



**Request for Qualifications (RFQ):**  
**Hendersonville Road Corridor Study**

To: All Interested Parties

Date: July 3, 2019

**I. GENERAL INFORMATION AND BACKGROUND**

Land of Sky Regional Council (“the Council”) is requesting the submission of Statement of Qualifications for Engineering and Planning firms to provide professional planning and transportation analysis for the Hendersonville Road Corridor Study located in Asheville, NC. This study was funded with MPO PL funds, with local matches provided from Buncombe County and the City of Asheville, and was included as a line item in the French Broad River MPO Unified Planning Work Program for FY 2019/20 and is expected to be carried out over multiple fiscal years. The project QBS (Qualification Based Selection) process will be utilized, in accordance with NC General Statute 143-64.31, to determine a qualified firm to complete professional services for the project. Submission by a firm to this RFQ does not mean that the firm will be awarded a contract for this project. The Council is seeking a firm whose combination of experience and expertise will provide timely, cost-effective and quality driven professional services to the Council and its stakeholders.

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**II. RFQ SCHEDULE AND STATEMENT OF QUALIFICATION FORMAT**

Advertise Request for Qualifications RFQ	July 3, 2019
All Inquiries/Questions Due:	July 26, 2019
Statement of Qualifications (SOQ) Due:	August 9, 2019
Evaluation & Selection of Firm	August/September 2019

Responses: Statements of Qualifications shall be submitted electronically by email to the following contact:

**MAILING ADDRESS:**

ATTN: Tristan Winkler  
[tristan@landofsky.org](mailto:tristan@landofsky.org)  
FBRMPO/Land of Sky Regional Council  
339 New Leicester Hwy, Ste 140  
Asheville, NC 28806

Questions related to this RFQ should be directed to Erica Anderson, [erica@landofsky.org](mailto:erica@landofsky.org) or by phone 828-251-7442 no later than July 26, 2019.

**Format:**

Interested firms with relevant experience and qualifications should submit an electronic copy of their Statement of Qualifications (SOQ) via email or by submitting the proposal on a flash drive or through a sharepoint folder link (if over 20 Mb).

Any addendums to this RFQ will be posted within 48 hours of submittal deadline and will be posted at: <http://www.landofsky.org/rfp.html>

It is the responsibility of all firms submitting qualifications to check this website for any addendums prior to submission. No questions will be answered within 7 days of submittal.

Each Firm is solely responsible for the timely delivery of its proposal.

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### **III. PROJECT DESCRIPTION**

#### **Overview**

It is the intent of the Land of Sky Regional Council to contract with an engineering and/or planning firm for professional services. The services required will be for the analysis, planning, public engagement, and project administration of the Hendersonville Road Corridor Study.

Any firm wishing to be considered must be properly registered and licensed within the state of North Carolina and have good ethical and professional standing. Pre-qualification with North Carolina Department of Transportation will be required prior to the final contract and budget approval.

#### **Purpose**

The purpose of the study is to analyze multimodal transportation mobility and changing land use context on US 25 (Hendersonville Road) from the Rock Hill Road to NC 280 (Airport Road)/US 25A (Sweeten Creek Road.) This study will consider a range of solutions and recommendations for improvements to accommodate all transportation modes including automobiles, bicycles, pedestrians, and transit, as well as land use and other local policy recommendations to enhance future redevelopment.

#### **Study Location**

Buncombe County is one of the fastest growing counties in North Carolina with a population of 238,318 (2017 Population Estimate.) Buncombe County is part of the Asheville MSA (which includes Buncombe, Haywood Henderson and Madison Counties), with a population estimate of 441,724. The Hendersonville Road corridor is a 5.4 mile corridor, generally in a five-lane configuration with sidewalks in some sections and fixed-route transit service throughout the corridor. The corridor is an essential north-south arterial that has seen extensive growth over the last few decades and, with it, increased congestion. As Buncombe County continues to grow, more development along the corridor is expected. The corridor also runs roughly parallel to I-26 with interchanges at NC 280 and NC 146.

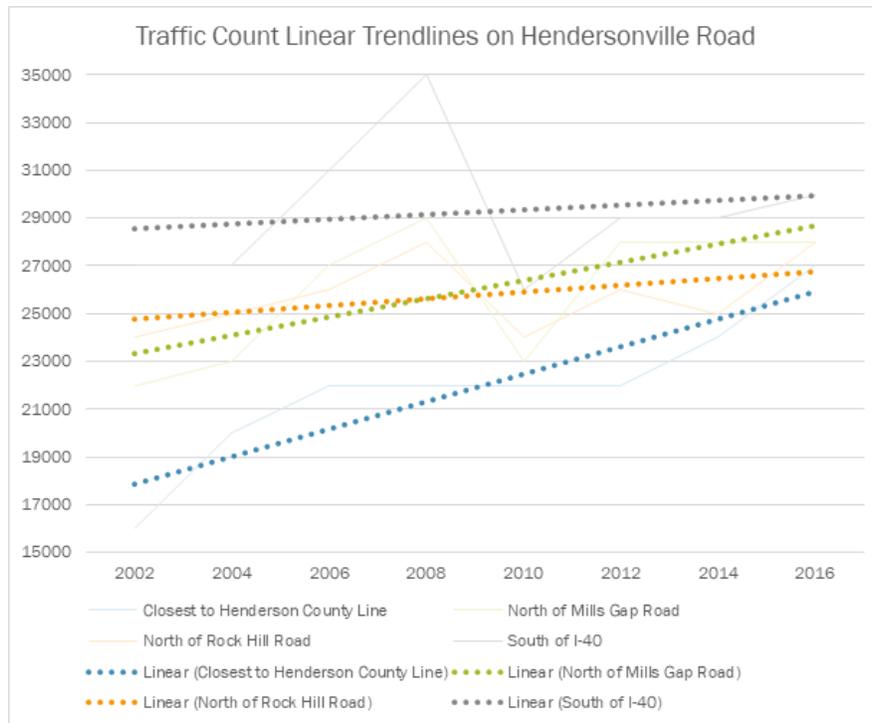
The corridor intersects with three jurisdictions: Buncombe County, the City of Asheville, and the Town of Biltmore Forest. Coordinating and collecting input from each jurisdiction will be an important part of the study.



The French Broad River MPO Comprehensive Transportation Plan has identified the need for an access management project along at least part of the corridor. However, due to local concerns about the impact of an access management project, no project has advanced in the planning process at this time. A variety of transportation improvements other than access management may be warranted. This corridor study is expected to further study potential improvements that could improve travel on the corridor, generate multiple opportunities for public and stakeholder outreach, create a vision for the future of the corridor, and identify the infrastructure and policy changes that might be needed.

A major challenge for this corridor is reconciling the changing function of Hendersonville Road in several parts of the study area. The land use context along the corridor has changed significantly over the last few decades with numerous new retail and multi-family residential projects being developed. What was formerly just a north-south arterial is now seeing an increased demand for access to adjacent,

developing properties. The French Broad River MPO, the City of Asheville, and Buncombe County are interested in analyzing the land use context and potential for redevelopment to develop clear policy recommendations for local governments to enact.



A major defining feature of the corridor is its relative lack of connectivity. I-26 and US 25-Alt (Sweeten Creek Road) run roughly parallel to Hendersonville Road, but few connections exist between the routes. Many developments along the corridor are often dead ends or provide limited connections to other routes. The corridor is also served by two fixed transit routes (S3 & S6) that run on 90-minute headways.

In addition to a prioritized list of transportation improvement recommendations, the study is expected to generate:

- 1) A future vision for this corridor;
- 2) Identification of activity/development nodes which are likely to become more dense and pedestrian-friendly in the future; and
- 3) Recommendations for local policy changes and other non-infrastructure improvements such as any civic engagement or marketing initiatives which could help move Hendersonville Road towards becoming a more vibrant, commercially viable corridor with a mix of uses that support a residential population as well as serving visitors throughout the day.

The following documents should serve as a guide and provide additional background information for this study:

- Buncombe County Land Use Plan (2013): <https://www.buncombecounty.org/common/planning/land-use-plan-update-2013.pdf>
- Buncombe County Sustainability Plan (2017, Update): <https://www.buncombecounty.org/common/planning/sustainability-plan-update-2017.pdf>

- City of Asheville Comprehensive Plan: <http://online.flippingbook.com/view/106269/>
- Asheville in Motion Plan:  
<https://www.ashevillenc.gov/civicax/filebank/blobdload.aspx?BlobID=22784>
- City of Asheville Comprehensive Bicycle Plan
- City of Asheville Pedestrian Thoroughfare Plan  
<https://www.ashevillenc.gov/departments/transport/bicycle.htm#2005pedplan>
- Swannanoa River Greenway Phase 1 and Phase 2—study currently underway, more info at  
<https://www.ashevillenc.gov/departments/transport/greenways.htm>
- ART Transit Master Plan  
<https://www.ashevillenc.gov/civica/filebank/blobdload.aspx?BlobID=31151>
- French Broad River MPO Congestion Management Process (November 2018)  
[http://fbrmpo.org/wp-content/uploads/2018/10/DraftCMP\\_2018-1.pdf](http://fbrmpo.org/wp-content/uploads/2018/10/DraftCMP_2018-1.pdf)
- NCDOT Complete Streets Policy
- NCDOT Vision Zero Resolution
- Blue Ridge Bicycle Plan <http://www.landofsky.org/brbp.html>
- Any updates to those plans that might take place during the study period

### **Expected Outcome**

This study will consider a range of possible transportation improvements to Hendersonville Road and improvements to the nearby transportation network to alleviate and improve the Hendersonville Road corridor. Project considerations may include, but not to be limited to, access management, improvements to adjacent and nearby roadways, improved bicycle and pedestrian accommodations, transit prioritization, intersection improvements including realignment and turn lane configuration changes, and ITS and signal retiming and coordination. In addition, the corridor study will explore redevelopment potential along the corridor and will include local policy change recommendations in addition to transportation infrastructure recommendations. The proposed solutions should be consistent with City of Asheville, Buncombe County, and NCDOT plans and policies.

## **IV. PRELIMINARY SCOPE OF WORK**

### **Project Scope & Tasks**

This corridor study is expected to include the following elements:

- 1) Project management, including interfacing with the French Broad River MPO staff and the Study Steering Committee, presentations to FBRMPO Board and committees, quarterly reports and draft documents
- 2) Public Participation to engage the public and local stakeholders in a conversation about the future of the corridor and improvements needed
  - a) At least three public input meetings or workshops at different stages in the process
  - b) Focus groups or small group discussions are encouraged
  - c) A design Charrette may be included as one of the public participation workshop options, but not required
- 3) Real Estate and Demographic Analysis (including Demographic Characteristics, Real Estate Market Trends, Future Real Estate Demand, transportation improvements needed to support emerging redevelopment trends and city goals)
- 4) Land Use and Urban Design Analysis including review of previous studies, identification of activity nodes/centers where redevelopment at higher densities is likely to occur
- 5) Transportation analysis:

- a) Data collection on current conditions and deficiencies to include but not limited to the following categories:
  - Average Daily Traffic
  - Intersection Turning Movement Counts
  - Peak Hour Analysis
  - Bicycle and Pedestrian Counts
  - Traffic Forecasts
  - Transit System Data (existing and future)
  - Crash History for All Modes
  - Land Use Data
  - Operational Characteristics
  - Review of Previous Studies
  - Existing conditions including location of driveways and utilities.
  
- b) Transportation data analysis, to include but not limited to the following:
  - Detailed traffic analysis and traffic simulation as might be needed for specific segments or intersections
  - Crash Analysis
  - Multimodal Level of Service (MMLOS) analysis of proposed recommendations
  - Traffic Operations Analysis, including:
    - Asheville Mall access and operations
    - Access to and from I-240 interchanges along the corridor
    - Transit Operations
  
- 6) Implementation plan
  - a) Short-term and long-term transportation/infrastructure recommendations, to potentially include but not limited to the following elements:
    - Road Diet or Lane Diet
    - Operational Changes
    - Turning Lanes
    - Intersection realignments
    - Widening improvements in strategic locations if warranted
    - Access Management Including medians, driveway consolidation, frontage/backage roads, new roadways to be created as part of large parcel redevelopment
    - ITS/signal timing improvements
    - Protected or buffered bicycle lanes (one-way or two-way)
    - Standard bicycle lanes
    - Climbing Lanes and sharrows
    - Sidewalk Improvements
    - Transit stop improvements and transit signal priority
  
  - b) Typical cross-sections and functional designs for proposed improvements, with consideration for the location of driveways, overhead utilities, stormwater facilities, physical constraints and other factors in a manner sufficient to deliver preliminary designs and cost estimates for the proposed improvements.
  
  - c) For transportation and infrastructure solutions, provide segmentation/phasing recommendations and preliminary cost estimates by segment/project phase to help inform future applications for funding through the STI/SPOT Prioritization process and for other grant funding sources.
  
  - d) Local policy changes recommendations including land use/zoning

- e) Marketing, housing, other local initiative recommendations

## **V. STAKEHOLDER AND PUBLIC INVOLVEMENT EXPECTATIONS**

In addition to interaction with the study Steering Committee, the consultant is expected to lead an engagement process with community stakeholders, with a primary emphasis on businesses and residents that would be directly impacted by changes to the transportation corridor. In addition, the consultant team is expected to coordinate public input schedule with the City of Asheville Planning Department to allow the City staff to undertake related small area planning in parallel with the corridor study. Some of the primary stakeholders include:

- FBRMPO
- City of Asheville (Transportation Department and Planning and Urban Design Department)
- Buncombe County (Planning Department and Parks and Recreation Department)
- NCDOT Division 13
- NCDOT Transportation Planning Branch
- Buncombe County Emergency Management
- ART (City Transit System)
- Adjacent Neighborhoods
- Asheville Multimodal Transportation Committee
- Asheville on Bikes

In addition to outreach and meetings with stakeholder groups and meeting with the Steering Committee, it is anticipated that the study will include two to three general public meetings, as well as four presentations to public officials groups such as the FBRMPO Board and TCC. A presentation for one City of Asheville committee or Council meeting and one Buncombe County Board of Commissioners or Planning Board meeting will be expected. The consultant will serve as the lead in these sessions.

## **VI. DELIVERABLES**

The primary deliverable for this study will be a report with maps, data, and recommendations for proposed improvements and policy changes, including functional designs and cost estimates by segment/phase for recommended transportation improvements. Secondary deliverables may include presentation materials, traffic simulation, maps, and graphics.

Specific deliverables of the report and presentations may include, but are not limited to the following:

- Data Analysis
- Project Alternatives
- Cost Estimates for Project Alternatives
- Typical Cross-Sections
- Functional Plans
- Feasibility Analysis
- Supportive Land Use Recommendations
- Policy Recommendations Chapter

It should be reiterated that the analysis and recommendations should align with community goals, plans, and policies and the report should refer to relevant documents and use these as a framework for

discussions in the report, in particular the city's Comprehensive Plan that identifies the vision of corridors that will transition from suburban to urban forms of development. Consultants will work with key representatives of Land of Sky Regional Council/FBRMPO staff throughout all phases of project development.

The anticipated schedule of this project is as follows:

May 2019:	Finalizing scope and budget in coordination with NCDOT Audit Office
Summer/Fall of 2019:	Contract signed, begin public input process, data collection/analysis
Fall 2019:	Concept development and Alternatives Analysis
Winter 2019-2020:	Preferred alternative and refinement
Spring 2020:	Final recommendations and final report

## **VII. CONTENT REQUIREMENTS FOR THE STATEMENT of QUALIFICATIONS**

### **General Information:**

Provide the name of the Project Manager with email address and phone number.

### **Prime Firm Experience and Qualifications:**

Describe the Firm's unique qualifications as they pertain to this type of work. Include a description of the firm including in-house capabilities and any outsourcing services anticipated. Information should include firm history, names and credentials of principal officers of the firm, location of home and branch offices, honors and awards (if any) and areas of specialization (if any).

### **Key Team Professionals:**

Provide an organizational chart of the design team listing the key members of the team that would be directly involved in the project and what role they would perform. The final composition of the team that is engaged to complete the project may vary from the proposed team depending upon what services are required for the project. Also, please note past partnership projects for teams, if any.

Provide a description of the qualifications and experience of the key individuals who will be actively involved in the work (including registration numbers of engineers, landscape architects, surveyors, etc.). Include the office location in which each key individual is located. Clearly identify each key individual's experience with similar type projects, the specific role that individual performed, and the firm they were employed by at the time of the project work.

### **Relevant Projects / References:**

List any contracts, currently in progress or performed in the past 5 years comparable to the services listed in this RFQ, as follows:

- List only projects involving current staff, indicate which team members were involved in the project and specify their role.
- List relevant projects in relevance order with the most relevant projects listed first.
- Describe in detail the services your firm provided and the outcome of the project (On-time, On-budget, the number of change orders issued)
- Experience in submitting for development permits and approvals as required by any and all regulatory agencies including but not limited to: Asheville, North Carolina state, and Federal Agencies.

- Provide the client name for whom services were provided and the appropriate individual who may be contacted as a representative of each client (include phone number, email and address of contact).

**Project Approach:**

Using the Project Description and Preliminary Scope of Work contained in this RFQ as a guide, present a proposed project approach demonstrating the unique qualifications of the team, and the team’s ability to achieve the desired outcome.

**Examples of Previous Work:**

Provide examples of previous relevant concept design graphics & construction documents completed within the previous 5 years.

**Federal and State Requirements:**

- Contracts funded with federal grant or loan funds must be procured in a manner that conforms with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200).
- Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms as noted in 2 CFR Subpart D (200.321). (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. (b) Affirmative steps must include : (1) Placing qualified small and minority business and women’s business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises; (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) Requiring the prime contractor if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.
- Debarment and Suspension (Executive Orders 12549 and 12689)-A contract award must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2CFR 180 that implement Executive Orders 12549 (3CFR part 1986 Compl, p. 189) and 12689 (3 CFR part 1989 Compl, p. 235), “Debarment and Suspension.” 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.
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)-Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the Non-Federal awards.

- Record Retention Requirements for Contracts Paid for with Federal Funds-2 CFR §200.333. When federal funds are expended by LOSRC for any contract resulting from this procurement process, the vendor certifies that it will comply with the record retention requirements detailed in 2 CFR §200.333. The vendor further certifies that vendor will retain all records as required by 2 CFR§200.333 for a period of three years after grantees or sub grantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.
- Any Firm under consideration must be properly registered with the Secretary of State of North Carolina, and possess appropriate professional licenses and certifications. The contract will be subject to North Carolina law.
- The selected firm must have the financial ability to undertake the work and assume the liability along with an adequate accounting system to identify costs chargeable to the project.
- The specific individuals and sub-consultants listed in the proposal and assigned to key positions shall not be removed or replaced without the prior written approval of the Council.
- Insurance: The Successful Firm (Contractor) agrees to keep and maintain for the duration of this Agreement including but not limited to commercial general liability, professional liability, auto liability, workers' compensation, employer's liability, with at least the minimum limits shown below. Contractor shall provide evidence of insurance coverage consistent with this requirement prior to contract award. The Contractor shall furnish the Council with certificates of insurance for each type of insurance described herein, with the Council listed as Certificate Holder and as an additional insured on the Contractor's general liability policy. In the event of bodily injury, property damage, or financial loss caused by the Contractor's negligent acts or omissions in connection with Contractor's services performed under this Agreement, the Contractor's Liability insurance shall be primary with respect to any other insurance which may be available to the Council, regardless of how the "Other Insurance" provisions may read. No work shall be performed until the Contractor has furnished to the Council the above referenced certificates of insurance and associated endorsements, in a form suitable to the Council.
  - Commercial General Liability:
    - \$1,000,000 per occurrence Professional Liability
    - \$1,000,000 per claim-made
  - Auto Liability:
    - \$1,000,000 combined single limit
  - Workers' Compensation
    - Statutory
  - Employer's Liability:
    - \$100,000
- Indemnification: The Successful Firm (Contractor) shall indemnify, defend and hold harmless the Council and its subsidiaries, divisions, officers, directors and employees from all liability, loss, costs, claims, damages, expenses, attorney fees, judgments and awards arising or claimed to have arisen, from any injury caused by, or allegedly caused by, either in whole or in part, any act or omission of the Contractor or any employee, agent or assign of the Contractor. This provision is not applicable to any claim arising out of or related to any active or primary negligence of or by the Council, its officers or employees. Nothing herein shall be construed as a waiver on the part of the Council to any defense of any claim, including, but not limited to the defense of governmental immunity.
- Ownership of Work Products: The Council shall have exclusive ownership of all intellectual property rights in all designs, plans and specifications, documents and other work product prepared by, for, or under the direction of the selected firm pursuant to any contract under this

RFQ (collectively, the “Intellectual Property”), including without limitation the right to copy, use, disclose, distribute, and make derivations of the Intellectual Property for any purpose or to assign such rights to any third party.

- The Intellectual Property shall be prepared in the Council’s name and shall be the sole and exclusive property of the Council, whether or not the work contemplated therein is performed. The Council will grant the firm a royalty-free, non-exclusive license to use and copy the Intellectual Property to the extent necessary to perform the contract.
- IRAN DIVESTMENT and ISRAEL BOYCOTT: LOSRC staff are responsible for verifying that the contractor is not listed on the Iran Divestment List or the Companies Boycotting Israel Final Divestment List published by the NC State Treasurer pursuant to N.C.G.S. 147-86.60 and 147-86.82. The Council shall not contract with any company or their affiliates listed on these divestment lists.
- E-VERIFY EMPLOYER COMPLIANCE: The Selected Firm and their subcontractors with 25 or more employees as defined in Article 2 of Chapter 64 of the NC General Statutes must comply with E-Verify requirements to contract with governmental units. E-Verify is a Federal program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law. E-verify can be accessed via this link: <http://www.uscis.gov/e-verify/employers>
- All interested firms and subs should be prequalified with the North Carolina Department of Transportation (NCDOT) as a Private Consulting Firm. Additionally the selected firm will be required to become a Registered Vendor with NCDOT.
- As an NCDOT/FHWA funded project, the selected firm will be required to submit a detailed man-hour estimate, wage rates, overhead, cost of capital, other miscellaneous expenses, and fees in accordance with NCDOT’s “Policies and Procedures for Procurement and Administration of Major Professional or Specialized Services Contracts,” and other current standards. The negotiated contract will be submitted to the Office of Inspector General, Consultant Audit Unit for review prior to issuance of an NTP.

## **VIII. EVALUATION AND SELECTION PROCEDURE:**

Evaluation and selection of Qualified Firms will be based on the general criteria outlined below. A review committee will be composed of Council staff, Buncombe County staff, City of Asheville staff, NCDOT Transportation Planning Branch staff and a few additional key stakeholders that will review each proposal and rate them on a standardized form. The form may consist of the following categories:

1. Qualifications Of The Firm and Personnel
2. Relevant Experience Of The Firm and Key Members
3. Relevant Current/Past Projects
4. Project Approach in response to the RFQ, as demonstrated through a clearly defined methodology, process and timeline
5. Ability to meet Council requirements

Selection for each project will be with the best qualified Firm as determined solely by the Selection Committee based on the submitted statement of qualifications that is in the best interest of the Council. The Council will enter into contract negotiations with this firm, if negotiations fail, the Council will terminate such negotiations and enter into negotiations with the next best qualified Firm. The selection

committee may elect to shortlist the firms and conduct written or oral discussions as necessary to determine the best qualified Firm.

## **IX. DISCLOSURES**

Land of Sky Regional Council reserves the following rights:

- Modify or cancel the selection process or schedule at any time.
- Waive minor irregularities.
- Reject any and all responses to this RFQ and to seek new submittals if it is in the best interest of the Council to do so.
- Seek clarification or additional information from responding firms as it deems necessary to the evaluation of the response.
- This Request does not obligate the Council to enter into an agreement or pay any costs incurred by firms in preparation and submission of a statement of qualifications.
- Upon receipt by the Council, each proposal becomes the property of the Council. In general, documents that are submitted as part of the response to this RFQ will become public records, and will be subject to public disclosure. North Carolina General Statutes Section 132-1.2 and 66-152 provide a method for protecting some documents from public disclosure. If the responding firm follows the procedures prescribed by those statutes and designates a document "confidential" or "trade secret", the Council will withhold the document from public disclosure to the extent that it is entitled or required to do so by applicable law. Any firm that designates its entire proposal as a trade secret may be disqualified from consideration. In submitting a proposal, each firm agrees that the Council may reveal any trade secret materials contained in such response to all Council staff and Council officials involved in the evaluation process and to any outside consultant or other third parties who serve on the evaluation committee or who are hired by the Council to assist in the evaluation process. If the Council determines that a document that the Responder has designated "confidential" or "trade secret" is not entitled to protection from public disclosure, the Council will provide notice of that determination to the contact person designated by the firm, in any reasonable manner that the Council can provide such notice, at least five business days prior to its public disclosure of the document.
- By submitting to the Council a document that the firm designates as "confidential" or "trade secret", the firm agrees that in the event a third party brings any action against the Council or any of its officials or employees to obtain disclosure of the document the firm will indemnify and hold harmless the Council and each organization's affected officials and employees from all costs, including attorney's fees, incurred by or assessed against any defendant, of defending against such action. The firm also agrees that at the Council's request the firm will intervene in any such action and assume all responsibility for defending against it, and that the firm's failure to do so will relieve the Council of all further obligations to protect the confidentiality of the document.
- Selection of a Firm by the Council in response to this Request for Qualifications for professional services does not guarantee these services will be required. The Council maintains sole discretion in assigning projects, if any, to the selected Firm(s) throughout the term of the contract. The Council, additionally reserves the right to issue future Request for Qualifications, as may be needed and to solicit responses from firms not selected as part of this process.

This project is being advertised via Land of Sky RFP website at <http://www.landofsky.org/rfp.html>