatibility with existing equipment).

#### **XII. LAWS, PERMITS AND REGULATIONS**

1. The Contractor shall obtain and pay for all licenses and permits as may be required of him by law, and shall pay for all fees and charges for connection to outside services, and use of property other than the site of the work for storage of materials or other purposes.
2. The Contractor shall comply with all State and Local laws, ordinances, regulations and requirements applicable to work hereunder, including building code requirements. If the Contractor ascertains at any time that any requirement of this Contract is at variance with applicable laws, ordinances, regulations or building code requirements, she/he shall promptly notify the City of Rochester in writing.

#### **XIII. INSURANCE & LEGAL BUSINESS ENTITY**

1. Contractor and any related subcontractors will carry appropriate liability insurance, and be a legal business entity authorized to conduct business in the State of New Hampshire.

#### **XIV. DEFAULT AND TERMINATION OF CONTRACT**

**If the Contractor:**

1. Fails to begin work under Contract within the time specified in the notice to proceed; or
2. Fails to perform the work with sufficient workers and equipment, or with sufficient materials to assume prompt completion of said work; or
3. Performs the work unsuitably or neglects or refuses to remove materials or to perform anew such work as may be rejected as unacceptable and unsuitable; or
4. Discontinues the prosecution of the work; or
5. Fails to resume work, which has been discontinued, within the time frames included in specifications; or
6. Becomes insolvent or has declared bankruptcy, or commits any act of bankruptcy or insolvency; or
7. Makes an assignment for the benefit of creditors; or
8. For any other causes whatsoever, fails to carry on the work in an acceptable manner the City of Rochester will give notice, in writing, to the Contractor for such delay, neglect, and default.

If the Contractor does not proceed in accordance with the Notice, then the City of Rochester will have full power and authority without violating the Contract to take the prosecution of the work out of the hands of the Contractor. The City of Rochester may enter into an agreement for the completion of said Contract according to the terms and conditions thereof, or use such other methods as in the City's opinion will be required for the completion of said Contract in an acceptable manner.

All extra costs and charges incurred by the City of Rochester as a result of such delay, neglect or default, together with the cost of completing the work under the Contract will be deducted from any monies due or which may become due to said Contractor. If such expenses exceed the sum which would have been payable under the contract, then the Contractor shall be liable and shall pay to the City of Rochester the amount of such excess.

#### **XV. OBTAINING BID RESULTS**

Bid results will be available on the website at [www.rochesternh.gov](http://www.rochesternh.gov) within 48 hours of the bid opening.

**BID PROPOSAL FORM**  
**Bid # RFP 24-17**

Record total bid lump sum below.

\$ \_\_\_\_\_  
(cost in numbers)

\$ \_\_\_\_\_  
(cost in words)

Legal Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Prices Good through date: \_\_\_\_\_

**Authorization:**

Print Name and Title \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Bid results will be posted after 48 hours on the City of Rochester's web site:  
[www.rochesternh.gov](http://www.rochesternh.gov) or will be available by request via e-mail at the following address:  
[purchasing@rochesternh.gov](mailto:purchasing@rochesternh.gov)