

WILKINSBURG BOROUGH
HOME RULE CHARTER GOVERNMENT STUDY COMMISSION

DRAFTING OF HOME RULE CHARTER, FINAL REPORT AND ADMINISTRATIVE CODE

REQUEST FOR PROPOSALS

RESPOND NO LATER THAN
FRIDAY, JANUARY 20, 2023 AT 4:00 PM

INQUIRIES AND SUBMIT REQUEST FOR PROPOSAL TO:

BETHANY WILLIAMS
LOCAL GOVERNMENT POLICY SPECIALIST
GOVERNOR'S CENTER FOR LOCAL GOVERNMENT SERVICES
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
301 FIFTH AVENUE, SUITE 250
PITTSBURGH, PA 15222
OFFICE – 717 503 1134
FAX – 412 565-2635
bethawilli@pa.gov

INTRODUCTION AND PROJECT DESCRIPTION

A home rule charter government study commission of seven (7) members was elected on November 8, 2022 at the general election. The voters approved the question to study the existing form of government of the Borough of Wilkinsburg, and to consider the advisability of the adoption of a home rule charter, and if advisable, to draft and to recommend a home rule charter.

The Borough of Wilkinsburg home rule charter government study commission has made the decision to draft a proposed home rule charter.

COMPLETION SCHEDULE

The Home Rule Charter and Optional Plans Law, Section 2921 – Report of the findings and recommendations indicates that the home rule charter government study commission has up to a total of eighteen (18) months from the date of election (May 8, 2024), if it elects, to prepare and submit a proposed home rule charter including a final report to voters.

The Home Rule Charter and Optional Plans Law, Section 2926 – Submission of question on form of government indicates that the home rule charter government study commission may cause the question to be submitted to voters at the next primary, municipal or general election occurring not less than at least sixty (60) days following the filing of a copy of the commission's report with the county board of elections, at the time the commission's report directs.

The final report and proposed home rule charter shall be filed with the county board of elections by the Wilkinsburg Borough home rule charter government study commission no later than Friday, September 6, 2024 for the question to be placed on the ballot for the election held on Tuesday, November 5, 2024.

The Home Rule Charter and Optional Plans Law, Section 2920 – Hearings and public forum requires the home rule charter government study commission to hold one or more public hearings to discuss the purpose and progress of its work.

The successful consultant or team of consultants is required to attend the two public hearings/public forums and assist the government study commission in the drafting of public information material.

The proposed home rule charter shall be completed no later than June 30, 2024.

The final report shall be completed no later than July 31, 2024.

The administrative code shall be completed no later than June 30, 2025 (if the proposed home rule charter is adopted by voters).

As provided in the Home Rule Charter and Optional Plans Law, Section 2925 – Form of question on form of government, the question proposed to be submitted to voters for the adoption of a home rule charter for the election held on Tuesday, November 5, 2024 shall be as follows:

“Shall the Home Rule Charter contained in the report dated (insert date), of the government study commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the Borough of Wilkinsburg?”

SCOPE OF WORK/SERVICES TO BE PROVIDED

The Wilkinsburg Borough home rule charter government study commission is seeking the services of a consultant or team of consultants to draft a final report of the study commission proceedings, a proposed home rule charter for approval of the voters, and if adopted, the drafting of an administrative code.

Basic home rule charter components shall include:

- 1) A general grant of powers to the municipality.
- 2) The basic organization of the government, including identification of all elected and chief appointed officials, placement of legislative, executive and administrative powers and duties and organizational interrelationships.
- 3) Specification of critical legislative and administrative procedures or safeguards to assure due process.
- 4) Provision of citizen participation in the local government and reservation of specific powers to voters.
- 5) Mandates for desirable administrative practices such as a merit personnel system, long-range capital budgeting or professional auditing.
- 6) General provisions covering matters such as transition procedures and the effective date.

The Home Rule Charter and Optional Plans Law, Section 2921 (a) requires a final report to provide the Commission’s findings and recommendations to the citizens. The final report will include reasons for the Commission’s proposal to change the form of government. The basic elements of a final report are as follows:

- 1) Table of Contents;
- 2) Cover letter from the study commission to the voters and the local governing body;
- 3) Summary of the Commission’s recommendations including the date for the referendum on the recommended change and effective date of the new form if it is approved by the voters;
- 4) Brief explanation of the purpose of the Commission under the Home Rule Law;
- 5) Organization and activities of the Study Commission, including the date of the Commission’s election and a listing of the Commissioners. The report on the Commission’s

- activities can include the number and types of meetings, organization of the Commission and its style of operation, and the individuals and groups solicited for advice;
- 6) Summary of the Commission's findings on the present form of government;
 - 7) Organization charts of both the present form of government and the structure recommended by the Commission;
 - 8) Explanation of the recommended form and the advantages it will confer;
 - 9) Survey of the areas of municipal government to remain unchanged under the new form;
 - 10) Recommendations for establishing a committee to review problems of transition to the new form of government;
 - 11) Relevant extracts from the Home Rule Law; and
 - 12) Required statement of the funds, materials and services used by the Commission and the suppliers of such resources.

A proposed home rule charter shall follow the [insert chosen form] Form of Government Plan.

Upon adoption of a proposed home rule charter by voter approval in a referendum, an Administrative Code will be drafted by the consultant or team of consultants for Council consideration and adoption by ordinance. While the home rule charter will provide the general governmental framework and outline of the Borough's organization, structure, function and process, the Administrative Code will be the document to provide a mechanism for the day-to-day implementation and administration of the home rule charter of Wilkinsburg Borough.

An Administrative Code shall, at a minimum, contain the following elements:

- 1) Short Title and Definitions
- 2) Council/Mayor Organization and Procedure
- 3) Departmental Organization, Process and Responsibilities
- 4) Boards and Commissions
- 5) General Provisions

CONTRACTUAL PROVISIONS

The consultant or team of consultants will initiate the process for payment upon receipt of proper invoices/billing statements and progress reports to the Borough of Wilkinsburg that will be submitted to DCED for review and approval for payment. Timeframe for payment normally is four (4) to six (6) weeks from when DCED receives a request for payment from Wilkinsburg Borough. Payment will be made for actual services rendered and billed. The project is funded by a grant from the Department of Community and Economic Development, Municipalities Financial Recovery Program (known as Act 47 of 1987, as amended). Acceptance of the proposal shall be contingent on the Borough of Wilkinsburg being granted DCED Strategic Management Planning Program funding for the project.

PROPOSAL SUBMISSION

Four (4) copies of the sealed proposals must be submitted no later than 4:00 PM on Friday, January 20, 2023 to:

Bethany Williams, Local Government Policy Specialist
Governor's Center for Local Government Services
Department of Community and Economic Development
301 Fifth Avenue, Suite 250
Pittsburgh, PA 15222

The envelop must be marked prominently on the outside: Wilkinsburg Borough Home Rule Request for Proposal – Technical and Cost Documents

Proposals must be postal mailed or hand delivered. No faxed proposals will be accepted.

Proposals will be handled confidentially by DCED and the Borough home rule charter government study commission during the pre-award process.

DCED or Wilkinsburg Borough home rule charter government study commission will not be responsible for any expenses incurred by a Proposer in connection with the procurement.

Any questions concerning this Request for Proposal should be directed to Bethany Williams, DCED Southwest Regional Office at 717-503-1134 or bethawilli@pa.gov

GENERAL CONDITIONS

No verbal instructions or verbal information to a consultant or team of consultants will be binding on the DCED or Borough home rule charter government study commission. The Request for Proposal will be considered clear and complete unless written attention is called to any apparent discrepancies or incompleteness before the opening of the proposals. Any alterations to the proposal that are made in the form of written addenda will be mailed and/or faxed to all consultants sent a request for proposal. These addenda shall then be considered a part of this proposal.

Submission of a proposal will be considered as conclusive evidence of the consultant's or team of consultants' complete examination and understanding of the proposal.

The Borough reserves the right to reject any and all proposals; the right to request additional information from the consultant or team of consultants; the right in its sole discretion to accept the proposal considered most favorable; and the right to waive minor irregularities in the procedures or proposals if it is deemed in the best interest of the Borough of Wilkinsburg home rule charter government study commission.

The Borough of Wilkinsburg home rule charter government study commission reserves the right to negotiate with the consultant or team of consultants to establish variations from the original proposal, including proposed cost, which may be in the interest of the Wilkinsburg Borough home rule charter government study commission.

The award will be made to that responsive and responsible consultant or team of consultants whose proposal will be most advantageous to the government study commission, price and other factors considered such as delivery time, quality, service, expertise, etc. The award may or may not be made to the consultant or team of consultants with the lowest cost.

The DCED and Wilkinsburg Borough home rule charter government study commission shall have the right without invalidating a professional services agreement to make additions to or deductions from the items of work covered in the proposal. In case such additions or deductions are made, an equitable price adjustment shall be made between the DCED and Wilkinsburg Borough home rule charter government study commission and the consultant or team of consultants. Any such adjustments in price shall be made in writing.

The Wilkinsburg Borough home rule charter government study commission shall enter into a professional services agreement with the successful consultant or team of consultants for work to be performed relative to the completion of a final report, a proposed home rule charter, if adopted by voters, and drafting of an administrative code.

A consultant or team of consultants requesting additional information and/or clarification to the proposal shall submit inquiries to Bethany Williams in writing not less than five (5) working days prior to the deadline of Friday, January 20, 2023. Inquiries received less than three (3) working days prior to the deadline may not receive responses. Inquires may be made by telephone at 717-503-1134 or email: bethawilli@pa.gov

The consultant or team of consultants will not discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, disability, sexual orientation and gender identity. The consultant or team of consultants will take affirmative action to ensure applicants are employed without regard to race, color, religion, sex, age, disability, national origin, sexual orientation and gender identity. A consultant or team of consultants will take steps to insure employees are treated during employment without regard to race, color, religion, sex, age, disability, national origin, sexual orientation and gender preference. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Should the DCED fail to appropriate funds to enable payment for services rendered, the Wilkinsburg Borough home rule charter government study commission may terminate the professional services agreement with the consultant or team of consultants within sixty (60)

days with written notice of intent to terminate. The consultant or team of consultants shall not assess any termination charges against the DCED or Wilkinsburg Borough home rule charter government study commission for termination.

The DCED will pay for work currently completed. The consultant or team of consultants shall not begin any additional work upon receipt of notification of intent to terminate.

AGREEMENT TERMINATION

The professional services agreement between the consultant or team of consultants and the government study commission may be cancelled by the Wilkinsburg Borough home rule charter government study commission by giving sixty (60) days written notice of intent to cancel. A basis for termination may be the failure of the consultant or team of consultants to complete the scope of work/services to be provided in a timely manner.

INDEMINIFICATION

The successful consultant or team of consultants shall assume the defense of and indemnify and hold harmless the Wilkinsburg Borough home rule charter government study commission, its officers and members from and against all claims, demands, actions, suits and proceeding by others and against all liability, both negligent and non-negligent, arising directly or indirectly out of the actions of the successful consultant or team of consultants in their performance of the professional services agreement.

INSURANCE

The successful consultant or team of consultants, prior to commencement of work, shall provide at their own expense, the following insurance to the Wilkinsburg Borough home rule charter government study commission, evidenced by certificates of insurance. Each certificate shall require that notice be given thirty (30) days prior to cancellation or material change in the policies to the Wilkinsburg Borough home rule charter government study commission.

Workers' Compensation including Occupational Disease and Employer's Liability Insurance.

Statutory-Amounts and coverage as required by the Pennsylvania Workmen's Compensation and Occupational Disease Laws.

Employer's Liability – Bodily Injury by:
Accident \$100,000 each
Disease \$500,000 minimum policy limit
Disease \$100,000 each employee

LIABILITY

The successful consultant or team of consultants shall maintain a commercial general liability insurance policy, using an occurrence form of coverage. The required coverage forms are:

Comprehensive

Premises – Operation

Contractual Insurance

Independent Contractor

The Comprehensive General Liability policy shall have a minimum limit of liability of \$300,000 minimum per occurrence.

Automobile liability coverage with minimum combined single limits of \$300,000 per occurrence.

The successful consultant or team of consultants shall obtain total minimum coverage limits of \$1,000,000 per occurrence. The additional limits above the General Liability and Automobile Liability policies required above may be provided by Excess and/or Umbrella Liability policies.

The successful consultant or team of consultants shall provide evidence of professional liability coverage (Accountants Professional Liability Coverage). The successful consultant or team of consultants shall have and maintain coverage for at least one year beyond completion of actual work.

All policies except Professional Liability shall name the Wilkinsburg Borough home rule charter government study commission, officers and members as additional insureds. The coverage shall be reflected on the Certificates of Insurance.

Nothing contained in the Insurance section shall be construed as limiting the extent of the successful consultant or team of consultants as to responsibility for payment of damages resulting from their operations under the professional services agreement.

SELECTION CRITERIA

Proposals will be evaluated and a consultant or team of consultants will be selected based on the following criteria listed in order of importance:

The relevant qualifications, experience and expertise of the consultant or team of consultants in performing this type of work.

The qualifications, experience and expertise of personnel to be assigned to carry out the project work.

Suggestions submitted to enhance the scope of work/services to be provided and additional details of the approach and methods to carry out the prescribed work. Proposals will be competitively judged on the quality and value of the proposed project approach and final products.

The ability of the consultant or team of consultants to meet the expected completion schedule.

PROPOSAL CONTENT

The consultant or team of consultants' proposal must include:

Brief history of the consultant or team of consultants.

Description of relevant work experience, capabilities and expertise that qualify the consultant or team of consultants to undertake the project scope of work/services to be provided consistent with the above stated qualifications, plus most relevant client references where this type of work was done.

Personnel assignments and individual work experience of this type.

Any consultant or team of consultant suggestions for how the scope of work/services to be provided can be enhanced, plus additional details of the approach and methods to carry out the prescribed work.

Proposed work schedule.

INTERVIEWS

Consultant or team of consultants' interviews may be conducted by the Wilkesburg Borough Home Rule Charter Government Study Commission and DCED prior to a selection being made of the successful consultant or team of consultants.