



## **DELAWARE COUNTY**

### **Request for Proposal**

**Delaware County Comprehensive and Strategic Action Plan**

**Date of Issue: September 15, 2023**

**Proposal Submission Due Date: October 27, 2023 at 4:00 PM (ET)**

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## 1.0 PURPOSE AND BACKGROUND

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The Delaware County Planning Board is seeking proposals for professional services to assist in the development and production of a Comprehensive and Strategic Action Plan. Proposals should demonstrate a vendor's competence, experience, and qualifications in providing services. Vendors must have experience successfully working in the state of New York.

### **Purpose:**

The Request for Proposals is intended to solicit proposals from qualified vendors for development of Delaware County's Comprehensive and Strategic Action Plan and leading the public engagement process. The Comprehensive and Strategic Action Plan will guide future growth, development, and community building in Delaware County as a result of robust public engagement. The Comprehensive and Strategic Action Plan will serve as both a physical plan and policy guide and will be used by elected officials and appointed committees, staff, community members, and other decision makers who are charged with shaping how Delaware County will grow in the future.

A detailed description of services to be provided is outlined under "Scope of Work". The selected vendor will work with the Delaware County Planning Board and staff in facilitating the planning process and producing the Comprehensive and Strategic Action Plan that will be part of a fifty-year vision and guide development for a 10-year period.

### **Background:**

Delaware County is a vibrant, historic, and geographically vast county. It is the fifth largest of New York's 62 counties, encompassing a total area of 1,467 square miles. It is also the fifth most rural and has the second highest percentage of seniors. The county constitutes the northeastern boundary of the federally designated Appalachian Region. This designation reflects the rural poverty and relative isolation of the area. Separated from the state of Pennsylvania by the Delaware River, Delaware County is the largest and most western of the four counties in the Catskill Mountain range. As of the 2020 United States Census, the county's population was 44,308, with no communities in excess of 6,000 residents and a population density of approximately thirty (30) people per square mile. There are nineteen (19) towns and ten (10) incorporated villages in the county and the county government consists of a nineteen-(19) member Board of Supervisors with a chairperson, vice chairperson, and budget officer.

Delaware County includes the New York City (NYC) Watershed, the largest unfiltered drinking water supply in the United States. The watershed region encompasses the central and eastern sections of Delaware County including roughly 50% of the county's land area, impacting seventeen (17) of its nineteen (19) townships and hosts two of the largest reservoirs in the New York City water supply system, the Cannonsville and the Pepacton Reservoirs. Approximately 55% of Delaware County's population lives within the Watershed. New York City water quality protection programs, including open-space land acquisition, has resulted in New York City being the single largest landowner in the county, with all owned lands left vacant in perpetuity.

Delaware County's economy is driven by the impacts of the NYC Watershed. Much of the employment sector is service based in the form of education, healthcare, and public services. Manufacturing plants are located in parts of the county; the majority is located in the town of Sidney, outside of the NYC Watershed and on the county's western edge.

Due to changing population trends, loss of traditional natural resource-based jobs, and the advent of new renewable energy production in the upstate New York region, Delaware County must find a new path forward in order to revitalize its communities. The County is in need of guidance to create a comprehensive strategic plan for the future that will embrace the needs of new and commuter residents through technological and service-based advancements as well as preserve the agrarian society that has served Delaware County residents for generations.

Proposals shall be submitted in accordance with the terms and conditions of this RFP and any addenda issued hereto.

## 2.0 GENERAL INFORMATION

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### 2.1 REQUEST FOR PROPOSAL DOCUMENT

The RFP is comprised of this RFP document, any attachments, and any addenda released before contract award. All attachments and addenda released for this RFP in advance of any Contract award are incorporated herein by reference.

### 2.2 NOTICE REGARDING RFP TERMS AND CONDITIONS

It shall be the vendor's responsibility to read the instructions, Delaware County's terms and conditions, all relevant exhibits and attachments, and any other components made a part of this RFP and comply with all requirements and specifications herein. Vendors are also responsible for obtaining and complying with all addenda and other changes that may be issued in connection with this RFP.

If vendors have questions, issues, or exceptions regarding any term, condition, or other component within this RFP, those must be submitted as questions in accordance with the instructions in this document. If the County determines that any changes will be made as a result of the questions asked, then such decisions will be communicated in the form of an RFP addendum. The County may also elect to leave open the possibility for later negotiation and amendment of specific provisions of the contract that have been addressed during the question-and-answer period. Unless specified through this process, the County rejects and will not be required to evaluate or consider any additional or modified terms and conditions submitted with a vendor's proposal. This applies to any language appearing in or attached to the document as part of a vendor's proposal that purports to vary any terms and conditions or instructions herein or to render the proposal non-binding or subject to further negotiation. A vendor's proposal shall constitute a firm offer. **By execution and delivery of an RFP response, the vendor agrees that any additional or modified terms and conditions, whether submitted purposely or inadvertently, shall have no force or effect, and will be disregarded. Noncompliance with, or any attempt to alter or delete, this paragraph shall constitute sufficient grounds to reject the vendor's proposal as nonresponsive.**

### 2.3 RFP SCHEDULE

The following table shows the intended schedule for this RFP. Delaware County will make every effort to adhere to this schedule. *Please be advised that the timeline for application submission, vendor selection, and process timeline may change in the event of federal-, state-, and/or county-declared emergencies.*

Event	Date
Issue RFP	September 15, 2023
Question Submittal Deadline	September 29, 2023
Response to Questions	October 13, 2023
<b>Proposal Due Date</b>	<b>October 27, 2023</b>
Vendor Selection	December 6, 2023
Contract Award	December 22, 2023
<b>Contract Effective Date</b>	<b>January 2, 2024</b>

## 2.4 PROPOSAL QUESTIONS

Upon review of the RFP documents, vendors may have questions to clarify or interpret the RFP in order to submit the best proposal possible. To accommodate the proposal questions process, vendors shall submit any such questions by the above-stated due date.

Written questions shall be emailed to [audrey.benkenstein@co.delaware.ny.us](mailto:audrey.benkenstein@co.delaware.ny.us) by October 27, 2023, at 4:00p.m. Vendors should enter “RFP Delaware County Comprehensive and Strategic Action Plan Questions” as the subject for the email. Question submittals should include a reference to the applicable RFP section. The final Q&A will be posted to the Delaware County Planning Department webpage at <https://delcony.us/pln>, on October 13, 2023.

Questions received prior to the submission due date, the County’s response, and any additional terms deemed necessary by the County will be posted in the form of an addendum. No information, instruction or advice provided orally or informally by any Delaware County personnel, whether made in response to a question or otherwise in connection with the RFP, shall be considered authoritative or binding. All communication with County staff regarding this RFP shall be via email in the form of questions, as stated above or otherwise directed to Shelly Johnson-Bennett, Planning and Watershed Affairs Director, at [shelly.johnson@co.delaware.ny.us](mailto:shelly.johnson@co.delaware.ny.us).

## 2.5 PROPOSAL SUBMITTAL

Proposals shall be received until October 27, 2023 at 4:00p.m. *Please be advised that the timeline for application submission, vendor selection, and process timeline may change due to federal-, state-, and/or county-declared emergencies.* All proposals may be submitted in a sealed envelope(s) or electronically submitted via an emailed link to an online file-sharing tool, such as Dropbox, SharePoint, etc. All submissions shall be properly identified with “RFP Delaware County Comprehensive and Strategic Action Plan 2023 Submittal”.

Proposals may be hand delivered or submitted via an emailed link to:

Planning and Watershed Affairs Department  
1 Page Avenue  
Delhi NY 13756

Email: [shelly.johnson@co.delaware.ny.us](mailto:shelly.johnson@co.delaware.ny.us)

It is the vendor’s responsibility to ensure the proposal is received prior to the proposal due date and time. Late proposals will not be accepted. The County reserves the right to accept or reject all or any part of

any proposal, waive information, and award the contract to best serve the interest of the County. It is the responsibility of the vendor that their proposal is received. Receipt of proposals can be verified by calling 607-832-5444.

## 2.6 PROPOSAL CONTENTS

Vendor RFP responses shall include the following items and those attachments should be arranged in the following order:

- a) Cover Letter
- b) Title Page: Include the vendor's name, address, telephone number, and authorized representative along with the grant award identifier of NY-21012.
- c) Describe the vendor's background, experience, and capabilities as it relates to the Scope of Work outlined in the RFP.
- d) Identify all subcontractors to be used for the proposed Scope of Work. For each subcontractor listed, vendors shall indicate: (1) what products and/or services are to be supplied by that subcontractor and (2) what percentage of the overall scope of work that subcontractor will perform.
- e) List the name, title, and qualifications of each of the key personnel who will be assigned to complete the Scope of Work and briefly explain what role in the process each person will have if there are defined roles.
- f) List at least three (3) client references, including public and private organizations, of a similar size and for whom the vendor has provided services in the past two (2) years. Provide telephone numbers and contact names for references.
- g) Provide an executive summary or portion of a plan completed by the vendor within the last two (2) years.
- h) Provide a brief summary of vendor's understanding of the proposed project.
- i) Outline how the vendor will achieve the goals of the project as outlined in the Scope of Work. Particular attention should be given to describing the proposal for public engagement.
- j) Provide documentation of Minority and/or Women Business Enterprise certification, pursuant to Article 15-A of New York State Executive Law and/or Service-Disabled Veteran-Owned Business certification, pursuant to Article 17-B of New York State Executive Law, if applicable.
- k) Provide specific costs for services.
- l) Submit the name, address, and telephone number of the person(s) with authority to bind the vendor and answer questions or provide clarification concerning the vendor's proposal.

## 3.0 METHOD OF AWARD AND PROPOSAL EVALUATION PROCESS

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### 3.1 METHOD OF AWARD

All qualified proposals will be evaluated and awards will be made to the vendor meeting the RFP requirements and which is best able to meet the needs of Delaware County.

The Delaware County Planning Board reserves the right to reject any and/or all submittals and to waive defects, technicalities, and/or irregularities in any submittal. The Delaware County Planning Board reserves the right to finalize a contract with a vendor based on all factors involved in the written proposal submittal without further discussion or interviews.

Proposals will generally be evaluated according to completeness, content, experience with similar projects, ability of the vendor and its staff, and cost.

Vendors are cautioned that this is a request for offers, not an offer or request to contract, and the Delaware County Planning Board reserves the unqualified right to reject any and all offers at any time if such rejection is deemed to be in the best interest of the County.

### 3.2 EVALUATION CRITERIA

Following the due date for proposal submittals, the Delaware County Planning Board, or a subcommittee thereof, will review the submitted proposals. This selection committee will review, analyze, and rank all submittals based on their response to the information requested. The selection process will include the following criteria in the evaluation of proposals. These criteria are not necessarily listed in order of importance.

- 1) **Qualifications.** Provide proof of experience working with similar communities on a comprehensive planning process, and with communities in New York. Provide proof of experience working with specific populations, namely people facing economic barriers, people with disabilities, people of color, and seniors.
- 2) **Value.** Proposal adequately and most cost effectively makes use of the proposed budget.
- 3) **Understanding of Project.** Proposal provides an understanding of the project, as a whole, and all components thereof.
- 4) **Communication.** Proposal shows the vendor has the ability to approachably communicate complex policy, land use, and planning concepts and consequences to a diverse group of citizens, stakeholders, and elected officials.
- 5) **Approach to Project.** Proposal clearly outlines the project process and what tasks the vendor will complete.
- 6) **Quality of Work.** Proposal provides details regarding the quality of work intended to be provided and provides examples of previous work products that are of high quality.
- 7) **Personnel.** Proposal specifies specific and adequate staff resources that will be assigned to the project for a project of this size and scope.

- 8) Public Engagement Plan. Proposal provides proof of a proven ability to equitably engage citizens, stakeholders, and elected officials in the public engagement process using a diverse and well thought out engagement plan.
- 9) Capacity. Proposal demonstrates vendor's capacity to complete the project within the specified timeframe inclusive of other current and pending contracting engagements.

After the proposal review process, Delaware County reserves the right to and may select finalists to participate in an interview with the Planning Board and County Planning staff. This may also include representatives from other Delaware County committees, stakeholders, and other individuals with whom the vendor will be working on an ongoing basis during the planning process.

## 4.0 REQUIREMENTS

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### 4.1 CONTRACT TERM

The contract shall have an initial term of sixteen (16) months, beginning on the date of contract award (the "Effective Date").

### 4.2 PRICING

Proposal price shall constitute the total cost to vendor for complete performance in accordance with the requirements and specifications set herein, including all applicable charges in handling, administration, and other similar fees. Vendor shall not invoice for any amounts not specifically allowed for in this RFP. Information submitted in proposals, including budgets and cost breakdowns will be considered good and valid for ninety (90) days from closing date for receipt of proposals.

### 4.3 VENDOR EXPERIENCE

Vendor shall demonstrate in its proposal experience with public sector clients with similar or greater size and complexity to Delaware County. Vendor shall provide information as to the qualifications and experience of all executive, managerial, legal, and professional personnel to be assigned to this project, including citing experience with similar projects, and the responsibilities to be assigned to each person.

### 4.4 VENDOR REPRESENTATIONS

- a) Vendor warrants that qualified personnel shall provide services under any contract resulting from this RFP in a professional manner. "Professional manner" is defined as personnel performing services will possess the skill and competence consistent with the prevailing business standards in the industry. Vendor agrees that it will not enter any agreement with a third party that may abridge any rights of Delaware County under any contract resulting from this RFP. Vendor will serve as the prime contractor under any contract resulting from this RFP and shall be responsible for the performance and payment of any/all subcontractor(s) that may be approved by the County. Names of any third-party vendors or subcontractors of vendor may appear for purposes of convenience in the contract documents and shall not limit vendor's obligations hereunder. Vendor will retain executive representation for functional and technical expertise as needed in order to incorporate any work by third party subcontractor(s).



- b) If any services, deliverables, functions, or responsibilities not specifically described in any contract resulting from this RFP are required for vendor’s proper performance, provision, and delivery of service and deliverables under said contract, or are an inherent part of or a necessary sub-task included within such service, they will be deemed to be implied by and included within the scope of said contract to the same extent and in the same manner as if specifically described in said contract. Unless otherwise expressly provided herein, vendor will furnish all its own necessary management, supervision, labor, facilities, furniture, computer, and telecommunications equipment, software, supplies, and materials necessary for the vendor to provide and deliver the services and deliverables.
- c) Vendor warrants that it has the financial capacity to perform and to continue to perform its obligations under any contract resulting from this RFP; that vendor has no constructive or actual knowledge of an actual or potential legal proceeding being brought against vendor that could materially adversely affect performance of any contract resulting from this RFP; and that entering into any contract resulting from this RFP is not prohibited by any contract or order by any court of competent jurisdiction.

## 5.0 SCOPE OF WORK

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The purpose of this project is to actively engage citizens, stakeholders, elected officials, and Delaware County staff in a process that will result in a Comprehensive and Strategic Action Plan (the “Plan”) that will provide guidance in stimulating economic development, utilizing federal and state funds effectively and efficiently, addressing critical infrastructure needs, and addressing the broader socio-economic issues within the County. Reviews of progress and updates to the Plan will occur, when necessary, with a more formal review and update occurring every five (5) to seven (7) years to maintain relevancy, consistency, and commitment.

### 5.1 KEY PRINCIPLES AND ELEMENTS

- **Graphics:** The selected vendor shall use visualization techniques that graphically and accurately depict pertinent information for each component of the Plan, including, but not limited to: branding, infographics, photographs, illustrations, and renderings. Easy to read and informative charts, graphs, and maps shall be used throughout the Plan. Graphics and coloring schemes shall be used as tools to distinguish important items as themes or goals throughout the Plan.
- **Historical Component:** An historical component will be included in the Plan, wherein the history of Delaware County and cultural context is relayed, and significant County policy changes are placed in historical context. A review of current and past planning efforts shall be included.
- **Defined Goals, Policies, and Actions:** The goals, policies, and actions that are identified through the Plan shall be clear, consistent, and identified through an attractive and recognizable schematic throughout the Plan.
- **Plan’s Accessibility and Length:** The Plan shall be written in a way that is accessible and understandable; the Plan will not be written for Planners but for the general public. The Plan will be concise but include all necessary components.
- **Public Engagement:** The Plan shall be developed with robust public engagement, ensuring those that often do not participate have opportunities to participate in the development of outcomes.

The engagement will include, to the best of vendor’s ability, some traditional methods of public engagement, such as surveys, and appropriately planned public meetings. In addition, public input will also employ innovative non-traditional digital and online engagement techniques, connecting to citizens where they are, examples of which include: outdoor community kiosks, online forums, a website, videos, social media, etc. The engagement will intentionally include and seek out citizens with unique perspectives, including youth, people facing economic barriers, people with disabilities, people for whom English is a second language, people of color, and seniors. The types and frequency of engagements, and the targeted constituencies, shall be quantified to ensure accountability and validity. The selected vendor will provide a Communication and Public Engagement Plan that will outline best practices for equitable, in-person, online, and text-enabled participation. The vendor will assist in the development of a toolkit to enable Planning staff to engage in outreach efforts with the public without the need for the vendor to be present at every meeting or event. The Public Engagement Plan and staff toolkit shall also include specific tools for engaging youth. Methods of outreach to solicit participation among various constituencies shall be specified.

- Future Needs: The Plan shall seek to educate and call out the need for additional planning efforts, if needed, including small area plans or other stand-alone plans.
- Environmental Protection: The Plan will recognize Delaware County’s efforts in resiliency and hazard mitigation, as well as outline future goals and actions necessary to maintain and improve the County’s natural resources and environmental health. A review of the Multi-Jurisdictional Hazard Mitigation Plan, NYC Department of Environmental Protection Bureau of Water Supply’s 2023-2033 Long Term Land Acquisition Plan, and the Emergency Action Plans for Cannonsville and Pepacton Dams will be included in this component. Delaware County’s vulnerability to natural disasters and extreme weather events shall be reviewed and future action steps for resiliency and mitigation shall be outlined.
- Tourism: The Plan shall seek to describe how tourism is projected to impact County needs and growth.
- Regionalism: The Plan’s geographical area will be Delaware County, but when possible and appropriate, the connection between the County, its municipalities, adjacent counties, and regional partners shall be emphasized. Special attention should be devoted to the differential needs and services available to communities throughout the County.

## 5.2 COMPONENTS

The Delaware County Planning Board has established the preliminary components of the Plan under this Scope of Work to serve as the guide for the Plan’s framework. The components will serve to direct the Plan’s development and potential partners are encouraged to suggest innovative additions/modifications to these components through explanation in the submitted proposal. Existing planning and policy documents for various components of the proposed Plan have been gathered and will be used to further synthesize and build upon the basis of current development policies and practices. *Please note that components may be added or removed as the planning process unfolds based on feedback from staff, the community, business and agency stakeholders, and elected officials.*

- **Executive Summary:** An executive summary that outlines the vision, detailed goals, and elements that are laid out in the Plan. The executive summary will be located within the Plan but may at times function as a stand-alone document.
- **Community Profile Development and Existing Conditions:** A history and review of current planning efforts, including an inventory, review, and analysis of existing policies and conditions. Demographic and population analysis using the most recent and reliable data available will be included. A comprehensive land use survey and database shall be prepared resulting in a parcel level current land use dataset that may be used to develop a future land use plan. A property inventory shall be created that identifies industrial, institutional, commercial, recreational, vacant, and residential land use. Topographic and natural feature maps (including steep slope/high elevation, protected ridge, floodplain, state forest, and conserved properties), and infrastructure maps (including public water, public sewer, natural gas, broadband) shall be included.

Within this section of the Plan, additional components will be addressed with a review of current plans, policies, and ordinances for each, and how each of these components should be considered in relation to the Plan. These components include:

- Economy and Industry
  - Tourism (including short-term rentals, other lodging)
  - Affordable Housing
  - Aging Population and other demographic trends and projections
  - Early Childhood/Youth Population Trends/Multigenerational Needs
  - County and Local Government Efficiency
  - Shared Municipal Services
  - Critical Facilities/Concurrency Management
  - Infrastructure
  - Renewable Energy
  - Hazard Mitigation/Resiliency
  - Emergency Management/Public Safety
  - Land Use/Development Trends/Future Land Use
  - Sustainability/Environmental/Conservation
  - Equity
  - Farmland/Food
  - Transportation
  - Parks/Greenways/Healthy Community
- **Visioning and Development of Goals, Policies, Actions:** The goals, policies, and actions shall be developed following significant public engagement. These items will help define the vision for Delaware County regarding future growth and development. A needs assessment will be developed that identifies gaps or conflicts between current ordinances or policies and recommended items.

A description of the pertinent public engagement activities should be provided in this section of the Plan. The types of outreach and number of participants should be included, as well as examples of insight and focus provided.

Within this component of the Plan, recommendations for implementation policies and actions shall be provided. These policies and actions should include benchmarks, priorities, and measures for accountability with specific targets and an implementation schedule. Implementation policies and actions shall take into consideration that the Plan will be used in the future as a guiding document for the County's strategic plans.

The future land use plan shall be provided and prepared using population projections and build-out scenarios of preferred land-use patterns. The build-out scenarios shall use projections of uses and infrastructure improvements projected and required. The impact of major development activities and master plans should be considered. This map should be created in a format that is compatible with Delaware County's current Geographical Information System (GIS).

An additional GIS database shall be created identifying areas of potential future growth and infrastructure needs required for this growth.

### 5.3 SERVICES ANTICIPATED

- 1) Meet with staff to review project scope and timeline.
- 2) Begin the process of data compilation, utilizing Delaware County staff resources to provide current plans and ordinances and access to current GIS data.
- 3) Develop procedure for compiling missing data (plans, GIS datasets, and other documents) and analyze data.
- 4) Meet with staff to develop plan for extensive public engagement and assist in its implementation.
- 5) Conduct meetings with the Delaware County Planning Board, other elected officials, and stakeholders, at a minimum of every ninety (90) days to obtain input and guidance and provide progress updates.
- 6) Conduct select meetings with the public.
- 7) Schedule periodic review meetings with staff on process and progress and make periodic reports to the County Planning Board.
- 8) Create materials for public meetings and media throughout the Plan development.
- 9) Develop goals, action steps, and benchmarks with an implementation schedule.
- 10) Complete needs assessment to identify policy and ordinance changes, priorities, and challenges.
- 11) Draft Plan, including written and graphic elements and submit for ongoing review and approval, following project schedule.
- 12) Prepare public draft of the Plan and present to the community.
- 13) Edit public draft, prepare final draft, and present to Delaware County Board of Supervisors.

## 5.4 DIVISION OF LABOR

The selected vendor will have ongoing access to Delaware County Planning Department staff who, in addition to their regular duties, are tasked with responding to vendor questions, providing available maps, data, and documents, and assisting the vendor with tasks related to the completion of the Scope of Work. Additional County staff from the Planning Department and other Departments will be made available when appropriate. It is the expectation of the County that County staff's time and existing resources will be utilized to control project costs.

## 5.5 TIMELINE

A preliminary timeline for the project is proposed in this RFP for general information purposes only and may be adjusted with input from the selected vendor during the contract development phase and is subject to change.

Task	Completion Date
RFP Selection Process	December 2023
Contract and Budget Approval	January 2024
Evaluate Existing Conditions	March 2024
Goal and Policy Formation	June 2024
Draft Goals and Policies and Obtain Public Input	October 2024
Draft the Plan	December 2024
Planning Board Review	February 2025
Board of Supervisors Review and Adoption	April 2025

## 5.6 FINAL DELIVERABLES

The vendor shall provide both a print-ready and a web-formatted copy best suited for online display of the complete Comprehensive and Strategic Action Plan. At the completion of the project the selected vendor shall provide to the Delaware County Planning Department digital copies of all data, photos, files, reports, and other documents collected and created during the planning process, in both static (PDF) and editable formats (ex: .jpg, .shp, .xlsx, .doc, etc.) when applicable.

## 5.7 AVAILABLE DOCUMENTS

The following documents are available in either digital or hard-copy form; requests for access to hard-copy documents may be made by email to [shelly.bennett@co.delaware.ny.us](mailto:shelly.bennett@co.delaware.ny.us):

- 2023-2033 Long-Term Land Acquisition Plan, NYC Dept of Environmental Protection
- 2022-2024 Community Health Assessment, Delaware County Department of Public Health
- 2021-2024 Comprehensive Community Needs Assessment, Delaware Opportunities
- 2016-2020 Delaware County Office for the Aging Needs Assessment
- 2018 Delaware County Agricultural Environmental Management Strategic Plan

- 2018 Delaware County Public Participation Plan – Final Draft
- 2016 Delaware County Agricultural and Farmland Protection Plan
- 2013 DMA 2000 Hazard Mitigation Plan Update – Delaware County, New York
- 2011 Coordinated Public Transportation Implementation Study
- 2010 Emergency Action Plans, Cannonsville and Pepacton Dams (hard copies only)
- 2009 NYC Watershed Economic Impact Assessment Report (hard copy only)
- 2008 NYC Watershed Economic Impact Interim Report
- 2004 Delaware County Comprehensive Emergency Management Plan

Additionally, several towns within Delaware County have developed town-specific comprehensive plans. Links to each town’s website can be found at <https://www.delcony.us/government/municipalities/>.

## 6.0 GENERAL TERMS AND CONDITIONS

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- 1. READ, REVIEW, AND COMPLY:** It shall be the vendor’s responsibility to read this entire document and any addenda and comply with all requirements specified herein, regardless of whether appearing in these instructions to vendors or elsewhere in this RFP document.
- 2. AVAILABILITY OF FUNDS:** Any and all payments to the contracted vendor shall be dependent upon and subject to the availability of funds to Delaware County for the purpose set forth in this RFP and resulting contract.
- 3. LATE PROPOSALS:** Delaware County is not responsible for any internal or external delivery delays that may cause any proposal to arrive after the stated due date. It shall be the vendor’s sole responsibility to ensure the timely submission of proposals.
- 4. ACCEPTANCE AND REJECTION:** Delaware County reserves the right to reject any and all proposals, to waive any informality in proposals, and, unless otherwise specified by the vendor, to accept any item in the proposal.
- 5. CONFLICT OF INTEREST:** Vendors must disclose with their proposals the name of any officer, director, or agent who is also an employee of Delaware County. All vendors must disclose the name of any County employee who owns, directly or indirectly, an interest of ten (10) percent or more in the firm or any of its subsidiaries or affiliates. There shall be no conflicts in existence during the term of any contract with the County. The existence of a conflict shall be grounds for termination of a contract.
- 6. INFORMATION AND DESCRIPTIVE LITERATURE:** As required elsewhere in this RFP, each vendor shall submit with its proposal any sketches, descriptive literature, and/or complete specifications covering the products and services offered. Reference to literature submitted with a previous proposal or available elsewhere will not satisfy this requirement. Failure to comply with this requirement shall constitute sufficient cause to reject a proposal without further consideration.
- 7. INDEMNIFICATION AND INSURANCE:** The vendor accepts and agrees that language in substantially the following form will be included in the contract between the vendor and Delaware County:

In addition to, and not in limitation of, the insurance requirements contained herein, the vendor agrees:

- a) That except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of Delaware County, the vendor shall indemnify and hold harmless the County, its officers, employees, and officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the vendor or third parties under the direction or control of the vendor; and,
- b) To provide defense for and defend, at its sole expense, any and all claims, demands, or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

Under execution of any contract between the vendor and the County, the vendor will be required to provide proof of the insurance customary for the delivery of technology and services, including commercial general liability, auto liability, and professional liability.

- 8. PAYMENT TERMS:** If a payment schedule is not part of the resulting contract, payment terms will be net 30 days after receipt of a correct invoice or acceptance of goods, whichever is later.
- 9. TAXES:** Delaware County is exempt from Federal Excise Tax, including the Federal Transportation Tax. Exemption certificates will be furnished upon request.
- 10. SUSTAINABILITY:** To support the sustainability efforts of New York State, Delaware County solicits vendors' cooperation in this effort. Pursuant to Executive Order 4 (2008), it is desirable that all print resources submitted meet the following:
  - a) All copies of the proposal are printed double-sided.
  - b) All submittals and copies are printed on recycled paper with a 100% post-consumer recycled content paper. Where paper with 100% post-consumer recycled content is not available or does not meet the required form, function and utility, paper procurements shall use post-consumer recycled content to the extent practicable.
  - c) Unless absolutely necessary, all proposals and copies should minimize or eliminate use of non-recyclable or non-reusable materials such as plastic report covers, plastic dividers, vinyl sleeves, and plastic combs/binding. Three-ringed binders, glued materials, paper clips, and staples are acceptable.
  - d) Materials should be submitted in a format that allows for easy removal, filing, and/or recycling of paper and binder materials. Use of oversized paper is strongly discouraged unless necessary for clarity or legibility.

**11. MINORITY/WOMEN BUSINESS ENTERPRISES AND SERVICE-DISABLED VETERAN-OWNED BUSINESSES:** Delaware County is committed to retaining vendors from diverse backgrounds and it invites and encourages participation in the procurement process by businesses owned by minorities, women, and service-disabled veterans. Delaware County encourages participation by vendors certified by New York Empire State Development and/or the State Office of General Services, Division of Service-Disabled Veterans' Business Development.

**12. DEBARMENT AND SUSPENSION:** A contract award shall not be entered into with parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the

federal guidelines that implement Executive Orders 12549 and 12689. SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

**13. INELIGIBLE VENDORS:** The following companies are ineligible to contract with the State of New York or local public authorities: a) any company identified as engaging in investment activities in Iran, as determined by appearing on the List of Entities Determined to be Non-Responsive Bidders/Offerors created by the Commissioner of General Services, pursuant to New York State Finance Law § 165-a and b) any company identified as engaged in a boycott of Israel as determined by appearing on the List of Institutions created by the Commissioner of General Services, pursuant to Executive Order No. 157. A contract with the Delaware County by any company identified in a) or b) above shall be void *ab initio*.

**14. CONFIDENTIAL INFORMATION:** The New York State Freedom of Information Law, as set forth in Public Officers Law, Article 6, Sections 84 et seq., mandates public access to government records. However, proposals submitted in response to this RFP may contain technical, financial background, or other data, public disclosure of which could cause substantial injury to the proposer’s competitive position or constitute a trade secret. A vendor who has a good faith belief that information submitted in its proposal is protected from disclosure under the New York Freedom of Information Law shall:

a) Insert the following notice in the front of the proposal:

**“NOTICE**

**The data on pages \_\_\_\_ of this proposal identified by an asterisk (\*) contains technical or financial information constituting trade secrets or information the disclosure of which would result in substantial injury to the vendor’s competitive position.**

**The vendor requests that such information be used only for the evaluation of the proposal but understands that any disclosure will be limited to the extent that the County considers proper under the law. If the County enters into an agreement with this vendor, the County shall have the right to use or disclose such information as provided in the agreement, unless otherwise obligated by law.”**

and

b) Clearly identify the pages of the proposal containing such information by typing in bold face on the top of each page **“\*THE VENDOR BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER STATE FREEDOM OF INFORMATION LAW.”**

Delaware County assumes no liability for disclosure of information so identified, provided that the County has made a good faith legal determination that the information is not protected from disclosure under applicable law or where disclosure is required to comply with an order or judgement of a court of competent jurisdiction.

The contents of the proposal that is accepted by the County, except portions “Protected from Disclosure”, may become part of any agreement resulting from this RFP.



- 15. INFORMAL COMMENTS:** Delaware County shall not be bound by informal explanations, instructions, or information given at any time by anyone on behalf of the County during the competitive process for this award. The County is bound only by information provided in writing in this RFP and any written addenda or published comments or answers to submitted questions.
- 16. COST FOR PROPOSAL PREPARATION:** Any costs incurred by the vendor in preparing or submitting a proposal are the vendor's sole responsibility. Delaware County will not reimburse any vendor for any costs incurred or associated with the preparation of proposals.
- 17. NON-DISCRIMINATION:** The vendor will take necessary action to comply with all Federal and State requirements concerning fair employment and concerning the treatment of all employees without regard to discrimination on the basis of any prohibited grounds, as defined by Federal and State law.
- 18. NO WAIVER:** Notwithstanding any other language or provision in a resulting contract, nothing herein is intended nor shall be interpreted as a waiver of any right or remedy otherwise available to Delaware County under applicable law. The waiver by the County of any right or remedy on any one occasion or instance shall not constitute or be interpreted as a waiver of that or any other right or remedy on any other occasion or instance.
- 19. ENTIRE AGREEMENT:** This RFP and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral or written statements or agreements. This RFP, any addenda hereto, and the vendor's proposal are incorporated herein by reference as though set forth verbatim.

All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive any resulting contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal and State statutes or limitations.

End of RFP Delaware County Comprehensive and Strategic Action Plan 2023