

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL MEETING**  
**MARCH 5, 2013 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Contract for Professional Services – Zoning Ordinance and Subdivision Control Ordinance Update	Resolution Ordinance ✓ Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

A motion is requested to authorize award of a contract to Duncan & Associates, Inc. in the amount of \$114,500 for a comprehensive update of the Downers Grove Zoning Ordinance and Subdivision Control Ordinance.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2011-2018 identified *Exceptional Municipal Services. Implement Recommendations of the Comprehensive Plan* is a High Priority Action Item.

**FISCAL IMPACT**

The FY13 budget includes \$85,000 in the General Fund for this contract. The project will continue through 2014. The remainder of the funds will be budgeted in 2014.

**UPDATE & RECOMMENDATION**

This item was discussed at the February 19, 2013 Village Council meeting. The Council asked for additional information on the background of Farr Associates and its role in the project, as well as how the legal aspects would be addressed. Farr Associates will take a lead role in guiding strategic application of form-based coding approaches within the Downers Grove downtown area. Since its founding in 1990, Farr Associates' planners and architects have worked in integrated design teams to create award-winning designs, plans and codes. Farr Associates' planner, Courtney Kashima, who helped prepare the village's award-winning comprehensive plan while with Houseal Lavigne & Associates, will provide strategic advisory services to the Duncan-Farr team.

Legal aspects of the project will be handled by Eric Damian Kelly. Eric is an attorney and planner and the general editor of the 10-volume Matthew Bender legal treatise, *Zoning and Land Use Controls*. He is also the principal author of CMAP's *Handbook of Planning Law Principles and Practices for Northeastern Illinois*. Over his 40- year career, he has worked with more than 150 local governments in 35 states. All legal-related work will also be reviewed in-house by the Village Attorney.

Staff recommends approval on the March 5, 2013 Consent Agenda.

**BACKGROUND**

The Village will be conducting a comprehensive update of its zoning and subdivision regulations as part of the 2013 Strategic Plan. The zoning and subdivision regulations are the primary implementation tools for the 2011 Comprehensive Plan and the main review tools for site planning and development. The current zoning and subdivision regulations are from the mid-1960s. The project will update the

community's development regulations to reflect the current conditions as a mature, built-out community focused on maintaining its neighborhoods and enhancing its commercial areas.

The project will begin in March 2013 and be completed in the spring of 2014. The Village budgeted \$85,000 for the 2013 budget. It was anticipated that the project would carry over into 2014. As such, additional funds will be included in the 2014 budget.

The contract provides for a complete update of the Village's zoning and subdivision regulations based on the public input received during the TCD3 and Comprehensive Plan processes that took place from 2008-2011. A request-for-proposal (RFP) was published for this project, for which the Village received five proposals.

1. Duncan & Associates, Inc. w/ Farr Associates	\$114,500
2. Camiros, Ltd	\$105,800
3. Houseal Lavigne Associates w/ Ancel Glink, et. al.	\$104,650
4. Ungaretti & Harris, LLP	\$145,000
5. Ice Miller, LLP & MKSK	No maximum fee proposed

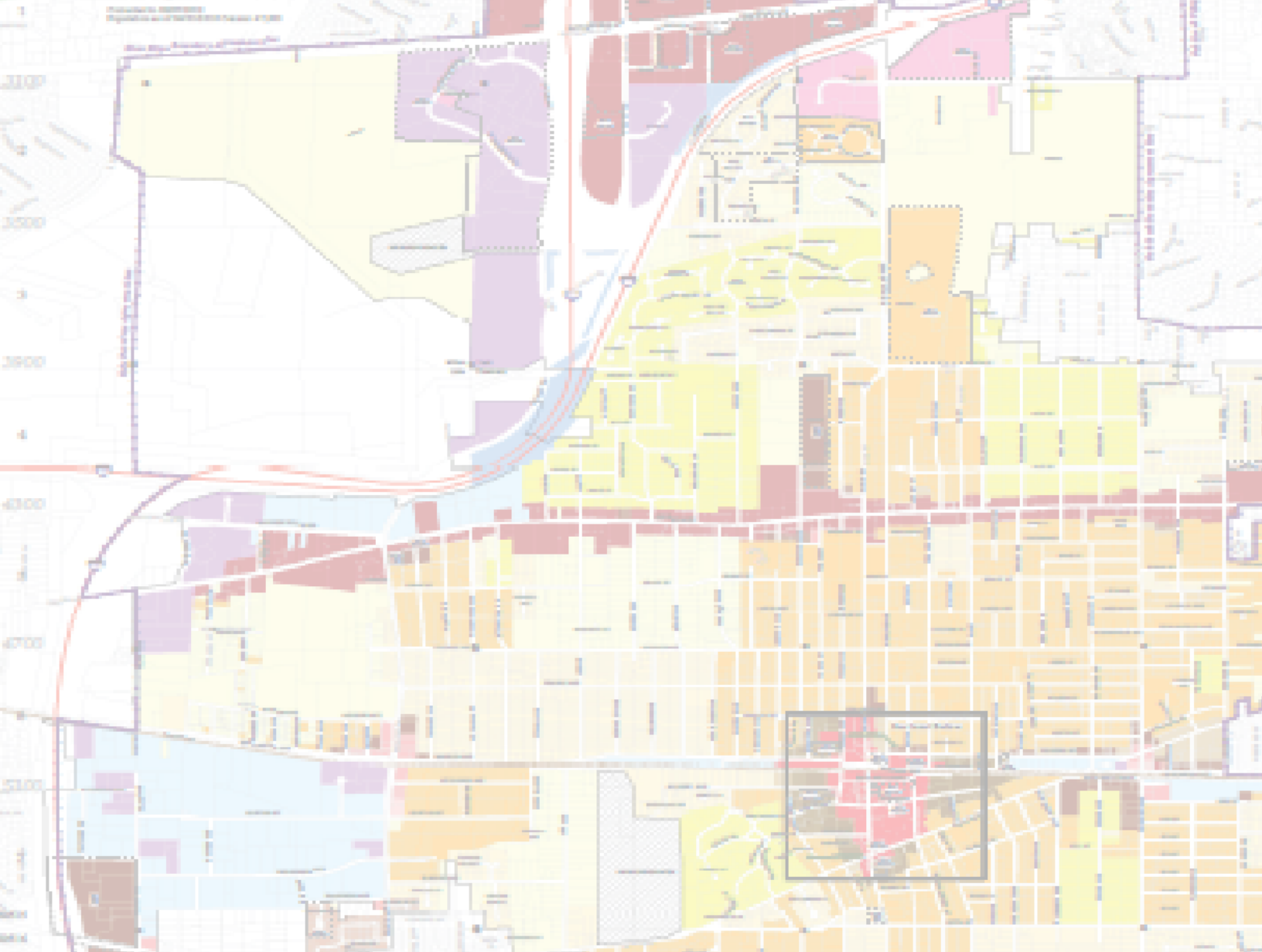
Staff is recommending Duncan & Associates, Inc of Chicago. The firm focuses on writing zoning and development regulations. They completed many similar projects in the Chicago metropolitan area with extensive experience throughout the United States. They would have assistance from Farr Associates, of Chicago, which will focus on the downtown and other areas around the Fairview and Belmont train stations. This team demonstrated the best understanding of the Village's project and desired process.

The lowest qualified proposal came from Houseal Lavigne & Associates with Ancel Glink, et al located in Chicago. Houseal Lavigne & Associates' proposal was almost \$10,000 less than the recommended firm's. While Houseal Lavigne & Associates completed the Village's Comprehensive Plan, the community would benefit from a fresh look at the Plan's recommendations and input received during the process. As such, staff recommends awarding the contract to Duncan & Associates, Inc.

**ATTACHMENTS**

Contract Documents

Duncan & Associates, Inc. RFP Response



# Zoning and Subdivision Ordinance Rewrite Proposal Village of Downers Grove

RFP-0-0-2013/tt

submitted by

**duncan** associates

in association with

Farr Associates



**duncan** | associates

January 21, 2013

Theresa H. Tarka  
Purchasing Assistant  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove IL 60515

RE: Professional Services Proposal for Zoning and Subdivision Ordinance Rewrite RFP-O-0-2013/tt

Dear Ms. Tarka:

On behalf of Duncan Associates and Farr Associates, I am pleased to submit this proposal to assist the Village of Downers Grove in conducting a rewrite of the current zoning ordinance and subdivision ordinance.

We believe our team's collective skills and proven experience make us an ideal candidate for this assignment:

- we have prepared zoning codes, development ordinances and other plan-implementation tools for municipalities throughout Chicago metro area and the U.S.;
- we have a solid base of directly relevant experience that we will call upon throughout the project to offer time-tested alternative regulatory approaches;
- team members have worked together before and are familiar with the unique and exciting challenges of crafting zoning and subdivision regulations for communities with (understandably) high expectations;
- ordinances and planning studies developed by team members have received planning awards throughout the U.S.; and
- our project director, Kirk Bishop, has managed the preparation of dozens of zoning and land-use ordinances and has demonstrated ability to manage ordinance rewrite projects and develop regulations that are concise, straight-forward and effective.

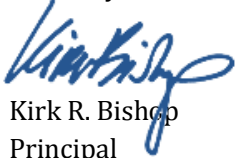
**Contact Information:**

*Kirk R. Bishop, Principal  
Duncan Associates  
212 W Kinzie St  
Suite 300  
Chicago IL 60654  
kirk@duncanassociates.com  
p 312 527 2500  
f 312 268 7418*

In short, we have done this type of work many times before, we have a balanced mix of national and regional experience and we are committed to the project's success.

We look forward to your review of our proposal and to the possibility of meeting with village representatives to discuss our qualifications and approach in greater detail.

Sincerely,



Kirk R. Bishop  
Principal



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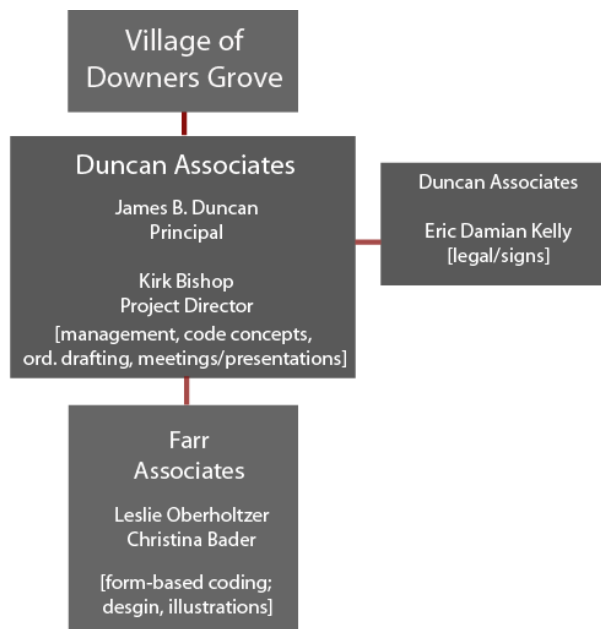


### 3 Introduction | Summary

This proposal is submitted on behalf of a team of consultants, led by Duncan Associates, to prepare a comprehensive update of Downers Grove’s zoning and subdivision ordinances.

The Duncan Associates team includes two firms with the skills, experience, and resources necessary to assist the Village of Downers Grove in successfully carrying out the zoning and subdivision ordinance rewrite project. Our multi-disciplinary team is comprised of the following firms:

- Duncan Associates (Chicago)
- Farr Associates (Chicago)



We assembled our team after careful consideration of the village’s expectations for this project, as presented in the RFP and the pre-proposal meeting. The team includes firms that specialize in development ordinance work, urban design, sustainable development and land use law. We have prepared development codes, zoning ordinances, form-based codes, and other plan implementation tools for jurisdictions throughout the Chicago metro area and the U.S.

Duncan Associates and Farr Associates are experienced in crafting ordinances that are consistent with and help implement community plans. The following pages provide additional information on the two firms, including roles, responsibilities and relevant experience.

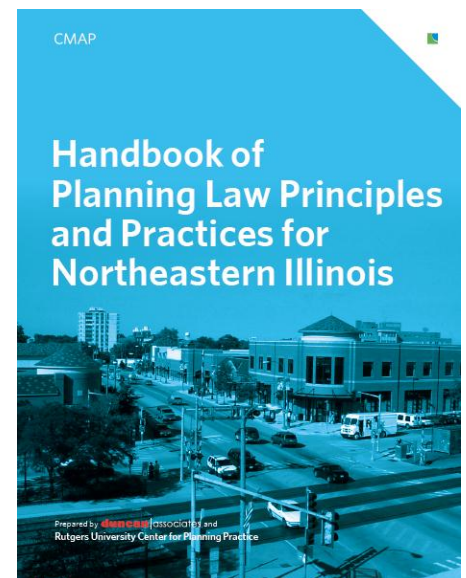
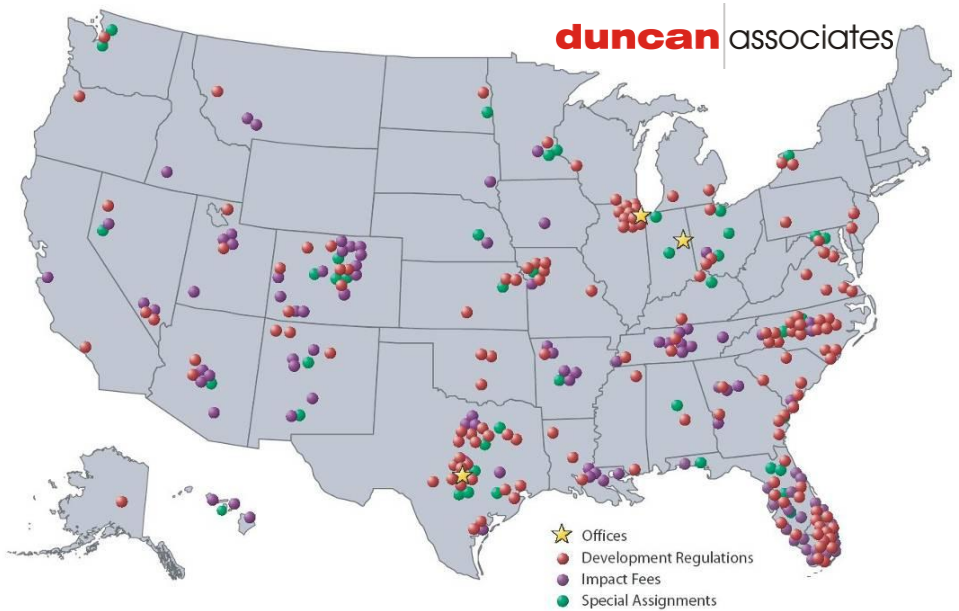
**Duncan Associates** will be the prime consultant for the Downers Grove assignment, with involvement in all aspects of the project and responsibility for overall project management and quality control.

Duncan Associates is an award-winning firm that specializes in updating and revising zoning and development regulations. From offices in Austin and Chicago, the firm has provided zoning and planning consulting services to more than 100 jurisdictions in over 30 states. The firm currently has a six-person professional staff.

Ordinances drafted by the firm have received numerous awards from the American Planning Association. As a firm built around a base of former public-sector planners and zoning administrators, Duncan Associates' planners have administered and enforced regulations and know the real-life challenges and issues that arise on a daily basis. Duncan Associates has built its reputation on identifying local issues, exploring alternative approaches and transforming our conceptual recommendations into zoning and subdivision regulations that work...and stand the test of time.

Our project director for the Downers Grove zoning and subdivision ordinance project will be Kirk Bishop (see p. 12). Kirk has been with Duncan Associates since 1987 and has led most of the firm's development ordinance work. He served as project director for code updates in Chicago, Philadelphia (co-director), Kansas City, Pittsburgh, Tulsa and Toledo. He has also managed dozens of ordinance rewrite projects for smaller municipalities.

Also playing a key role in the Downers Grove project will be Eric Damian Kelly (see p. 13) and firm president, Jim Duncan (see p. 11). Eric is an attorney-planner, who is general editor of the 10-volume Matthew Bender legal treatise, *Zoning and Land Use Controls*. He is also the principal author of CMAP's *Handbook of Planning Law Principles and Practices for Northeastern Illinois*. Jim Duncan is one of the nation's leading urban planning practitioners, with a city planning career spanning over five decades of service to more than 300 cities, counties, regions and states.



**Alabama**

Montgomery

**Alaska**

Fairbanks

**Arizona**

Prescott

Surprise

**Arkansas**

Jonesboro

**California**

Los Angeles County

**Colorado**

Aurora

Mesa County

**Florida**

Alachua County

Cape Coral

Citrus County

Cooper City

Deltona

Fort Lauderdale

Fort Pierce

Highland Beach

Lake Park

Margate

Palm Beach Gardens

Palm Beach

Riviera Beach

Sarasota County

Seminole County

Sumter County

Tequesta

Wellington

Weston

**Georgia**

Atlanta

Columbus

Dunwoody

Savannah/Chatham Co.

**Illinois**

Chicago

Evanston

Gurnee

Highland Park

Lake County

Princeton

Rockford

Will County

**Kansas**

Lawrence/Douglas Co.

Lenexa

Wichita/Sedgwick Co.

**Kentucky**

Covington

Warren County

**Louisiana**

Alexandria

Bossier City/Parish

Lafayette City/Parish

**Michigan**

Detroit

Kalamazoo

**Minnesota**

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Minnesota Dept. of Agriculture

**Mississippi**

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Tupelo

**Missouri**

Blue Springs

Clay County

Independence

Kansas City

O'Fallon

Raymore

**Montana**

Missoula

**Nevada**

Henderson

Las Vegas

Washoe County

**New Mexico**

Farmington

Santa Fe County

**New York**

Amherst

**North Carolina**

Brunswick County

Cary

Clayton

Durham/Durham County

Garner

Greensboro

Guilford County

Hickory

Indian Trail

Lincoln County

Wilmington/New Hanover Co.

Wake County

Winston-Salem

**North Dakota**

Fargo

**Ohio**

Mason

Toledo

**Oklahoma**

Ardmore

Edmond

Shawnee

Tulsa

**Oregon**

Portland

**Pennsylvania**

Pittsburgh

**South Carolina**

Aiken

Beaufort

Charleston County

Hilton Head Island

Spartanburg County

**Tennessee**

Columbia

Nashville/Davidson Co.

**Texas**

Baytown

Corpus Christi

Flower Mound

Fort Worth

Georgetown

Grand Prairie

League City

Plano

Portland

Round Rock

San Angelo

Sugar Land

Tyler

University Park

**Utah**

Logan

Salt Lake County

**Virginia**

Isle of Wight County

Leesburg

Petersburg

Portsmouth

Vienna

Waynesboro

**Washington**

Seattle

**Wisconsin**

Beloit

LaCrosse

Wauwatosa



**Farr Associates** will take a lead role in guiding strategic application of form-based coding approaches within the downtown area. The firm is widely regarded as one of the most sustainable planning and architecture firms in the U.S. Based in Chicago, the firm has been identified by the New York Times as “the most prominent of the city’s growing cadre of ecologically sensitive architects” and by the Chicago Tribune as “a leader in the anti-sprawl movement.” Since its founding in 1990, Farr Associates’ planners and architects have worked in integrated design teams to create award-winning designs, plans and codes. Their practice is centered on creating great and healthy places that enrich human life while minimizing negative environmental impacts. The firm’s director of planning, Leslie Oberholtzer (see p. 14), will direct Farr Associates’ involvement in the Downers Grove project. She will be assisted by Christina Bader (see p. 15). Farr Associates’ planner, Courtney Kashima, who helped prepare the village’s award-winning comprehensive plan while with another consulting firm, will provide strategic advisory services to the Duncan-Farr team.



## 4 Project Understanding, Approach and Work Plan

### Project Understanding and Approach

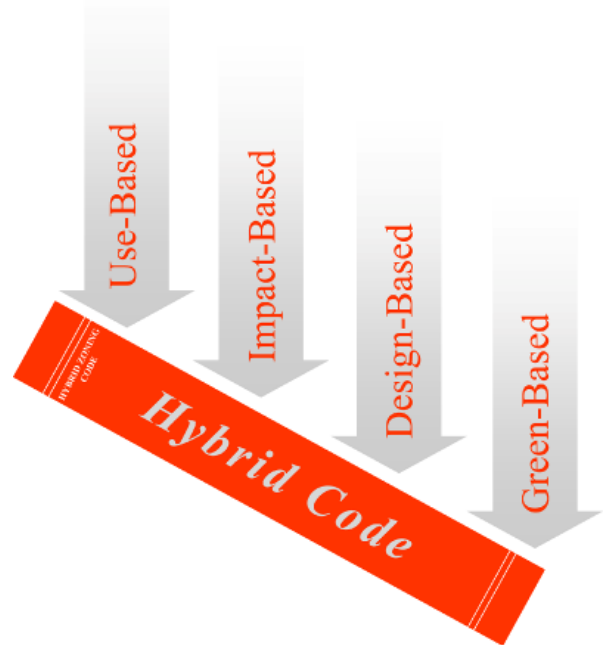
The Village of Downers Grove is seeking a qualified consultant to assist in preparing a comprehensive rewrite of the existing zoning and subdivision ordinances. The updated ordinances will need to include new and amended provisions that help implement the village's award-winning comprehensive plan. They will also need to be richly illustrated, as well as easy to administer, use and understand.

The team chosen to lead Downers Grove's zoning and subdivision ordinances rewrite will be responsible for:

- implementing relevant goals and policies of the comprehensive plan;
- ensuring that the new zoning and subdivision ordinances are consistent the village municipal code and in conformance with state and federal law;
- protecting the established character of stable residential neighborhoods;
- identifying the appropriate use of new zoning tools, such as form-based coding for the downtown area;
- incorporating provisions that recognize the important role of in-fill and redevelopment;
- offering strategies that will accommodate and encourage the use of sustainable development practices; and
- preparing development regulations (substantive standards and procedures) that are well-organized and illustrated and as easy to use, administer and enforce as possible.

Our team's time-tested approach to tackling zoning and subdivision ordinance rewrite assignments—which is always modified to fit the particular needs and desires of our clients—is as follows:

- Identify major zoning and development-related issues and problems, based on in-depth discussions with internal and external stakeholders, existing plans and policy documents and our own independent observations.
- Assess the strengths and weaknesses of the existing ordinances in dealing with those issues and problems.



#### 4 Project Understanding, Approach and Work Plan

- Propose—in conceptual terms—changes and strategies that will effectively deal with identified issues and problems.
- Get buy-in on the conceptual recommendations.
- Prepare new ordinances (working with staff and community advisors).
- Participate in review sessions to receive feedback on proposed ordinance drafts.
- Revise ordinance drafts.
- Participate in the public hearing and adoption process.

Having said that, Duncan Associates and Farr Associates are known for providing individualized services to each and every client. We have experience in working with all types of jurisdictions. We have worked in Chicago, Seattle, Pittsburgh, Portland, Memphis, Detroit, Toledo, Philadelphia and other communities where we have learned about the challenges of infill, redevelopment, economic development, neighborhood conservation, housing affordability and increased transportation choice. We have worked, too, in rapidly growing and built-out suburbs. At the other end of the spectrum we have worked in towns and counties where greenfield development is the norm and where rural character and environmental preservation issues are of paramount importance.

We serve such diverse clients by taking a management approach, adapting our methods and recommendations to the needs of a particular client. Building on our experience with dozens of other jurisdictions—each of which is unique yet have some things in common—we will develop a project strategy and an end product that fits the unique needs of Downers Grove.

Our team is very familiar with the wide array of tested regulatory approaches and techniques that may have some applicability in Downers Grove—for identified areas of stability and areas where change is anticipated and/or desired. We know too that there is a wide spectrum of regulatory tolerance among jurisdictions. Some desire a tightly controlled regulatory environment, while others prefer minimal roadblocks to growth and (re)development. Based on our collective experience, we can identify those approaches or techniques that best address Downers Grove’s unique needs and values.

Our approach to any land use ordinance update project draws upon our years of experience in developing regulations. It stresses on-going and



*Sample graphic illustrating corner lot building orientation requirements*

meaningful interaction with local participants and structured, independent work by members of our multi-disciplinary team.

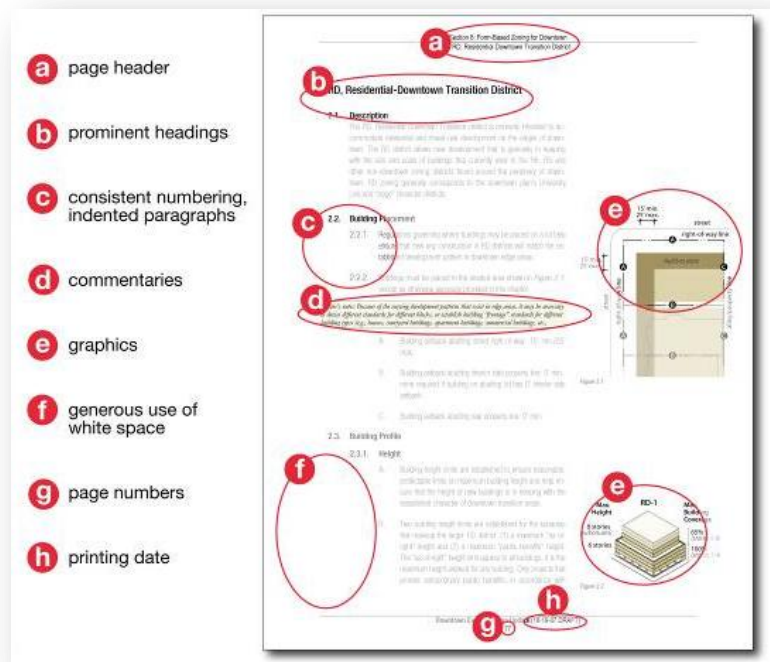
Two primary objectives guide us in updating development regulations. First, the regulations need to set adopted policies in motion, in this case those of the new comprehensive plan. Second, regulations should be predictable and easy to use, understand and administer. We accomplish these objectives by preparing codes that are modern, user-friendly, illustrated documents that address substantive issues of importance to the client jurisdiction.

Thorough analysis of existing regulations, land use policies and on-the-ground conditions—distilled through discussions with internal and external stakeholders, independent analyses and field work—form the foundation of our work.

We view it as our responsibility to help citizens and local decision-makers understand the upside and downside of various implementation alternatives and then help to craft needed regulations and guidelines in response to choices made by local policy makers. We would also draw upon our experience in other communities to develop zoning and land development provisions that work for Downers Grove.

Development regulations should be understandable to everyone who needs to use them. All users should be able to find the answers to questions such as “What regulations apply to this lot, or to this use or to this type of sign?” with a minimum level of effort. The new redevelopment code will need to include tables, charts and graphics to illustrate key concepts and standards. It also needs to be written in plain English.

Our team has the experience required to provide common sense solutions to complex land use issues. As former public-sector planners and zoning administrators, we have actually administered regulations and know about the real-life problems and issues that can arise on a daily basis. We follow a problem (identification)–solution approach. Our mission will be to explore possible solutions to identified zoning issues, rather than seeking out problems that fit a predetermined zoning “solution.”



*Downers Grove's new zoning code should be a modern, user-friendly, illustrated document.*

Our standard approach to assignments such as this is to forge a close working relationship with staff. Local staff bring a wealth of knowledge to the project that must not be underestimated or brought to bear too late in the process. A strong staff-consultant team relationship will also be important to get the job done...on time and on budget.

**Work Plan**

**Task 1: Mobilization and Issue Identification**

During Task 1, the consultant team will work with village staff and the plan commission to kick off the project and solicit preliminary input.

- Meet with village staff to discuss specific issues, problems and opportunities related to the existing zoning and subdivision regulations.
- Obtain copies of documents and information that will help in identifying strengths and weaknesses of the current regulations.
- Conduct informal field surveys to better understand on-the-ground conditions in Downers Grove and the effects of existing zoning and subdivision regulations.
- Begin independent review of Downers Grove’s existing zoning and subdivision ordinances to assess their strengths and weaknesses.
- Participate in a formal public kick-off meeting with the plan commission.

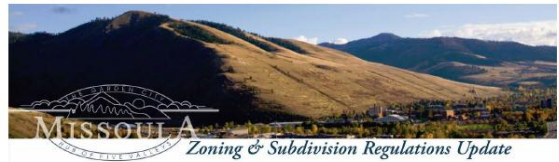
**Task 2: Ordinance Analysis**

Task 2 will involve a review and analysis of the existing zoning and subdivision ordinances for the purpose of identifying the type of substantive, procedural, organizational and formatting changes that will be necessary for successful completion of the Downers Grove project.

- Prepare initial draft report of analysis findings and recommendations.
- Revise report based on input from village.

**Task 3: Initial Draft Zoning Ordinance**

Following completion of Task 2, the team will begin the process of preparing a rewrite of the zoning ordinance. The initial zoning ordinance draft will be delivered in three modules. The content of the modules and the sequence of module delivery will be agreed upon with staff at the outset of Task 3. Together, the modules will make up the entirety of the new zon-



**Zoning Ordinance Outline**

**Contents**

<b>Chapter 19.01</b>	<b>Introductory Provisions</b> .....	<b>19.01-1</b>
19.01.010	Official Name (Title).....	19.01-1
19.01.020	Effective Date.....	19.01-1
19.01.030	Authority.....	19.01-1
19.01.040	Applicability.....	19.01-1
19.01.050	Purposes.....	19.01-1
19.01.060	Minimum Requirements; Compliance with other Applicable Regulations.....	19.01-2
19.01.070	Compliance Required.....	19.01-2
19.01.080	Conflicting Provisions.....	19.01-2
19.01.090	Rules of Language and Ordinance Construction.....	19.01-3
19.01.100	Zoning Map.....	19.01-4
19.01.110	Transitional Provisions.....	19.01-5
19.01.120	Severability.....	19.01-6
<b>Chapter 19.05</b>	<b>Residential Districts</b> .....	<b>19.05-1</b>
19.05.010	Districts.....	19.05-1
19.05.020	Purposes.....	19.05-1
19.05.030	Allowed Uses.....	19.05-1
19.05.040	Allowed Building Types.....	19.05-3
19.05.050	Lot and Building Standards.....	19.05-3
19.05.060	Conservation Development Option.....	19.05-4
19.05.070	Other Regulations.....	19.05-4
<b>Chapter 19.10</b>	<b>Commercial and Mixed-use Districts</b> .....	<b>19.10-1</b>
19.10.010	Districts.....	19.10-1
19.10.020	Purposes.....	19.10-1
19.10.030	Uses.....	19.10-1
19.10.040	Lot and Building Standards.....	19.10-1
19.10.050	Site, Design and Development Standards.....	19.10-1
19.10.060	Other Regulations.....	19.10-1
<b>Chapter 19.15</b>	<b>Industrial Districts</b> .....	<b>19.15-1</b>
19.15.010	Districts.....	19.15-1
19.15.020	Purposes.....	19.15-1
19.15.030	Uses.....	19.15-1
19.15.040	Lot and Building Standards.....	19.15-1
19.15.050	Site, Design and Development Standards.....	19.15-1
19.15.060	Other Regulations.....	19.15-1

*The analyses conducted during Task 2 will address substantive, procedural, organizational and formatting issues related to the village’s current zoning and subdivision ordinances*

ing ordinance. The initial draft will be un-illustrated, although sample illustrations and placeholders may be provided for the purpose of reaching agreement on the style of illustrations (line drawings, photos, etc.) to be used in the document.

**Task 4: Public Hearing Draft Zoning Ordinance**

Following local review and comment on the three zoning ordinance modules, the consultant team will consolidate the draft modules into a single, consolidated public hearing draft document, incorporating proposed changes that respond to the comments received in preceding tasks. At this point in the drafting process, illustrations and graphics will be completed and inserted into the zoning ordinance and an index and final document layout will be completed.

**Task 5: Zoning Ordinance Public Hearings**

During Task 5, our team will participate in public hearings leading to adoption of the final zoning ordinance. The consultant team will present summary overviews of the proposed documents and be available to respond to questions and concerns that may arise during the hearings. At the conclusion of the hearings, the consultant team will make any needed revisions to the ordinance document to reflect revisions necessitated by the public hearing and adoption process.

**Task 6: Initial Draft Subdivision Ordinance**

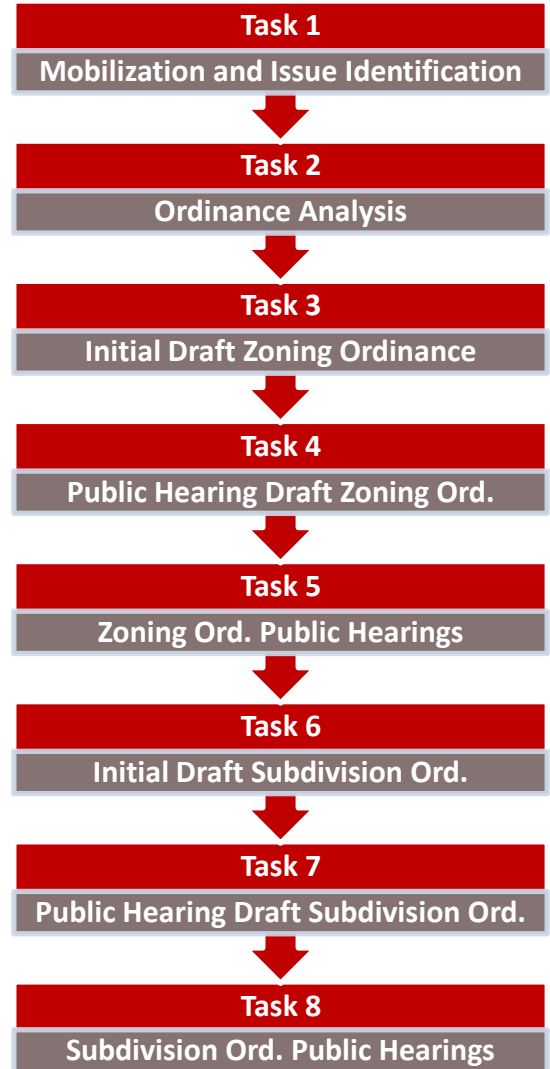
Following completion of the public hearing draft zoning ordinance, the team will begin the process of preparing a rewrite of the subdivision ordinance. The initial draft will be un-illustrated, although sample illustrations and placeholders may be provided for the purpose of reaching agreement on the style of illustrations (line drawings, photos, etc.) to be used in the document.

**Task 7: Public Hearing Draft Subdivision Ordinance**

Following local review and comment on the draft initial draft subdivision ordinance, the consultant team a public hearing draft of the document, incorporating proposed changes that respond to the comments received in preceding tasks. At this point in the drafting process, illustrations and graphics will be completed and inserted into the subdivision ordinance and an index and final document layout will be completed.

**Task 8: Subdivision Ordinance Adoption Process**

During Task 8, our team will participate in public hearings leading to adoption of the final subdivision ordinance. The consultant team will



present summary overviews of the proposed documents and be available to respond to questions and concerns that may arise during the hearings. At the conclusion of the hearings, the consultant team will make any needed revisions to the ordinance document to reflect revisions necessitated by the public hearing and adoption process.

### ***Meetings, Presentations and Deliverables***

Our work plan includes 18 face-to-face meetings with village staff, boards and commissions. Deliverable (written) products will be provided as specified in Section I of the RFP specifications.

## 5 Personnel Qualifications and Experience

### *James B. Duncan, FAICP*

Jim is president of Duncan Associates and one of the nation's leading urban planning practitioners. His career as a city planner has spanned over five decades of service to more than 300 cities, counties, regions and states. During his career, he has also held several key public sector positions, including land development services director for Austin, Texas; growth management director for Hollywood, Florida; development management director for Broward County, Florida; and chief of local planning services for Dade County, Florida.

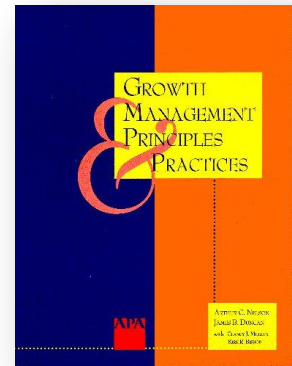
Throughout his career, Jim has focused his energies on the development of innovative “smart growth” techniques, the streamlining of development regulations, and the advancement of infrastructure financing methodologies. He has prepared award-winning comprehensive plans and development codes that were honored by several chapters of the American Planning Association. Jim served as a growth management advisor to two Florida Governors, co-wrote the nation's first state impact fee enabling act (Texas), prepared one of the first comprehensive plans to embody the dual concepts of consistency and concurrency, and introduced many user-friendly, easy-find techniques to simplify regulations.

For the American Planning Association, Jim has served as its National president, vice-chair of its Chapter President’s Council, president of its Florida chapter, and as a member of its national governance committee. He is the co-author of the best-selling APA publication, *Growth Management Principles and Practices*. For the past six years, he has been a principal presenter for APA’s continuing series of popular biennial Planners Training Service workshops on “Sustainable Zoning and Development Controls.”

Jim also serves on advisory boards for the Prague Institute of Global Urban Development and the Institute for Local Government Studies. While in Florida, he served as an adjunct professor of city planning at Florida Atlantic University and as vice-chair of the planning board and chair of the code enforcement board for the Town of Davie. In 2010, Jim received the “Outstanding Alumni” award from the University of Oklahoma’s College of Architecture.

*Education: M.S. Regional and City Planning, University of Oklahoma  
B.A. Journalism, University of Texas at Austin*

**duncan** associates



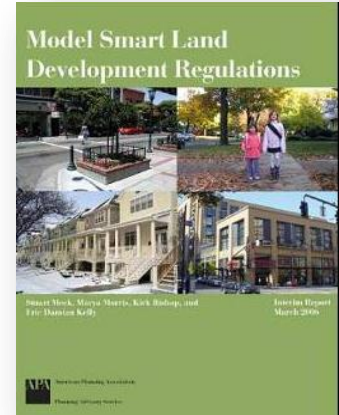
#### **Expected Involvement**

Jim would provide strategic zoning and public outreach advisory services to the team, spending up to 5% of his time on the Downers Grove zoning code update assignment.

**Kirk R. Bishop**

Kirk is a native Iowan and executive vice-president of Duncan Associates. During his 25 years with the firm he has served as a code consultant to cities and counties throughout the U.S., including Chicago, Kansas City, Tulsa, Pittsburgh, Philadelphia, La Crosse, Portland, Seattle and a host of Chicago area suburbs. He recently completed form-based code provisions to implement downtown plans in Evanston, IL and Highland Park, IL.

Kirk was invited by Harvard University and the Lincoln Institute of Land Policy to serve on a three-member panel that presented zoning papers to planning directors of the nation’s 25 largest cities.



Client	Assignment	Kirk’s Role
Chicago, IL	Zoning Ordinance	Project Manager
Toledo, OH	Zoning Ordinance	Project Manager
Kansas City, MO	Zoning Ordinance	Project Manager
Lake County, IL	Sustainable Code	Project Manager
Pittsburgh, PA	Zoning Ordinance	Project Manager
Philadelphia, PA	Zoning Ordinance	Co-Project Mgr.
Evanston, IL	Downtown Form Code	Project Manager
Covington, KY	Zoning Ordinance	Project Manager
Detroit, MI	Zoning Ordinance	Co-Project Mgr.
Henderson, NV	Development Code	Principal Planner
Tulsa, OK	Zoning Code	Project Manager
Aspen, CO	Growth Management	Principal Planner
Charleston County, SC	Development Code	Project Manager
Lake County, IL	Sustainability Audit	Co-Project Mgr.

**Expected Involvement**

As the project director, Kirk would be involved in all aspects of the project and have principal responsibility for all code drafting and presentations. He would devote approximately 35% of his time to the Downers Grove assignment.

Before joining Duncan Associates, Kirk was a senior research associate with the American Planning Association, where he served as principal researcher for numerous studies and training workshops. Early in his career, Kirk worked as a senior planner with the City of Austin, where he was responsible for zoning and subdivision case review, land-use studies, and staff support for a city council-appointed citizens’ panel charged with reviewing amendments to the city’s land development code.

Kirk is a frequent speaker at conferences and training workshops and a regular guest lecturer in the University of Illinois at Chicago’s Urban Planning and Public Affairs program. He obtained two degrees from the University of Iowa and remains a die-hard Hawkeye fan.

*Education: M.A., Urban and Regional Planning, Univ. of Iowa  
B.A., Political Science, University of Iowa*

**Eric Damian Kelly, PhD, FAICP**

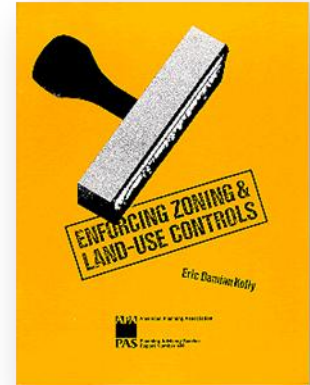
Eric is one of the nation’s leading land-use lawyers and brings significant experience to the Downers Grove assignment. He has degrees in planning and law and is well-known nationally for his work on unified development codes, zoning and subdivision regulations, growth management strategies, and special studies and regulations for such difficult uses as signs and sexually-oriented businesses. Over his 40-year career, he has worked with more than 150 local governments in 35 states.

He first participated in drafting development regulations as vice president of a Philadelphia firm that developed the innovative "Impact Zoning" concept during the early 1970s. He then went on to operate his own land use law firm in Colorado until 1990, when he accepted a full-time faculty position at Iowa State University. He has been at Ball State since 1995.

Eric is prolific author and editor. He is general editor of the 10-volume Matthew Bender legal treatise, *Zoning and Land Use Controls*. Other publications include *Managing Community Growth* and participation as author or lead co-author of six Planning Advisory Service Reports for the American Planning Association. He is also the author of a handbook for citizens entitled *Community Planning: an Introduction to the Comprehensive Plan*.

Eric is a past president of the American Planning Association and has also served as chair of its Planning and Law Division. Three governors have appointed him to the Indiana Land Resources Council. He is also a board member of the Muncie Housing Authority and Chair of the Muncie-Delaware County Government Reorganization Committee.

*Education:*        *Ph.D. in Public Policy, The Union Institute*  
                          *J.D. and M.S. of City Planning, Univ. of Pennsylvania*  
                          *B.A. in political economy, Williams College*



**Expected Involvement**

Eric would play a key role in analyzing existing sign regulations and providing strategic drafting and legal advisory services. He will spend between 5% and about 10% of his time on the project.

**Leslie Oberholtzer, AICP, RLA, LEED AP**

Leslie is a principal and Director of Planning at Farr Associates. With an extensive background in landscape architecture and smart growth planning, she is interested in promoting sustainable development through availability of alternative transportation and housing choices, green construction, community building, and tradition preservation. She is a National Charrette Institute certified planner and AICP certified.



**Downtown Youngstown Form-Based Code**

Leslie worked with Youngstown (OH) to develop three form-based zoning districts that implement strategies from the City’s award-winning neighborhood comprehensive plan. Youngstown, which is tackling the challenges associated with shrinking cities, targeted these intact neighborhoods to help preserve their physical character as the city changes.

**Expected Involvement**

Leslie will lead the team’s work on the preparation of form-based code provisions and ordinance illustrations, spending about 10% of her time on the assignment.

**Duluth Form-Based Code Districts**

Leslie developed form-based code overlays for several commercial districts and corridors in Duluth (MN). The overlays consist of multiple building types based on preferred existing and potentially desired development types. Uses, landscape requirements, and building types are included. As the city develops master plans for each area, the building types and form-based districts will be used to create regulating plans.

**West Evanston Master Plan & Form-Based Zoning Overlay**

Creation of a master plan and form-based zoning code overlay for two redevelopment areas in Evanston (IL). An intensive public process for the project included an image preference survey, design charrette, stakeholder interviews, and multiple public discussions on plan alternatives resulted in consensus approval of the plan. The resulting plan and code promote sustainable development patterns by providing new housing and transportation options to the community.

**Bridge Street Corridor Form-Based Code**

The City of Dublin, Ohio, a suburb of Columbus, has developed a new plan for a large area surrounding their existing historic downtown, the Bridge Street Corridor. The city believes this strategy will attract professionals who work in the city’s large business center to live and shop within the community. Key to implementing the master plan, the Farr Associates’ developed form-based code addresses elements of the community’s desired final form for the site, including building envelope and relationship to the street, building transparency, blank wall limitations, entry locations, diversity in roof planes, and building variety.

*Education: M.S., Community Planning, University of Texas at Austin  
B.S., Landscape Architecture, Univ. of Texas at Arlington*

### ***Christina Bader, LEED AP***

Christina is an associate urban planner with Farr Associates. Her experience in the planning field is in developing and revising zoning ordinances, land development regulations, master plans, and form-based codes. She is one of only a handful of professionals nationwide to earn the LEED AP credential in Neighborhood Development.



#### ***Transit Supportive Zoning, Chicago, IL***

Updated form-based regulations for four communities served by commuter rail in the Chicago region: Buffalo Grove, Villa Park, Westmont, and Wilmette. While each community had different goals, the project focused on developing regulations for mixed use and multifamily development around each transit station. The specific strategies included parking reductions, amendments to zoning district regulations, and streamlining entitlement processes for the station areas and downtowns.

#### **Expected Involvement**

Christina will assist with preparation of form-based code provisions, spending about 10% of her time on the assignment.

#### ***Hamilton Main Street Form-Based Code***

As the county seat of Butler, County (OH), this downtown is home to a collection of historic and civic buildings. The city was concerned with preserving the historic nature of the area with a form-based code, but they were also interested with several large redevelopment sites adjacent to downtown and the Miami River that bisects downtown. The form-based code will keep new downtown infill development in scale with the existing historic area, while development in adjacent areas may incorporate increased height and density to take advantage of river views.

#### ***Downtown Ferguson Form-Based Districts***

The City of Ferguson (MO) has made walkability a priority in their community, despite a four-lane state highway running through Downtown. To promote new development to be a pedestrian-friendly as possible, Farr Associates developed form-based districts for their downtown and adjacent residential areas. Building off their many downtown civic investments in recent years, the code ensures that buildings have shallow setbacks, entrances on the street, and parking behind buildings. Also challenging were Downtown's two large creeks which flood yearly. Form regulations considered how to comfortably mix the need for above grade first floors while still being inviting to pedestrians.

*Education: M.A., Urban Planning/Policy, University of Illinois-Chicago  
B.A., Architectural Studies, University of Kansas*

## 6 Sample Projects

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### *Will County Zoning Ordinance*

Duncan Associates recently completed a comprehensive update of Will County’s zoning ordinance. The update effort was funded through the U.S. Department of Energy’s Energy Efficiency and Conservation Block Grant Program and focused on promoting greater use sustainable development practices, implementing the county award-winning “Land Resources Management Plan” and improving the ordinance’s organization and format. The new ordinance, which was adopted by the county board in July 2011, includes new provisions addressing such things as alternative energy technologies (wind, solar, geothermal), new reduced and flexible parking provisions, streamlined review and approval procedures and a host of additional changes. Adoption of the new ordinance was supported by the Will County farm bureau, the Will County industrial council and several real estate and environmental organizations.

**Reference:** David DuBois  
Development Review Director  
Will County Land Use  
815 774 3365  
[ddubois@willcountylanduse.com](mailto:ddubois@willcountylanduse.com)

### *Lake County, IL: Unified Development Ordinance*

Duncan Associates prepared Lake County’s first unified development ordinance in the late 1990s. That project resulted in the consolidation of multiple land use control ordinances into a single unified ordinance document.

**Reference:** Eric Waggoner  
Executive Director  
847.377.2600  
[EWaggoner@co.lake.il.us](mailto:EWaggoner@co.lake.il.us)

Recently, the firm, in association with The Lakota Group and Primera Engineers, prepared a sustainability audit of Lake County’s unified development ordinance, watershed development ordinance and building code. The objective of the project was to promote greater use of sustainable development practices through building code and development ordinance amendments. The resulting report included recommended actions and sample ordinances that addressed: Energy Conservation + Renewables; Land Use, Transportation + Mobility; Open Space + Natural Resources; Water Quality + Quantity; Stormwater Management; Redevelopment + Reuse; Construction-Phase Pollution Control; Outdoor Lighting; Indoor Environmental Quality (IEQ); and Food Supply. Besides guiding future amendments to the county’s regulations, it is intended as a model for municipalities in northeast Illinois. The was funded through the U.S. Department of Energy’s Energy Efficiency and Conservation Block Grant Program made available pursuant to the American Recovery and Reinvestment Act. The study was adopted by the county board in December 2011.

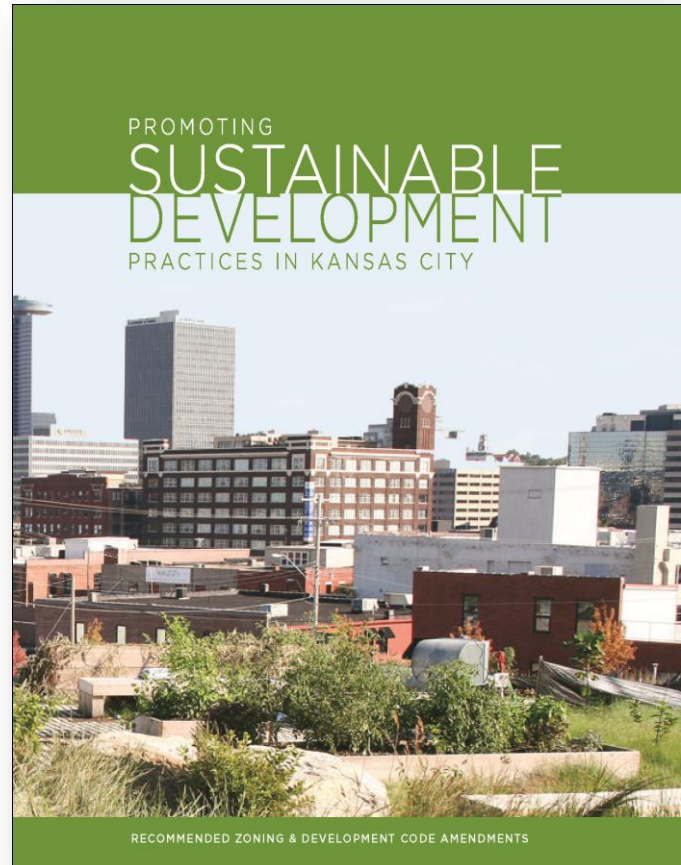
<http://issuu.com/lakecounty/docs/sustainablepractices>

## *Kansas City Development Code*

Duncan Associates completed a comprehensive overhaul of Kansas City's zoning and subdivision regulations in 2008. This important update—the first in nearly 50 years—incorporated dozens of sustainable, “green solutions” including new provisions designed to incentivize open space and conservation-style development through provision of density bonuses and reductions in lot area and setback requirements. “Neighborhood-serving retail” uses are now allowed within residential districts, allowing residents to walk to nearby retail and service uses. The new ordinance also includes new riparian buffer provisions, innovative parking and access management provisions, and streamlined approval procedures.

In 2010, Duncan Associates was awarded a follow-up contract to prepare additional code amendments designed to help the city attain its goal of being the “greenest city in America.” Over the past two years the firm worked with an advisory committee to prepare a sustainability audit of existing development regulations and perform best practices research. Based on that work, Duncan Associates drafted a series of code amendments focusing on energy conservation, energy efficiency and greenhouse gas reduction. This project was funded through the U.S. Department of Energy's Energy Efficiency and Conservation Block Grant Program made available pursuant to the American Recovery and Reinvestment Act.

Early in the code update process, the firm conducted a review of existing land use regulations to determine their consistency with the goals, policies and strategies of the FOCUS Plan and state and federal laws. A review and analysis was made of various Kansas City ordinances, including the zoning ordinance, subdivision regulations, property maintenance, dangerous building, floodplain, landmark and all building codes and State of Missouri enabling legislation, federal laws and relevant case law.



**Reference:** Patty Noll  
Project Manager  
816 513 2864  
[Patty\\_Noll@kcmo.org](mailto:Patty_Noll@kcmo.org)

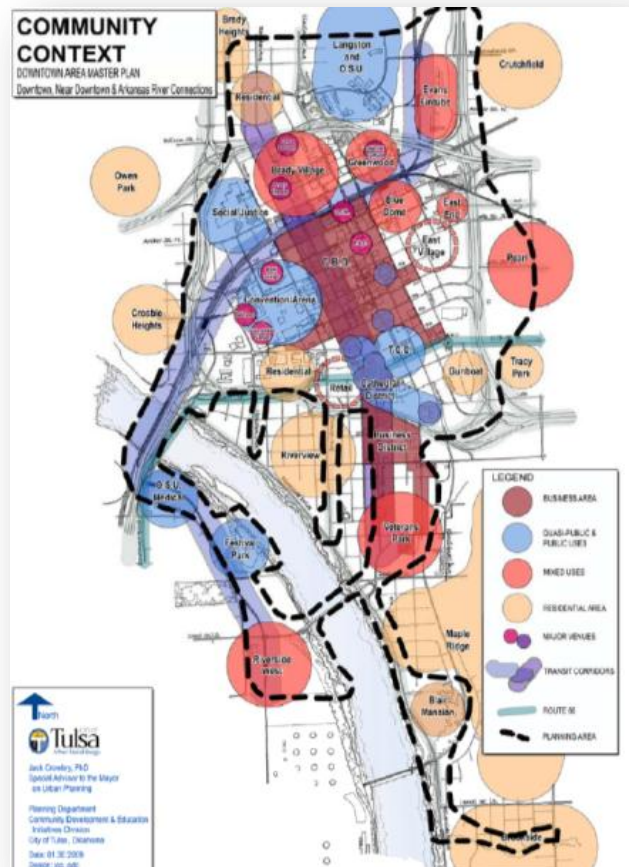
### Tulsa Zoning and Subdivision Regulations

Duncan Associates is currently preparing a comprehensive update of Tulsa’s zoning code and subdivision regulations. The code update project was identified as a top priority in the city’s new groundbreaking PLANiTULSA, comprehensive plan. The firm is working closely with a staff technical committee and a citizen advisory committee to prepare the updated code, the first complete overhaul in over 40 years.

The new regulations are being crafted to facilitate implementation of the comprehensive plan. The evolving code follows a hybrid approach, incorporating conventional (Euclidean) and form based zoning provisions, where appropriate. One of many key issues being addressed is the inclusion of new mixed-use zoning tools and context-sensitive infill regulations for built-up areas of the city. Other key objectives of the Tulsa update are:

- updated parking standards suitable for a broader range of urban environments;
- accommodating a broader range of housing types;
- promoting walkability, transit use and cycling; and
- promoting a sustainable built and natural environment as per Citywide Sustainability Plan.

In addition to code drafting responsibilities, the firm has prepared a project website and conducted small group listening sessions. As the drafting work continues, the team will be conducting economic and design “testing” of the draft provisions and assisting with public workshops and hearing leading to adoption of the code, which is expected to occur in late 2013.

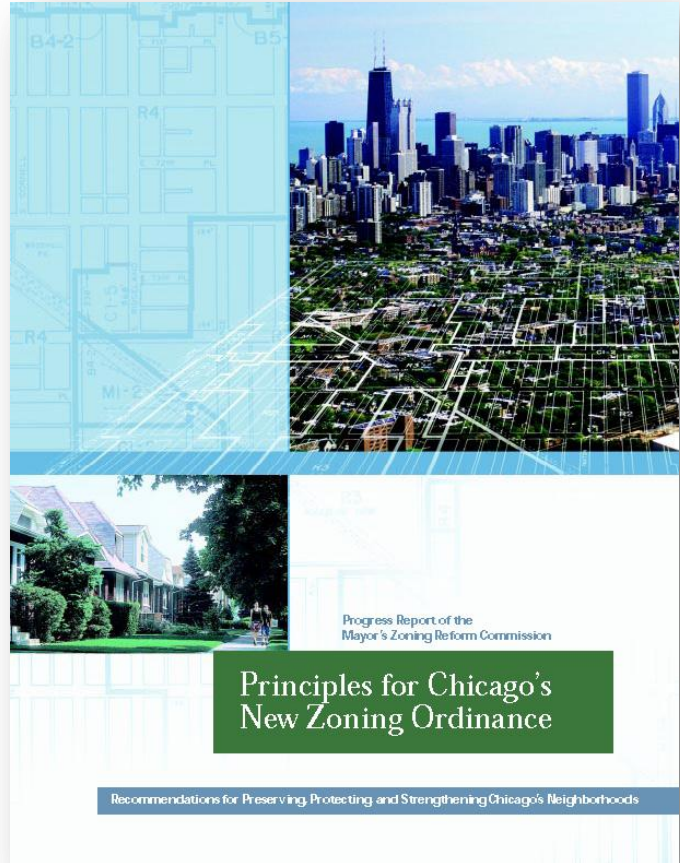


**Reference:** Theron Warlick  
 Project Manager  
 918 576 5677  
[twarlick@cityoftulsa.org](mailto:twarlick@cityoftulsa.org)

## Chicago Zoning Ordinance

Duncan Associates served as prime contractor and project manager for the City of Chicago’s 2004 zoning ordinance rewrite, the first comprehensive overhaul of the ordinance in 47 years. Before the new ordinance was drafted, the consultant team first prepared a policy framework report, *Principles for Chicago’s New Zoning Ordinance*. This “Big Ideas” book, as it came to be known, served as the overall policy blueprint for the new ordinance. The big ideas report was a richly illustrated document that explained the issues to be addressed by the new ordinance—first by demonstrating that there was a challenge or issue to be addressed and then by proposing a conceptual approach for dealing with the issue. It generated a great deal of press coverage and local interest. Hard copies were made available through a variety of outlets and on-line versions help create a database of email addresses that were used to get the word out about project updates and events throughout the 4.5-year update process.

The new zoning ordinance, which was adopted in 2004, places strong emphasis on conserving the physical character of Chicago’s cherished residential neighborhoods. Among its many new features are provisions designed to stimulate redevelopment of underutilized commercial corridors, promote preservation of the city’s best pedestrian-oriented shopping streets, establish transparent, predictable review procedures and prevent erosion of the city’s industrial and employment base (by preventing encroachment of residential and other nonmanufacturing uses).



**Reference:** Ed Kus  
Executive Director  
312 386 4080  
[ekus@sheskyllaw.com](mailto:ekus@sheskyllaw.com)



## **7** Sample Ordinances

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### ***Duncan Associates***

A sampling of Duncan Associates' recent zoning and subdivision regulations update work can be viewed in the following on-line documents:

**[Kansas City Zoning and Development Code](http://www.zoningplus.com/regs/kansascity/)**

(<http://www.zoningplus.com/regs/kansascity/>)

**[Missoula Zoning and Subdivision Regulations](http://www.co.missoula.mt.us/opgweb/Documents.htm)**

(<http://www.co.missoula.mt.us/opgweb/Documents.htm>)

**[Durham Unified Development Ordinance](http://www.durhamnc.gov/udo)**

(<http://www.durhamnc.gov/udo>)

**[Dunwoody Zoning and Development Regulations](http://www.zoningdunwoody.com)**

(<http://www.zoningdunwoody.com>)

### ***Farr Associates***

For a sample of Farr Associates' form-based code work, see Dublin, Ohio's [Bridge Street Corridor Development Code](http://www.dublin.oh.us/bridgestreet/form_based_code.php)  
([http://www.dublin.oh.us/bridgestreet/form\\_based\\_code.php](http://www.dublin.oh.us/bridgestreet/form_based_code.php))



## **8** **Schedule and Budget**

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### ***Schedule***

As specified in the request for proposals (RFP), complete adoption-ready drafts of the zoning ordinance and subdivision ordinance will be delivered by October 1, 2013 and February 1, 2014, respectively.

### ***Budget***

Our team's proposed lump sum budget for carrying out the Downers Grove zoning and subdivision ordinance rewrite is \$114,500, which includes all professional fees and expenses related to performing the work described in this proposal and the village's specifications.



## **9 Additional Required Information and Forms**

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The following pages include additional information required by the village.



## REQUEST FOR PROPOSAL (Professional Services)

Name of Proposing Company: Duncan Associates

Project Name: Downers Grove Zoning Ordinance & Subdivision Control Ordinance Re-write

Proposal No.: RFP-0-0-2013/tt

Proposal Due: 4:00 pm, Wednesday, January 23, 2013

Pre-Proposal Conference: Tuesday, January 15, 2013, at 9:00 am 801 Burlington Avenue, Downers Grove, IL 60515 (informational purposes)

**Required of Awarded Contractor:**

Certificate of Insurance: Yes

Legal Advertisement Published: January 3, 2013

Date Issued: January 3, 2013

This document consists of 23 pages.

Return **original and one duplicate copy and on digital (disk copy)** of proposal in a **sealed envelope** marked with the Proposal Number as noted above to:

THERESA H. TARKA  
PURCHASING ASSISTANT  
VILLAGE OF DOWNERS GROVE  
801 BURLINGTON AVENUE  
DOWNERS GROVE, IL 60515  
PHONE: 630/434-5530  
FAX: 630/434-5571  
ttarka@downers.us

Village of Downers Grove

The VILLAGE OF DOWNERS GROVE will receive proposals Monday thru Friday, 8:00 A.M. to 5:00 P.M. at the Village Hall, 801 Burlington Avenue, Downers Grove, IL 60515.

**SPECIFICATIONS MUST BE MET AT THE TIME THE PROPOSAL IS DUE.**

The Village Council reserves the right to accept or reject any and all proposals, to waive technicalities and to accept or reject any item of any proposal.

The documents constituting component parts of this Contract are the following:

- I. REQUEST FOR PROPOSALS
- II. TERMS & CONDITIONS
- III. DETAILED SPECIFICATIONS
- IV. PROPOSER'S RESPONSE TO RFP (Professional Services)
- V. PROPOSAL/CONTRACT FORM

**DO NOT DETACH ANY PORTION OF THIS DOCUMENT. INVALIDATION COULD RESULT.** Proposers MUST submit an original, and 2 additional paper copies of the total proposal.

Upon formal award of the proposal this RFP document shall become the Contract, the successful Proposer will receive a copy of the executed Contract.

## **I. REQUEST FOR PROPOSALS**

### **1. GENERAL**

- 1.1 Notice is hereby given that the Village of Downers Grove will receive sealed Proposals up to **4:00 pm on Wednesday, January 23, 2013**
- 1.2 Proposals must be received at the Village of Downers Grove by the time and date specified. Proposals received after the specified time and date will not be accepted and will be returned unopened to the Proposer.
- 1.3 Proposal forms shall be sent to the Village of Downers Grove, ATTN: Theresa Tarka, in a sealed envelope marked "SEALED PROPOSAL". The envelope shall be marked with the name of the project, date, and time set for receipt of Proposals.
- 1.4 All Proposals must be submitted on the forms supplied by the Village and signed by a proper official of the company submitting the Proposal. Telephone, email and fax Proposals will not be accepted.
- 1.5 By submitting this Proposal, the Proposer certifies under penalty of perjury that they have not acted in collusion with any other Proposer or potential Proposer.

### **2. PREPARATION OF PROPOSAL**

- 2.1 It is the responsibility of the Proposer to carefully examine the specifications and proposal documents and to be familiar with all of the requirements, stipulations, provisions, and conditions surrounding the proposed services. **DO NOT SUBMIT A PROPOSED CONTRACT. UPON ACCEPTANCE BY THE VILLAGE, THIS RFP DOCUMENT SHALL BECOME A BINDING CONTRACT.**
- 2.2 No oral or telephone interpretations of specifications shall be binding upon the Village. All requests for interpretations or clarifications shall be made in writing and received by the Village at least five (5) business days prior to the date set for receipt of Proposals. All changes or interpretations of the specifications shall be made by the Village in a written addendum to the Village's proposers of record.
- 2.3 In case of error in the extension of prices in the Proposal, the hourly rate or unit price will govern. In case of discrepancy in the price between the written and numerical amounts, the written amount will govern.
- 2.4 All costs incurred in the preparation, submission, and/or presentation of any Proposal including any Proposer's travel or personal expenses shall be the sole responsibility of the Proposer and will not be reimbursed by the Village.
- 2.5 The Proposer hereby affirms and states that the prices quoted herein constitute the total cost to the Village for all work involved in the respective items and that this cost also includes all insurance, bonds, royalties, transportation charges, use of all tools and equipment, superintendence, overhead expense, all profits and all other work, services and conditions

necessarily involved in the work to be done and materials to be furnished in accordance with the requirements of the Contract Documents considered severally and collectively.

**3. MODIFICATION OR WITHDRAWAL OF PROPOSALS**

3.1 A Proposal that is in the possession of the Village may be altered by a letter bearing the signature or name of the person authorized for submitting a Proposal, provided that it is received prior to the time and date set for the Proposal opening. Telephone, email or verbal alterations of a Proposal will not be accepted.

3.2 A Proposal that is in the possession of the Village may be withdrawn by the Proposer, up to the time set for the Proposal opening, by a letter bearing the signature or name of the person authorized for submitting Proposals. Proposals may not be withdrawn after the Proposal opening and shall remain valid for a period of ninety (90) days from the date set for the Proposal opening, unless otherwise specified.

**4. RESERVED RIGHTS**

4.1 The Village reserves the exclusive right to waive sections, technicalities, irregularities and informalities and to accept or reject any and all Proposals and to disapprove of any and all subcontractors as may be in the best interest of the Village. Time and date requirements for receipt of Proposals will not be waived.

**II. TERMS AND CONDITIONS**

**5. VILLAGE ORDINANCES**

5.1 The successful Proposer will strictly comply with all ordinances of the Village of Downers Grove and laws of the State of Illinois.

**6. USE OF VILLAGE'S NAME**

6.1 The Proposer is specifically denied the right of using in any form or medium the name of the Village for public advertising unless express permission is granted by the Village.

**7. INDEMNITY AND HOLD HARMLESS AGREEMENT**

7.1 To the fullest extent permitted by law, the Proposer shall indemnify, keep and save harmless the Village and its agents, officers, and employees, against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, which may arise directly or indirectly from any negligence or from the reckless or willful misconduct of the Proposer, its employees, or its subcontractors, and the Proposer shall at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith, and, if any judgment shall be rendered against the Village in any such action, the Proposer shall, at its own expense, satisfy and discharge the same. This agreement shall not be construed as requiring the Proposer to indemnify the Village for its own negligence. The Proposer shall indemnify, keep and save harmless the Village only where a loss was caused by the negligent, willful or reckless acts or omissions of the Proposer, its employees, or its subcontractors.

**8. NONDISCRIMINATION**

8.1 Proposer shall, as a party to a public contract:

- (a) Refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination;
- (b) By submission of this Proposal, the Proposer certifies that it is an "equal opportunity employer" as defined by Section 2000(e) of Chapter 21, Title 42, U.S. Code Annotated and Executive Orders #11136 and #11375, which are incorporated herein by reference. The Equal Opportunity clause, Section 6.1 of the Rules and Regulations of the Department of Human Rights of the State of Illinois, is a material part of any contract awarded on the basis of this Proposal.

8.2 It is unlawful to discriminate on the basis of race, color, sex, national origin, ancestry, age, marital status, physical or mental handicap or unfavorable discharge for military service. Proposer shall comply with standards set forth in Title VII of the Civil Rights Act of 1964, 42 U.S.C. Secs. 2000 et seq., The Human Rights Act of the State of Illinois, 775 ILCS 5/1-101et. seq., and The Americans With Disabilities Act, 42 U.S.C. Secs. 12101 et. seq.

## **9. SEXUAL HARASSMENT POLICY**

9.1 The Proposer, as a party to a public contract, shall have a written sexual harassment policy that:

- 9.1.1 Notes the illegality of sexual harassment;
- 9.1.2 Sets forth the State law definition of sexual harassment;
- 9.1.3 Describes sexual harassment utilizing examples;
- 9.1.4 Describes the Proposer's internal complaint process including penalties;
- 9.1.5 Describes the legal recourse, investigative and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and how to contact these entities; and
- 9.1.6 Describes the protection against retaliation afforded under the Illinois Human Rights Act.

## **10. EQUAL EMPLOYMENT OPPORTUNITY**

10.1 In the event of the Proposer's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act or the Rules and Regulations of the Illinois Department of Human Rights ("Department"), the Proposer may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the Contract may be canceled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this Contract, the Proposer agrees as follows:

- 10.1.1 That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental disability unrelated to ability, order of protection status, military status, sexual orientation, sexual identity or an unfavorable discharge from military

service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.

- 10.1.2 That, if it hires additional employees in order to perform this Contract or any portion thereof, it will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
- 10.1.3 That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental disability unrelated to ability, order of protection status, military status, sexual orientation, or an unfavorable discharge from military services.
- 10.1.4 That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the Proposer's obligations under the Illinois Human Rights Act and the Department's Rules and Regulations. If any such labor organization or representative fails or refuses to cooperate with the Proposer in its efforts to comply with such Act and Rules and Regulations, the Proposer will promptly so notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
- 10.1.5 That it will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Illinois Human Rights Act and the Department's Rules and Regulations.
- 10.1.6 That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purpose of investigation to ascertain compliance with the Illinois Human Rights Act and the Department's Rules and Regulations.
- 10.1.7 That it will include verbatim or by reference the provisions of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this Contract, the Proposer will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the Proposer will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

**11. DRUG FREE WORK PLACE**

Proposer, as a party to a public contract, certifies and agrees that it will provide a drug free workplace by:

- 11.1 Publishing a statement: (1) Notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, is prohibited in the Village's or Proposer's workplace. (2) Specifying the actions that will be taken against employees for violations of such prohibition. (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will: (A) abide by the terms of the statement; and (B) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- 11.2 Establishing a drug free awareness program to inform employees about: (1) the dangers of drug abuse in the workplace; (2) the Village's or Proposer's policy of maintaining a drug free workplace; (3) any available drug counseling, rehabilitation and employee assistance programs; (4) the penalties that may be imposed upon employees for drug violations.
- 11.3 Providing a copy of the statement required above to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
- 11.4 Notifying the contracting or granting agency within ten (10) days after receiving notice of any criminal drug statute conviction for a violation occurring in the workplace from an employee or otherwise receiving actual notice of such conviction.
- 11.5 Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted as required by section 5 of the Drug Free Workplace Act.
- 11.6 Assisting employees in selecting a course of action in the event drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place.
- 11.7 Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

**12. PATRIOT ACT COMPLIANCE**

- 12.1 The Proposer represents and warrants to the Village that neither it nor any of its principals, shareholders, members, partners, or affiliates, as applicable, is a person or entity named as a Specially Designated National and Blocked Person (as defined in Presidential Executive Order 13224) and that it is not acting, directly or indirectly, for or on behalf of a Specially Designated National and Blocked Person. The Proposer further represents and warrants to the Village that the Proposer and its principals, shareholders, members, partners, or affiliates, as applicable are not, directly or indirectly, engaged in, and are not facilitating, the transactions contemplated by this Contract on behalf of any person or entity named as a Specially Designated National and Blocked Person. The Proposer hereby agrees to defend, indemnify and hold harmless the Village, and its elected or appointed officers, employees,

agents, representatives, engineers and attorneys, from and against any and all claims, damages, losses, risks, liabilities and expenses (including reasonable attorney's fees and costs) arising from or related to any breach of the foregoing representations and warranties.

**13. INSURANCE REQUIREMENTS**

13.1 The Proposer shall be required to obtain, from a company or companies lawfully authorized to do business in the jurisdiction in which the project is located, such general liability insurance which, at a minimum, will protect the Proposer from the types of claims set forth below which may arise out of or result from the Proposer's operations under this Contract and for which the Proposer may legally liable:

13.1.1 Claims under workers compensation, disability benefit and other similar employee benefit acts which are applicable to the operation to be performed;

13.1.2 Claims for damages resulting from bodily injury, occupational sickness or disease, or death of the Proposer's employees;

13.1.3 Claims for damages resulting from bodily injury, sickness or disease, or death of any person other than the Proposer's employees;

13.1.4 Claims for damages insured by the usual personal injury liability coverage which are sustained: (1) by a person as a result of an offense directly or indirectly related to employment of such person by the Proposer, or (2) by another person;

13.1.5 Claims for damages, other than to the work itself, because of injury to or destruction of tangible property, including loss of use resulting therefrom;

13.1.6 Claims for damages because of bodily injury, death of a person or property damage arising out of ownership, maintenance or use of a motor vehicle;

13.1.7 Claims for damages as a result of professional or any other type of negligent action by the Proposer or failure to properly perform services under the scope of the agreement between the Proposer and the Village.

13.2 The Proposer shall demonstrate having insurance coverage for a minimum of \$2 million for professional liability (errors and omissions).

13.3 As evidence of said coverages, Proposer shall provide the Village with certificates of insurance naming the Village of Downers Grove as an additional insured and include a provision for cancellation only upon at least 30 days prior notice to the Village.

13.4 In the event the Proposer or a Sub-Consultant is an attorney or law firm, in addition to the above insurance requirements, submit verification of legal malpractice insurance.

**14. CAMPAIGN DISCLOSURE**

14.1 Any contractor, proposer, bidder or vendor who responds by submitting a bid or proposal to

the Village shall be required to submit with its submission, an executed Campaign Disclosure Certificate, attached hereto.

- 14.2 The Campaign Disclosure Certificate is required pursuant to the Village of Downers Grove Council Policy on Ethical Standards and is applicable to those campaign contributions made to any member of the Village Council.
- 14.3 Said Campaign Disclosure Certificate requires any individual or entity bidding to disclose campaign contributions, as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4), made to current members of the Village Council within the five (5) year period preceding the date of the bid or proposal release.
- 14.4 By signing the bid or proposal documents, contractor/proposer/bidder/vendor agrees to refrain from making any campaign contributions as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4) to any Village Council member and any challengers seeking to serve as a member of the Downers Grove Village Council.

**15. SUBLETTING OF CONTRACT**

- 15.1 No contract awarded by the Village shall be assigned or any part subcontracted without the written consent of the Village Manager. In no case shall such consent relieve the Proposer from its obligation or change the terms of the Contract.

All approved subcontracts shall contain language which incorporates the terms and conditions of this Contract.

**16. TERM OF CONTRACT**

- 16.1 The term of this Contract shall be as set forth in the Detail Specifications set forth in Section III below. This Contract is subject to the Village purchasing policy with regard to any extensions hereof.

**17. TERMINATION OF CONTRACT**

- 17.1 In the event of the Proposer's nonperformance, breach of the terms of the Contract, or for any other reason, and/or that sufficient funds to complete the Contract are not appropriated by the Village, the Contract may be canceled, in whole or in part, upon the Village's written notice to the Proposer. The Village will pay the Proposer's costs actually incurred as of the date of receipt of notice of default. Upon termination, the Proposer will deliver all documents and products of whatever kind, and their reproducible originals related to the project, which have been produced to the date of the notice of termination.

**18. BILLING & PAYMENT PROCEDURES**

- 18.1 Payment will be made upon receipt of an invoice referencing Village purchase order number. Once an invoice and receipt of materials or service have been verified, the invoice will be processed for payment in accordance with the Village payment schedule. The Village will comply with the Local Government Prompt Payment Act, 50 ILCS 505/1 et seq., in that any bill approved for payment must be paid or the payment issued to the Proposer within 60 days of receipt of a proper bill or invoice. If payment is not issued to the Proposer within this 60 day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added

for each month or fraction thereof after the end of this 60 day period, until final payment is made.

- 18.2 The Village shall review in a timely manner each bill or invoice after its receipt. If the Village determines that the bill or invoice contains a defect making it unable to process the payment request, the Village shall notify the Proposer requesting payment as soon as possible after discovering the defect pursuant to rules promulgated under 50 ILCS 505/1 et seq. The notice shall identify the defect and any additional information necessary to correct the defect.
- 18.4 Please send all invoices to the attention of Village of Downers Grove, Accounts Payable, 801 Burlington, Downers Grove, IL 60515.

**19. RELATIONSHIP BETWEEN THE PROPOSER AND THE VILLAGE**

- 19.1 The relationship between the Village and the Proposer is that of a buyer and seller of professional services and it is understood that the parties have not entered into any joint venture or partnership with the other.

**20. STANDARD OF CARE**

- 20.1. Services performed by Proposer under this Contract will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representations express or implied, and no warranty or guarantee is included or intended in this Contract, or in any report, opinions, and documents or otherwise.
- 20.2 If the Proposer fails to meet the foregoing standard, Proposer will perform at its own cost, and without reimbursement from the Village, the professional services necessary to correct errors and omissions caused by Proposer's failure to comply with the above standard and reported to Proposer within one (1) year from the completion of Proposer's services for the Project.
- 20.3 For Professional Service Agreements: Project site visits by Proposer during construction or equipment installation or the furnishing of Project representatives shall not make Proposer responsible for: (i) constructions means, methods, techniques, sequences or procedures; (ii) for construction safety precautions or programs; or (iii) for any construction contactor(s') failure to perform its work in accordance with contract documents.

**21. GOVERNING LAW**

- 21.1 This Contract will be governed by and construed in accordance with the laws of the State of Illinois without regard for the conflict of laws provisions. Venue is proper only in the County of DuPage and the Northern District of Illinois.

**22. SUCCESSORS AND ASSIGNS**

- 22.1 The terms of this Contract will be binding upon and inure to the benefit of the parties and their respective successors and assigns; provided, however, that neither party will assign this Contract in whole or in part without the prior written approval of the other. The Proposer will provide a list of key staff, titles, responsibilities, and contact information to include all

expected subcontractors.

**23. WAIVER OF CONTRACT BREACH**

23.1 The waiver by one party of any breach of this Contract or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof will be limited to the particular instance and will not operate or be deemed to waive any future breaches of this Contract and will not be construed to be a waiver of any provision except for the particular instance.

**24. AMENDMENT**

24.1 This Contract will not be subject to amendment unless made in writing and signed by all parties.

**25. NOT TO EXCEED CONTRACT**

25.1 The contract price is a “not-to-exceed” cost. At any time additional work is necessary or requested, and the not-to-exceed price is increased thereby, any change, addition or price increase must be agreed to in writing by all parties who have executed the Contract.

**26. SEVERABILITY OF INVALID PROVISIONS**

26.1 If any provisions of this Contract are held to contravene or be invalid under the laws of any state, country or jurisdiction, contravention will not invalidate the entire Contract, but it will be construed as if not containing the invalid provision and the rights or obligations of the parties will be construed and enforced accordingly.

**27. NOTICE**

27.1 Any notice will be in writing and will be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party at the party's place of business. Notices shall be addressed to the Village as follows:

**Village Manager  
Village of Downers Grove  
801 Burlington Ave.  
Downers Grove, IL 60515**

And to the Proposer as designated in the Contract Form.

**28. COOPERATION WITH FOIA COMPLIANCE**

28.1 Contractor acknowledges that the Freedom of Information Act may apply to public records in possession of the Contractor or a subcontractor. Contractor and all of its subcontractors shall cooperate with the Village in its efforts to comply with the Freedom of Information Act. (5 ILCS 140/1 et.seq.)

**III. DETAIL SPECIFICATIONS**

**A. Purpose**

The purpose of this document is to provide a framework for the development of proposals to assist in re-writing the Zoning Ordinance and Subdivision Control Ordinance for the Village of Downers

Grove. It should be noted that this document represents the product of input from the members of the Village of Downers Grove Plan Commission and the Village staff, but should not be construed as limiting further input during the consultant selection process and subsequent implementation process by the Consultant firm selected to produce the updated documents.

## **B. Background**

The Village of Downers Grove adopted a new Comprehensive Plan in October 2011. The award-winning plan contains numerous recommendations for updating the Village's land development ordinances. This project will focus on re-writing the Village's Zoning Ordinance and Subdivision Control Ordinance to align with the current Comprehensive Plan. Downers Grove is located in DuPage County, approximately 25 miles from the City of Chicago, along the Burlington Northern Railroad. The Village has direct access to two major expressways, Interstates 88 and 355. It has a population of approximately 48,000 persons and covers approximately 15 square miles.

Downers Grove is a dynamic, mature community which saw substantial development in the early 20<sup>th</sup> Century and again in the 1960's and 1970's. For the last several decades, the Village has seen substantial redevelopment of its residential and downtown areas. Much of this redevelopment has had significant impacts on the character of the community's residential neighborhoods. The Village's current zoning and subdivision regulations were originally drafted in 1965, with minor updates in the 1990s. They assume "Greenfield" development conditions given their age. Downers Grove is a built-out community and in many instances the standards do not address redevelopment scenarios. As such, the Village seeks to align its ordinances with current development conditions.

The Village seeks to produce a new Zoning Ordinance and Subdivision Control Ordinance using the Plan Commission and the Comprehensive Plan as major sources of input. The Plan Commission will serve as the steering committee for this project. This process will include input from the public through the Plan Commission hearing process. Village staff will provide direction and guidance for drafting the regulations.

## **C. Project Scope**

- Ensure the new Zoning Ordinance and Subdivision Control Ordinance implements the 2011 Comprehensive Plan.
- Ensure the ordinances comply with the Downers Grove Municipal Code and Illinois State Statutes.
- The regulations should maintain the existing characteristics of the Village's residential neighborhoods.
- Conduct a Technical Analysis of the zoning and subdivision regulations. The purpose of the Technical Analysis is to address the objectives identified above and to establish an outline for the zoning and subdivision regulations including areas of the current code to be retained, discarded or modified and others to be added. The review shall specifically identify current code weaknesses; fragmented and inconsistent language; irrelevant and incorrect cross-references; redundant and contradictory policies and practices. Staff has generated a preliminary list of topics and issues pertaining to the current code that will be included in the review and update. The selected consultant will receive a detailed list with input from Village staff prior to the start of the project.
- Update the zoning and subdivision regulations based on the findings of the Technical Analysis, 2011 Comprehensive Plan and Downtown Pattern Book. The update shall also

incorporate best practices and include features of an ideal code that reflects the recommendations of the 2011 Comprehensive Plan.

- Update Downtown zoning regulations using a form-based code approach. Proposed revisions shall be based upon the Downtown Pattern Book and 2011 Comprehensive Plan.
- Prepare and provide information for review by Village staff and the Plan Commission.
- Lead public meetings – staff anticipates fifteen (15) meetings with the Plan Commission and Village Council.

#### **D. Oversight**

The Village of Downers Grove Community Development Department will be the lead entity for the execution of the update of the Zoning Ordinance and Subdivision Control Ordinance project. The Community Development Department anticipates the Plan Commission to oversee certain recommendations and determinations. The Department expects to be highly involved with the selected firm on this project, including setting project goals, providing direction on tasks, and generally directing the progress and decision-making. The consultant shall play a highly important role in conducting research, providing analysis, and recommending alterations for consideration, but must be aware that they have a subordinate support role in the project.

#### **E. Objective/Outline**

The objective of the work covered under this Request for Proposals is to assist in the creation of updated zoning and subdivision regulations, which will include the following elements:

1. The Consultant will hold up to six (6) public meetings in order to garner public input into the update of the zoning and subdivision regulations. These meetings will be conducted by the Consultant and the Plan Commission. The Village of Downers Grove staff will be available to assist the consultant in organizing and facilitating community meetings.
2. The Consultant will meet with Village staff from time-to-time to discuss progress and direction for the project. Staff anticipates fifteen (15) face-to-face meetings may be necessary throughout the process.
3. The Consultant will lead all Plan Commission meetings, providing agendas, presentation materials, relevant handouts and facilitating the meetings.
4. The Consultant will be available throughout the planning process to work in conjunction with and in cooperation with the Village on the creation of the updated zoning and subdivision regulations.
5. Village staff will be available to assist the Consultant in arranging for local feedback and suggestions on updates to the zoning and subdivision regulations.

**F. Timing**

It is expected that a contract with the Consultant recommended by the Village staff to be approved by Village Council will be executed by March 20, 2013 and that work will commence by March 20, 2013. The final Zoning Ordinance documents for which the consultant is responsible should be completed and reproduced and in the hands of the Village Council by October 1, 2013.

Staff anticipates work on the update to the Subdivision Control Ordinance would commence by October 1, 2013. The final Subdivision Control Ordinance documents for which the consultant is responsible should be completed and in the hands of the Village Council by February 1, 2013.

**G. Milestones**

The Consultant will meet with the Plan Commission for the Commission to review the draft materials, at the following milestones (if appropriate, these meetings can be combined):

1. Initial meeting with the Plan Commission to introduce the project and discuss the defined scope and timeline.
2. Up to five (5) meetings with the Plan Commission to review the proposed revisions to the Zoning Ordinance based on the Comprehensive Plan's recommendations, staff guidance and public input.
3. Up to two (2) meetings with the Village Council to review the draft revisions to the Zoning Ordinance.
4. One (1) meeting with the Plan Commission to review the proposed revisions to the Subdivision Control Ordinance based on the Comprehensive Plan's recommendations, staff guidance and public input.
5. Up to two (2) meetings with the Village Council to review the draft revisions to the Subdivision Control Ordinance.
6. The Plan Commission and/or Village Council may request the Consultant's presence at the meetings other than those specified above.

**I. Project Requirements**

1. All relevant information, data, photographs, reports, literature or other material acquired by the Consultant in the course of study and having application to this project shall become the property of the Village of Downers Grove, unless prohibited by copyright or other applicable laws.
2. Brief progress reports shall be submitted by the Consultant to the Director of Community Development on a monthly basis, or more often as requested by the Director of Community Development.
3. All materials for the Zoning Ordinance and Subdivision Control Ordinance updates will be provided electronically to the Community Development Department prior to all public meetings.
4. The Consultant may be required to provide printed materials for some meetings. In cases where the Consultant is providing printed materials, ten (10) copies shall be provided to the Community Development Department prior to the meeting.
5. The Consultant will be required to attend all public meetings where the project is discussed.
6. The Consultant will provide the Community Development Department with one unbound and 22 bound copies of the final document. A digital copy of the final documents for which

## Village of Downers Grove

they are responsible (including maps) will also be provided in .PDF format and in an editable format compatible with Village of Downers Grove computer capabilities (Microsoft Word and ArcGIS).

#### **IV. PROPOSER'S RESPONSE TO RFP (Professional Services)**

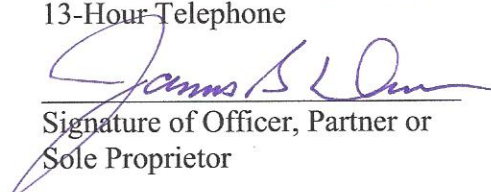

**(Proposer must insert response to RFP here. DO NOT insert a form contract, the RFP document including detail specs and Proposer's response will become the Contract with the Village.)**

**Attached at front of this proposal (see pp 1-25)**

**V. PROPOSAL/CONTRACT FORM**

**\*\*\*THIS PROPOSAL, WHEN ACCEPTED AND SIGNED BY AN AUTHORIZED SIGNATORY OF THE VILLAGE OF DOWNERS GROVE, SHALL BECOME A CONTRACT BINDING UPON BOTH PARTIES.**

**Entire Block Must Be Completed When A Submitted Proposal Is To Be Considered For Award**

<b>PROPOSER:</b>	
James Duncan and Associates, Inc. dba. Duncan Associates Company Name	Date: <u>1/23/2013</u>
212 West Kinzie, Ste 300 Street Address of Company	<u>kirk@duncanassociates.com</u> Email Address
Chicago, IL 60654 City, State, Zip	<u>Kirk Bishop</u> Contact Name (Print)
312.527.2500 Business Phone	<u>312.527.2500</u> 13-Hour Telephone
312.268.7418 Fax	 Signature of Officer, Partner or Sole Proprietor
ATTEST: If a Corporation	<u>James B. Duncan, President</u> Print Name & Title
 Signature of Corporation Secretary	

**VILLAGE OF DOWNERS GROVE:**

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Signature of Village Clerk

\_\_\_\_\_  
Date

In compliance with the specifications, the above-signed offers and agrees, if this Proposal is accepted within **90** calendar days from the date of opening, to furnish any or all of the services upon which prices are quoted, at the price set opposite each item, delivered at the designated point within the time specified above.



**VENDOR W-9 REQUEST FORM**

The law requires that we maintain accurate taxpayer identification numbers for all individuals and partnerships to whom we make payments, because we are required to report to the I.R.S all payments of \$600 or more annually. We also follow the I.R.S. recommendation that this information be maintained for all payees including corporations.

Please complete the following substitute W-9 letter to assist us in meeting our I.R.S. reporting requirements. The information below will be used to determine whether we are required to send you a Form 1099. Please respond as soon as possible, as failure to do so will delay our payments.

**BUSINESS (PLEASE PRINT OR TYPE):**

NAME: James Duncan and Associates, Inc.  
ADDRESS: 212 West Kinzie, Ste 300  
CITY: Chicago  
STATE: Illinois  
ZIP: 60654  
PHONE: 512.258.7347 FAX: 312.268.7418  
TAX ID #(TIN): 74-2862552

(If you are supplying a social security number, please give your full name.)

**REMIT TO ADDRESS (IF DIFFERENT FROM ABOVE):**

NAME: James Duncan and Associates, Inc.  
ADDRESS: 360 Nueces Street, Ste. #2701  
CITY: Austin  
STATE: Texas ZIP: 78701

**TYPE OF ENTITY (CIRCLE ONE):**

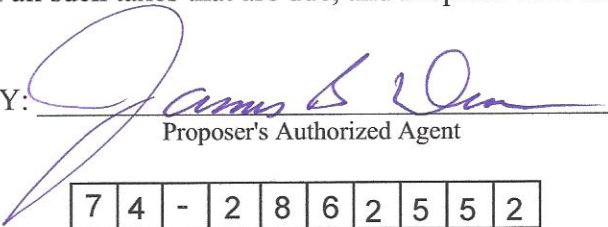
- |                      |   |
|----------------------|---|
| Individual           | Limited Liability Company –Individual/Sole Proprietor |
| Sole Proprietor      | Limited Liability Company-Partnership                 |
| Partnership          | Limited Liability Company-Corporation                 |
| Medical              | <input checked="" type="checkbox"/> Corporation       |
| Charitable/Nonprofit | Government Agency                                     |

SIGNATURE:  DATE: 1/23/2013

**PROPOSER'S CERTIFICATION (page 1 of 3)**

With regard to Zoning Ord. Re-write, Proposer Duncan Associates hereby certifies  
(Name of Project) (Name of Proposer)  
the following:

1. Proposer is not barred from bidding this Contract as a result of violations of Section 720 ILCS 5/33E-3 (Bid Rigging) or 720 ILCS 5/33E-4 (Bid-Rotating);
2. Proposer certifies that it has a written sexual harassment policy in place and is in full compliance with 775 ILCS 5/2-105(A)(4);
3. Proposer certifies that it is in full compliance with the Federal Highway Administrative Rules on Controlled Substances and Alcohol Use and Testing, 49 C. F.R. Parts 40 and 382 and that all employee drivers are currently participating in a drug and alcohol testing program pursuant to the Rules.
4. Proposer further certifies that it is not delinquent in the payment of any tax administered by the Department of Revenue, or that Proposer is contesting its liability for the tax delinquency or the amount of a tax delinquency in accordance with the procedures established by the appropriate Revenue Act. Proposer further certifies that if it owes any tax payment(s) to the Department of Revenue, Proposer has entered into an agreement with the Department of Revenue for the payment of all such taxes that are due, and Proposer is in compliance with the agreement.

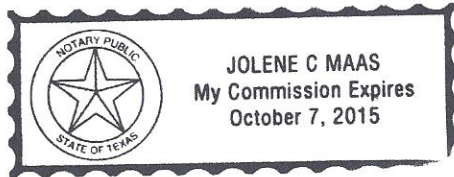
BY:   
Proposer's Authorized Agent

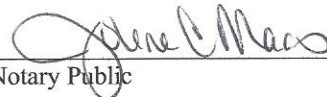
7	4	-	2	8	6	2	5	5	2
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**FEDERAL TAXPAYER IDENTIFICATION NUMBER**

or \_\_\_\_\_  
Social Security Number

Subscribed and sworn to before me  
this 18<sup>TH</sup> day of JANUARY, 2013



  
Notary Public

**PROPOSER'S CERTIFICATION (page 2 of 3)**

Village of Downers Grove

(Fill Out Applicable Paragraph Below)

(a) **Corporation**

The Proposer is a corporation organized and existing under the laws of the State of Texas, which operates under the Legal name of James Duncan and Associates, Inc., and the full names of its Officers are as follows:

President: James B. Duncan

Secretary: James B. Duncan

Treasurer: James B. Duncan

and it does have a corporate seal. (In the event that this Proposal is executed by other than the President, attach hereto a certified copy of that section of Corporate By-Laws or other authorization by the Corporation which permits the person to execute the offer for the corporation.)

(b) **Partnership**

Signatures and Addresses of All Members of Partnership:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

The partnership does business under the legal name of: \_\_\_\_\_ which name is registered with the office of \_\_\_\_\_ in the State of \_\_\_\_\_.

(c) **Sole Proprietor**

The Proposer is a Sole Proprietor whose full name is: \_\_\_\_\_ and if operating under a trade name, said trade name is: \_\_\_\_\_ which name is registered with the office of \_\_\_\_\_ in the State of \_\_\_\_\_.

5. Are you willing to comply with the Village's preceding insurance requirements within 13 days of the award of the contract? See below

Insurer's Name Leatzow Associates (prof. liab.)/The Hartford (commercial gen. liab.)

Agent Karen Bronson / Van Gilder -Melissa Brejcha

Street Address 300 S. Riverside Plaza #2100 / PO Box 33015

**PROPOSER'S CERTIFICATION (page 3 of 3)**

We are willing to comply with the requirements with the exception of professional liab. In the code consulting business, \$1 million insurance is the norm.

Village of Downers Grove

City, State, Zip Code Chicago, IL 60606 / San Antonio, TX 78265

Telephone Number 312.930.5397 / 1.800.938.7117

**I/We affirm that the above certifications are true and accurate and that I/we have read and understand them.**

Print Name of Company: James Duncan and Associates, Inc. dba Duncan Associates

Print Name and Title of Authorizing Signature: James B. Duncan

Signature: 

Date: 1/23/2013

**Suspension or Debarment Certificate**

Non-Federal entities are prohibited from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement for goods or services equal to or in excess of \$100,000.00. Contractors receiving individual awards for \$100,000.00 or more and all sub-recipients must certify that the organization and its principals are not suspended or debarred.

By submitting this offer and signing this certificate, the Proposer certifies to the best of its knowledge and belief, that the company and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal, state or local governmental entity, department or agency;
2. Have not within a three-year period preceding this Proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, or convicted of or had a civil judgment against them for a violation of Federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/proposal/contract had one or more public transactions (Federal, State or local) terminated for cause or default.

**If the Proposer is unable to certify to any of the statements in this certification, Proposer shall attach an explanation to this certification.**

Company Name: James Duncan and Associates, Inc.

Address: 212 West Kinzie, Ste 300

City: Chicago Zip Code: 60654

Telephone: (312) 527.2500 Fax Number: (312) 268.7418

E-mail Address: kirk@duncanassociates.com

Authorized Company Signature: 

(Print )Name: James Duncan Title of Official: President

Date: 1/23/2013

**Campaign Disclosure Certificate**

Village of Downers Grove

Any contractor, proposer, bidder or vendor who responds by submitting a bid or proposal to the Village of Downers Grove shall be required to submit with its bid submission, an executed Campaign Disclosure Certificate.

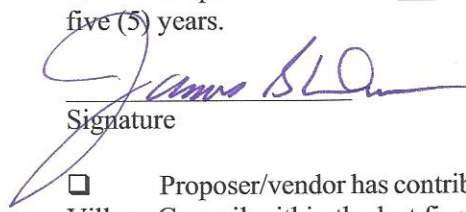
The Campaign Disclosure Certificate is required pursuant to the Village of Downers Grove Council Policy on Ethical Standards and is applicable to those campaign contributions made to any member of the Village Council.

Said Campaign Disclosure Certificate requires any individual or entity bidding to disclose campaign contributions, as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4), made to current members of the Village Council within the five (5) year period preceding the date of the bid or proposal release.

By signing the bid or proposal documents, contractor/proposer/bidder/vendor agrees to refrain from making any campaign contributions as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4) to any Village Council member and any challengers seeking to serve as a member of the Downers Grove Village Council.

Under penalty of perjury, I declare:

Proposer/vendor has not contributed to any elected Village position within the last five (5) years.



Signature

James B. Duncan  
Print Name

Proposer/vendor has contributed a campaign contribution to a current member of the Village Council within the last five (5) years.

Print the following information:

Name of Contributor: \_\_\_\_\_  
(company or individual)

To whom contribution was made: \_\_\_\_\_

Year contribution made: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name