ANNOUNCEMENT

REQUEST FOR PROPOSALS

Port Richmond Waterfront & Graffiti Pier Planning Study

The Delaware River Waterfront Corporation (DRWC) is hereby seeking proposals from reputed, qualified and experienced firms for a comprehensive planning and design study of Pier 18 (also known as Graffiti Pier) and other areas of the Port Richmond waterfront.

Attached is information relating to submitting a proposal including specific requirements.

A pre-proposal meeting will be held on Thursday, June 13 at 2:00 pm at the DRWC offices at 121 N. Columbus Blvd. DRWC will accept all questions in writing (address to Karen Thompson at kthompson@drwc.org) until 4:30 pm on Friday, June 21. DRWC will post a written response to all questions on its web site by Wednesday, June 26, 2019.

Sealed proposals (ten hard copies; one CD/flash drive) must be received by Friday, July 12, 2019 at 12:00 P.M. EST. The proposal should be addressed to:

Karen Thompson, Director of Planning
Delaware River Waterfront Corporation
121 North Columbus Boulevard
Philadelphia, PA 19106

If you have any additional questions, please contact Ms. Thompson at: kthompson@drwc.org.
PROJECT BACKGROUND:

The Master Plan for the Central Delaware, a plan for the redevelopment and revitalization of six miles of Central Delaware River waterfront in Philadelphia, was released in October of 2011 and adopted by the Philadelphia City Planning Commission in March of 2012. This plan makes recommendations for a wide range of waterfront improvements including new development, open space, transportation networks, and programming. Both the full 300-page Master Plan as well as the 24-page Summary Report can be downloaded here: http://www.delawareriverwaterfront.com/planning/masterplan-for-the-central-delaware

Over the past eight years, the Delaware River Waterfront Corporation (DRWC) has been responsible for the implementation of the Master Plan. It has built new parks, trails, and connector street improvements including the Race Street Pier, Washington Avenue Pier, Pier 68, Spruce Street Harbor Park, and Cherry Street Pier all with the goal of providing a diverse range of places and activities to draw people to the waterfront. To date, the majority of DRWC’s improvements have been installed in the central and southern parts of its area.

The Port Richmond and Olde Richmond neighborhoods, at the far northern limits of DRWC's planning area, have been underserved when it comes to waterfront access. The majority of the two neighborhoods’ waterfront is almost entirely within the control of Conrail, a railroad company. Their property, which encompasses over 150 acres of land and water rights stretching between Cumberland Street and Allegheny Avenue, was a major logistical and industrial center for the city. This has left much of the land vacant and unused, though non-sanctioned uses have sprung up within it. In particular, Pier 18 at the southern end of the property has become an iconic outdoor street art gallery and top Instagram destination known as Graffiti Pier.

As Conrail has looked toward the future potential of the Port Richmond site, they determined that the time was right to transfer Graffiti Pier to an entity that could operate it as a public park. Early in 2019 they entered into a Memorandum of Understanding with DRWC which contains the terms and conditions by which Conrail and DRWC will explore a possible conveyance by Conrail to DRWC of an approximately 6 acre portion of Conrail’s property and support a public planning process for its future transformation.

The Port Richmond Waterfront & Graffiti Pier Planning Study is the result of years of advocacy work on the part of DRWC, community advocates, and many near neighbors. The opportunity to advance the concepts for a new and unique waterfront park that preserves and expands the cultural value of Graffiti Pier – concepts that were initially put forth in the Master Plan for the Central Delaware nearly a decade ago – has finally presented itself. The project site was studied heavily during that planning process, and many of the overarching goals of the efforts proposed for this project (creating better connections to the surrounding neighborhoods and preserving – to the extent possible - the street art at Graffiti Pier) are explicitly called out in the Master Plan. There is now an opportunity to create a meaningful, accessible, and beautiful public space on a section of the waterfront previously unavailable to the public.
for generations. Beyond creating transformational public access to the river for the adjacent neighborhoods, the potential to link the site to future trail infrastructure and the opportunity to preserve and expand the impact of Graffiti Pier as an artistic resource are all elements that might attract park visitors from outside the immediate neighborhood and create new partnerships between DRWC and other organizations doing trail development, artistic programming, and other efforts throughout the city.

PROJECT SCOPE

CONSULTANT QUALIFICATIONS:
It is anticipated that the selected consultant team will be multi-disciplinary and have strong qualifications in urban planning and design, landscape architecture, site and master planning, community engagement, civil and marine engineering, sustainable development and resiliency planning, and cost estimating.

PROJECT LIMITS:
The primary focus of the study will be for an approximately 6-acre site inclusive of Graffiti Pier (labeled in red in the graphic below), but the study should also consider the following, which are subject to Conrail’s approval and Conrail’s plans for future development of its property: (i) overall access to the waterfront areas located within a site roughly bounded by Cumberland Avenue to the south, Cambria Avenue to the north, I-95 to the west, and the Delaware River to the east (labeled in yellow in the graphic below), and (ii) potential development of a continuous trail (not to exceed 50 feet in width) along the Delaware River’s edge (labeled in green in the graphic below).
PROJECT OBJECTIVES:
This project will be a comprehensive planning process for improved public access to the Port Richmond waterfront, with specific consideration given to the development of a new public park at and around Graffiti Pier and, subject to Conrail’s approval and future development plans, the extension of the Delaware River Trail along the river’s edge beginning roughly at Cumberland Street. The resulting plan should be a community-supported vision for the future of this site that reflects its unique artistic and civic value and presents a clear and realistic path forward for its transformation.

Other goals for the project include:

- Improve access to and within the site: The selected team should focus on creating clear and safe connections from the adjacent neighborhoods while mitigating the impacts of highway and rail infrastructure as much as possible. The team will coordinate with Conrail regarding plans for future development to create a plan for multi-modal access to and circulation within the site.

- Incorporate best practices in sustainability and climate change resiliency: The selected team should also consider how the public realm design will play a role in the long-term resiliency of the waterfront and adjacent neighborhoods. The team should have demonstrated knowledge of best practices in urban waterfront design for resiliency, stormwater management, and an understanding of current scientific information on flood plains, climate change, and sea level rise. The resulting conceptual plans should include methods for ensuring structural stability of the bulkheads and piers and for meeting or exceeding environmental and sustainability standards set by regulatory authorities and identify specific opportunities for managing storm
water runoff, minimizing impervious surface coverage, and preparing for climate change through additional resiliency measures.

- Ensure community buy-in: The selected team will conduct a robust community engagement effort, reaching a wide and diverse group of Philadelphians including near neighbors and current and potential users of the waterfront public space with the goal of creating sense of ownership and stewardship among community members for the future transformation of the space. The process should respect the relationship that many community members, particularly artists, photographers, and other urban explorers, have developed with Graffiti Pier and provide meaningful opportunities for them to guide the design that will build toward future programming.

Along with the site planning and public process, DRWC expects the project to result in significant technical analysis that will help ensure that the next phase of design and construction can proceed smoothly. This project will supplement the environmental and geotechnical data that Conrail has undertaken with an analysis of the pier structures and bulkhead by a marine engineering firm to determine what their current state of repair is and what level of effort would be required to bring some or all of them into public use.

Finally, DRWC will look to the consultant team to consider strategies for implementation. This will include developing high-level cost estimates and anticipated timelines for remaining design phases, construction, and long-term maintenance. It may also include developing potential phasing options and ideas for interim uses of the site that would allow for some form of public access and programming at the site prior to construction completion.

**Project Evaluation**

DRWC is very interested in using data to inform the recommendations of this planning project as well as measure the impacts as recommendations and designs are implemented. The selected consultant team should be prepared to identify, gather, and analyze both quantitative and qualitative data that reflects the current conditions in the area. The design plans should also be complemented by a robust set of data points regarding the environmental and physical conditions of the river and pier structures that can be used as a baseline against which to measure future improvements and include future data collection needs and strategies to advance the recommendations in the study.

**Agency Coordination & Community Engagement**

In order to ensure this planning study results in viable and implementable design, the consultant team will need to continue the tradition of agency, stakeholder, and community engagement established in the Master Plan for the Central Delaware and DRWC’s subsequent projects and initiatives.

**Agency and Stakeholder Engagement**

The agencies and stakeholders that should be engaged may include, but are not limited to, the following:

- Conrail
- PennDOT
• SEPTA
• City of Philadelphia Streets Department
• City of Philadelphia Office of Transportation and Infrastructure Systems
• City of Philadelphia Water Department
• City of Philadelphia Licenses and Inspections
• Philadelphia City Planning Commission
• United States Army Corps of Engineers
• Pennsylvania Department of Environmental Protection
• Delaware Valley Regional Planning Commission
• New Kensington CDC
• Rails to Trails

COMMUNITY ENGAGEMENT AND PUBLIC OUTREACH
DRWC includes civic engagement and participation as a critical element of all planning, design, and construction projects. Beyond the regulatory agencies and stakeholders, it is vitally important that this work is done transparently and with the full participation and engagement of the surrounding neighborhoods (including Olde Richmond Civic Association (ORCA), Port Richmond On Patrol and Civic (ProPac) and the Central Delaware Advocacy Group (CDAG)) and other constituents. The selected team, in coordination with DRWC, will produce a robust and creative outreach effort that engages the nearby residents and other interested community members in a meaningful visioning process for the site. This will likely involve a range of types of engagement including traditional public meetings and online and social media efforts, but also more creative approaches that reach groups traditionally left out of public planning processes and those currently using Graffiti Pier in non-harmful but illegal ways. As there is no one, organized constituency that represents the interests of the site for the greater community, the engagement efforts must focus on building a group of future stakeholders. Respondents to this RFP are encouraged to include additional public outreach methodologies in their proposals, as DRWC is interested in complementing the traditional forms of community engagement with new and innovative means of reaching a broad range of current and potential users of the space.

DELIVERABLES:
At a minimum, the final deliverable will be a final report that includes the following:

• Summary of existing site conditions, including relevant environmental and geotechnical data, floodplain information, and surveys and inspection reports for the piers and bulkheads
• Conceptual site plan(s) and renderings showing a new public park and improvements to the site’s accessibility (internal site circulation and external points of entry for pedestrians, cyclists, and transit users) and environmental footprint
• Summary of public and stakeholder outreach effort undertaken and feedback received
• Cost estimates for final design and construction
• Recommendations for interim access and design implementation
MAINTENANCE PLAN
In addition to design deliverables, the selected team will be expected to consider long-term maintenance of the public realm in its design and, to the extent possible, provide DRWC with a recommendations for how long-term maintenance considerations should be incorporated into the final design of the public space.

PROJECT MANAGEMENT:
This project will be managed by DRWC, a 501(c)(3) nonprofit organization, and overseen by the Planning Committee of the DRWC Board of Directors. DRWC may assign an independent consultant project manager to work with the selected firm to act on their behalf in day-to-day management of and interaction with the selected firm, assist with the review and approval process, and provide additional support as-needed.

PROJECT SCHEDULE:

Consultant Selection Schedule:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/4/2019</td>
<td>Request for Proposals released</td>
</tr>
<tr>
<td>6/13/2019</td>
<td>Pre-Proposal Meeting</td>
</tr>
<tr>
<td>6/21/2019</td>
<td>Questions due to DRWC in writing</td>
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<tr>
<td></td>
<td>(email only to <a href="mailto:kthompson@drwc.org">kthompson@drwc.org</a>)</td>
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<tr>
<td></td>
<td>by 4:30 pm</td>
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<tr>
<td>6/26/2019</td>
<td>DRWC to post answers to questions</td>
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<tr>
<td></td>
<td>online by 5:00 pm</td>
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<tr>
<td>7/12/2019</td>
<td>Proposals due to DRWC by 12:00 pm</td>
</tr>
<tr>
<td>Week of 7/15/2019 or 7/22/2019</td>
<td>Interviews with short-listed firms</td>
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DRWC anticipates a twelve-month planning process. Proposals should include a more detailed proposed schedule for work, as described below in the Submittal Contents and Requirements section.

FEE
DRWC anticipates a maximum project budget of $275,000. Fee proposals should be broken down by deliverable, and include reimbursable expenses.

SUBMITTAL CONTENTS AND REQUIREMENTS

1. **Letter of Transmittal** including:
   - A statement indicating your understanding of the work to be performed;
• An affirmation of the firm's qualifications for professionally and expertly conducting the work as understood;

• The firm’s contact person concerning the proposal and a telephone number and email where that person can be reached.

• Complete itemized summary of services to be provided and their costs.

2. **Qualifications** including professional practice, areas of specialization, practice philosophy, and project/client mix as well as examples of a minimum of three (3) projects conducted by the firm of a similar scope. Please disclose any professional engagements, relationship, conflicts of interest or potential conflicts of interest with developers of projects, their contractors, subcontractors and consultants that might impact the project, both as it relates to design and construction.

3. **Project Understanding and Approach:**

   The proposal must include a project vision and a detailed description of the procedures and methods you propose to use to complete this scope of work.

4. **Project Team**, including:
   • Team organization/organization chart
   • Services to be provided by each team member
   • Technical resources
   • Key principal, project, technical, and support personnel with resumes showing experience with similar projects
   • Statement regarding proposed Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE"), and Disabled Business Enterprises ("DSBE") participation

5. **References**

   List three references for the prime consultant indicating project names, firm’s role, total design fee, start and completion dates, and full client contact info (including telephone and email).

6. **Fees:** Submit Fee Proposal which includes the following:
   • Lump sum cost proposal
   • Breakdown of fee by firm, indicating M/W/DBE firm where applicable
   • Allowance for reimbursable expenses
   • Hourly rate schedule for additional services

7. **Schedule:**
A detailed project work schedule should be provided which includes time frames for each major work element, target dates for agency and public meetings, and dates for completion of draft and final documents.

8. **Administrative Forms**: The following forms, found on the DRWC website RFP page must be filled out and submitted by all individuals and/or firms, including sub-consultants:
   a. Campaign Contribution Disclosure Forms
   b. DRWC Conflict of Interest Form
   c. Solicitation for Participation and Commitment Form

Sealed proposals (ten hard copies; one CD or flash/jump drive), must be received by Friday, July 12, 2019 at 12:00 P.M. EST. Proposals should be addressed to:

Karen Thompson
Director of Planning
Delaware River Waterfront Corporation
121 North Columbus Boulevard
Philadelphia, PA 19106

**SELECTION PROCESS**

DRWC will review the proposals and reserves the right to ask for more information or additional questions of one or more respondents. DRWC also may consult other agencies and stakeholders for feedback on the responses to this RFP. Interviews of short-listed firms will be conducted either the week of July 15 or July 22, 2019 by members of DRWC’s staff and Board of Directors. DRWC’s Board of Directors will make the final decision and award a contract. The staff of the DRWC will finalize the scope of work and execute a contract, in a form satisfactory to both parties.

DRWC encourages the response and inclusion of Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE"), and Disabled Business Enterprises ("DSBE") (collectively, "M/W/DSBE") in its contracts. The goal of DRWC is to ensure that all businesses desiring to do business with DRWC have an equal opportunity to compete by creating access to DRWC's contract opportunities by M/W/DSBEs and meaningfully increasing opportunities for the participation by M/W/DSBEs in DRWC’s contracts at all tiers of contracting.

Respondents to this RFP should provide a description of any efforts it has made within its company and proposal which will help DRWC achieve these goals. These efforts may include, but are not limited to the following:

1. A description of respondents written diversity program identifying the race, gender and ethnic composition of its board of directors
2. Firm employment profile
3. A list of all M/W/DSBE vendors that the respondent does business with and a statement of the geographic area(s) where its services are most concentrated
4. A description of the respondent’s efforts to maintain a diverse workforce, to maintain a diverse board of directors or administer a fair and effective M/W/DSBE contracting process.

Respondents should fill out and attach the Solicitation for Participation and Commitment Form, found on the DRWC website RFP page, for any M/W/DSBE firms that will be working on the project.

RESERVATION OF RIGHTS AND SELECTION CRITERIA

RESERVATION OF RIGHTS:
The DRWC reserves and in its sole discretion may, but shall not be required to, exercise the following rights and options with respect to the proposal submission, evaluation and selection process under this RFP:

(a) To reject any proposals if, in the DRWC’s sole discretion, the proposal is incomplete, the proposal is not responsive to the requirements of this RFP, the respondent does not meet the qualifications set forth in the RFP, or it is otherwise in the DRWC’s best interest to do so;

(b) To supplement, amend, substitute or otherwise modify this RFP at any time prior to selection of one or more respondents for negotiation and to cancel this RFP with or without issuing another RFP;

(c) To accept or reject any or all of the items in any proposal and award the contract(s) in whole or in part if it is deemed in the DRWC’s best interest to do so;

(d) To reject the proposal of any respondent that, in the DRWC’s sole judgment, has been delinquent or unfaithful in the performance of any contract with the DRWC or with others, is financially or technically incapable or is otherwise not a responsible respondent;

(e) To reject as informal, non-responsive, or otherwise non-compliant with the requirements of this RFP any proposal which, in the DRWC’s sole judgment, is incomplete, is not in conformity with applicable law, is conditioned in any way that is unacceptable to the DRWC, deviates from this RFP and its requirements, contains erasures, ambiguities, or alterations, or proposes or requires items of work not called for by this RFP;

(f) To waive any informality, defect, non-responsiveness and/or deviation from this RFP and its requirements that is not, in the DRWC’s sole judgment, material to the proposal;

(g) To permit or reject at the DRWC’s sole discretion, amendments (including information inadvertently omitted), modifications, alterations and/or corrections of proposals by some or all of the respondents following proposal submission;

(h) To request that some or all of the respondents modify proposals based upon the DRWC’s review and evaluation;
(i) To request additional or clarifying information or more detailed information from any respondent at any time, before or after proposal submission, including information inadvertently omitted by the respondent;

(j) To inspect and otherwise investigate projects performed by the respondent, whether or not referenced in the proposal, with or without the consent of or notice to the respondent;

(k) To conduct such investigations with respect to the financial, technical, and other qualifications of each respondent as the DRWC, in its sole discretion, deems necessary or appropriate; and

(l) To waive and/or amend any of the factors identified in the RFP as pertaining to the respondent’s qualifications.

CONTRACT NEGOTIATION AND AWARD:
The DRWC reserves and in its sole discretion may, but shall not be required to, exercise the following rights and options with respect to the contract negotiation and award process resulting from this RFP:

The DRWC reserves the right to enter into post-submission negotiations and discussions with any one or more respondents regarding price, scope of services, and/or any other term of their proposals, and such other contractual terms as the DRWC may require, at any time prior to execution of a final contract. The DRWC may, at its sole election, enter into simultaneous, competitive negotiations with multiple respondents or negotiate with individual respondents seriatim. Negotiations with respondents may result in the enlargement or reduction of the scope of services, or changes in other terms that are material to the RFP and the submitted proposals. In such event, the DRWC shall not be obligated to inform other respondents of the changes, or to permit them to revise their proposals in light thereof, unless the DRWC, in its sole discretion, determines that doing so is in the DRWC’s best interest.

In the event negotiations with any respondent(s) are not satisfactory to the DRWC, the DRWC reserves the right to discontinue such negotiations at any time; to enter into or continue negotiations with other respondents; to enter into negotiations with firms that did not respond to this RFP and/or to solicit new proposals from firms that did not respond to this RFP, including but not limited to negotiations or proposals for components of the System, if any, that are deleted by the DRWC from the successful proposal or the contract resulting from it. The DRWC reserves the right not to enter into any contract with any respondent, with or without re-issue of the RFP, if the DRWC determines that such is in the DRWC’s best interest.

PROPOSAL EVALUATION:
Proposals that the DRWC determines, in its sole discretion, are responsive to the RFP will be reviewed by a selection committee designated by the DRWC. The DRWC, in its sole discretion, may require any respondent to make one or more presentations of its proposal to the selection committee, in DRWC offices, at no cost to the DRWC, addressing its ability to satisfy the requirements of this RFP. The DRWC shall not be required, however, to permit any respondent to make such a demonstration.

Cost to the DRWC is a material factor, but not the sole or necessarily the determining factor in proposal evaluation. The DRWC may, in its sole discretion, award a contract resulting from this RFP to a person or
entity other than the responsible and qualified respondent submitting the lowest price. The contract will be awarded to the respondent whose proposal the DRWC determines, in its sole discretion, is the most advantageous to the DRWC and in the DRWC’s best interest. Proposals will be further subject to Conrail’s approval.

The DRWC, in its sole discretion, may, but shall not be required to, reject without further consideration the proposal of any respondent that has not demonstrated, in the DRWC’s sole judgment, that it satisfies the qualifications criteria provided in the RFP. The DRWC reserves the right, in its sole discretion and without notice to respondents, to modify this evaluation procedure as it may deem to be in the DRWC’s interest.

Evaluation factors to be considered by the DRWC include, but are not limited to, the following (no particular order of importance, weighting, or other priority is assigned to these factors or reflected by their order in the list):

(a) Project understanding and soundness of proposed project methodology, including but not limited to the detail and accuracy of the proposed scope and statement of work and implementation plan

(b) The respondent’s financial and technical qualifications to perform the work required by the RFP, as presented in its proposal and determined by any other investigations conducted or information obtained by the DRWC

(c) References provided by the respondent, particularly from projects of similar complexity and scope;

(d) Commitment and ability to complete the project and secure any necessary approvals within a reasonable time frame

(e) Superior ability or capacity to meet particular requirements of contract and needs of the DRWC and those it serves

(f) Superior prior experience of applicant and staff

(g) Superior quality, efficiency and fitness of proposed solution for the DRWC

(h) Superior skill and reputation, including timeliness and demonstrable results

(i) Administrative and operational efficiency, requiring less DRWC oversight and administration

(j) Anticipated long-term effectiveness

(k) Meets qualification/prequalification requirements as set forth in this RFP

(l) Inclusion of M/W/DSBE participation as prime contractors, subcontractors, joint venture partners and employees in respondent’s proposal;

(m) Any other factors the DRWC considers relevant to the evaluation of the proposal.
CONFIDENTIALITY, RESPONSIBILITY, AND DISCLOSURE RULES

CONFIDENTIALITY AND PUBLIC DISCLOSURE:
The successful applicant shall treat all information obtained from DRWC which is not generally available to the public as confidential and proprietary to DRWC. The successful applicant shall exercise all reasonable precautions to prevent any information derived from such sources from being disclosed to any other person. The successful applicant agrees to indemnify and hold harmless DRWC, Conrail and their respective agents, officials and employees, from and against all liability, demands, claims, suits, losses, damages, causes of action, fines and judgments (including attorney’s fees) resulting from any use or disclosure of such confidential and/or proprietary information by the successful applicant or any person acquiring such information, directly or indirectly, from the successful applicant or through this RFP process.

By submission of a proposal, applicants acknowledge and agree that DRWC is subject to state and local disclosure laws and, as such, are legally obligated to disclose public documents, including proposals, to the extent required hereunder. Without limiting the foregoing sentence, DRWC’s legal obligations shall not be limited or expanded in any way by an applicant’s assertion of confidentiality and/or proprietary data.

PRIME PROVIDER/CONTRACTOR RESPONSIBILITY:
The selected applicant will be required to assume responsibility for all services described in their proposals whether or not they provide the services directly. DRWC will consider the selected applicant as the sole point of contact with regard to contractual matters.

DISCLOSURE OF PROPOSAL CONTENTS:
Subject to the public disclosure requirements stated above, cost and price information provided in proposals will be held in confidence and will not be revealed or discussed with competitors. All material submitted as part of the RFP process becomes the property of DRWC and will only be returned at DRWC’s option. Proposals submitted to DRWC may be reviewed and evaluated by any person other than competing vendors. DRWC retains the right to use any/all ideas presented in any reply to this RFP. Selection or rejection of a proposal does not affect this right.

NON-DISCRIMINATION:
The successful vendor, as a condition of accepting and executing a contract with DRWC through this RFP, agree to comply with all relevant sections of the Civil Rights Act of 1964, the Pennsylvania Human Relations Act, Section 504 of the Federal Rehabilitation Act of 1973, and the Americans with Disabilities Act, hereby assuring that:

The provider agency does not and will not discriminate against any person because of race, color, religious creed, ancestry, national origin, age, sex, sexual orientation, handicap or disability in providing services, programs or employment or in its relationship with other provider contractors.
MISCELLANEOUS:

DRWC reaffirms its right to make any selection it deems prudent, and responding firms or individual participants acknowledge through their participation that such selection is not subject to protest or contest.

The successful applicant selected will perform a variety of duties as agreed upon in the final negotiated contract. The selected applicant and DRWC will finalize the contract terms and conditions. If DRWC and the selected applicant are unable to agree on terms and conditions, DRWC may exercise its right to negotiate with other eligible vendors.