



LEXINGTON

RFP-58-2022

**The Walker Collaborative, LLC
Supplier Response**

Event Information

Number: RFP-58-2022
Title: Planning and Development Approval Process Study
Type: Request For Proposal
Issue Date: 9/23/2022
Deadline: 10/14/2022 02:00 PM (ET)

Contact Information

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ONLY ONLINE BIDS WILL BE ACCEPTED! By submitting your response, you certify that you are authorized to represent and bind your company and that you agree to all bid terms and conditions as stated in the attached bid/RFP/RFQ/Quote/Auction documents.

Philip Walker

Signature

Submitted at 10/11/2022 07:31:47 AM (ET)

pwalker@walkercollaborative.com

Email

Response Attachments

Walker Team Process Study Proposal - 10.11.22.pdf

Please find our attached proposal

A Proposal to Prepare the

Planning and Development Approval Process Study

for the

Lexington-Fayette Urban County Government



The Walker Collaborative, LLC

With:

EHI Consultants

Common Ground Urban Design + Planning

PRIME AE Group, Inc.

Clarion Associates

October 2022

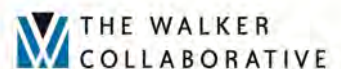


TABLE OF CONTENTS

SECTION	PAGE
A) Brief History of Firms	1
B) Team Member Qualifications	3
C) Unique Team Experience	8
D) Project Examples & References	9
E) Proposed Approach & Timeline	16
F) Proposed Costs	20

Appendices: Required Forms

- 1) Affidavit
- 2) General Provisions

A. Brief History of Firms

The Walker Collaborative, LLC

Based in Nashville, The Walker Collaborative (TWC) is the planning practice of Philip L. Walker, FAICP. It was established in 2002 based upon the fact that only rarely is any one firm uniquely qualified for any single planning project. Rather than using a “firm-based” approach, TWC employs a “person-based” approach. TWC initiates each project by first determining the needed areas of expertise, and then identifying the most effective individuals to form the Consultant Team. Team members are determined by balancing professional expertise and experience with considerations of geography, professional relationships, personalities, and planning philosophies. Only by employing this person-based approach can the optimal Consultant Team be created for any given project. TWC is involved in a range of project types, including public engagement, comprehensive planning, downtown and neighborhood revitalization, historic preservation, and zoning and development standards.



EHI Consultants

EHI was founded in 1995 to provide the highest quality of planning and design services. The firm has since become an established planning and engineering based group of professionals. Their diversity provides the capability to program, plan, design and implement a range of planning projects, from neighborhoods to transportation planning related efforts, as well as a range of engineering projects, from highway design to drainage plans and calculations for both public and private clients. EHI is a designated Small Business Administration (SBA) 8-A firm as well as a SBA Small and Disadvantaged Business and a member of the Kentucky Minority Business Council. Based in Lexington, Kentucky, EHI is certified with the State of Kentucky – Transportation Cabinet as a disadvantaged minority business enterprise, being pre-qualified to perform services in the areas of Pedestrian and Bikeway Facility Planning and Design, Rural Roadway Design, Urban Roadway Design, Highway Planning Services, EIS Writing and Coordination, and Socioeconomic Analysis.



Common Ground Urban Design + Planning

Common Ground is an award winning land planning and urban design firm based in Middle Tennessee. Founded in 2006 under the name Third Coast Design Studio, the firm has completed over 100 projects in 20 states. Celebrating their 10th anniversary in 2016, the firm’s founders decided to rebrand the company as Common Ground, a reflection of their commitment to working side-by-side with communities to achieve the greatest outcomes in their planning efforts. Prior to establishing the firm, Principal Keith Covington led the Metro Nashville Planning Department’s Urban Design Studio. The firm has worked across the country designing new communities, revitalizing transportation corridors, enhancing existing downtowns, and planning for regional growth management. Keith’s background in architecture provides a valuable insight into the urban design and planning problems of today. He has worked with TWC’s Phil Walker on numerous planning and code projects throughout the South.



PRIME AE Group, Inc.

PRIME AE provides a full range of services in water resources, transportation, architecture and engineering, construction management and inspection, and surveying. The firm’s philosophy of Connecting, Creating, Conserving, and Community forms the foundation for delivering high-quality, on-time, cost-effective solutions. PRIME



A. Brief History of Firms (continued)

AE's staff includes Professional Engineers, Registered Architects, and Construction Inspectors. These professionals average 20 years of experience in their respective disciplines. PRIME AE currently has 18 office locations in nine states throughout the mid-west, southeast, northeast, and mid-Atlantic regions. In October of 2020, PRIME AE acquired Integrated Engineering (IE) that was based in Lexington, Kentucky. For nearly 25 years, the Lexington based staff IE has provided planning, civil engineering, and surveying services for public and private clients across the Commonwealth of Kentucky including Lexington-Fayette Urban County Government (LFUCG). IE's staff is well known by LFUCG's Divisions of Planning, Engineering, and Water Quality and has a long history of working on public and private development projects within Fayette County. Their inherent knowledge of LFUCG's development process will be a great local resource for the team. PRIME AE Group and TWC recently worked together on an award-winning comprehensive plan for Pikeville, Kentucky.

Clarion Associates

Clarion Associates, LLC, is a limited liability company organized in 1992 under the laws of the state of Colorado. The firm has offices in Chapel Hill, North Carolina and Denver, Colorado, and affiliate offices in Cincinnati and Philadelphia. The firm has been in business for 29 years, and consists of city planners, landscape architects, attorneys, and graphic designers. No firm in the country matches the combination of land use and zoning, urban design, community development, and planning experience of Clarion's firm principals. Clarion is particularly known for its expertise in:

CLARION

- Development code updates
- Design standards and incorporating form controls into development regulations
- Regulations that protect a community's character
- Incorporating green building and resiliency concepts in development codes
- Zoning best practices
- Regulations to protect environmentally sensitive lands
- Community and neighborhood planning
- Land use and planning law

Clarion projects have been recognized as exemplary and have received numerous awards from state chapters of the American Planning Association (APA) throughout the country. TWC's Phil Walker has been working with Clarion on various projects across the country since 1993. Clarion's Craig Richardson - a land use attorney and planner in the firm's Chapel Hill office - recently worked with TWC on a project for the Town of Hilton Head Island, South Carolina, that focused on revisions to the Town's Land Management Ordinance.



The Walker Collaborative created this transect graphic to help educate public officials, developers, designers and other stakeholders on the "Place Types" approach used by the firm for all of its planning and code projects.

B. Team Member Qualifications

PHILIP L. WALKER, FAICP: Principal - The Walker Collaborative

Percentage of Time on this Project: 25%

A native of Louisville, Kentucky, Principal Phil Walker has over thirty-five years of diverse experience in city planning. His public sector experience consists of serving as the Executive Director of the Pensacola (Florida) Downtown Improvement Board (1986-1988) and City Planning Director for Natchez, Mississippi (1991-1993). From 2011 through 2013, he also served as the part-time Interim Director of the Two Rivers Company, Clarksville, Tennessee’s newly-established downtown and riverfront redevelopment agency. From 2019 to 2021, he served in the same position for the newly-established Downtown Natchez (MS) Alliance, and in 2022 he served as the part-time Interim Planning Director for Natchez, Mississippi. Phil’s private sector experience includes Associate positions with Hintz-Nelessen Associates in Princeton, New Jersey, and Christopher Chadbourne and Associates in Cambridge, Massachusetts. He also had his own firm, Community Planning & Research, Inc., based in Nashville between 1995 and 1998. From 1998 to 2002, he served as the Director of Planning for the Nashville office of LRK Architects. He established The Walker Collaborative (TWC) in 2002.

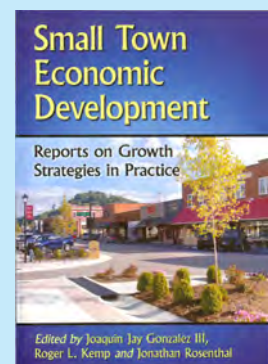
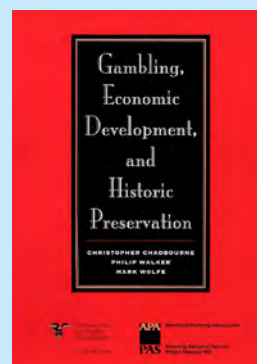
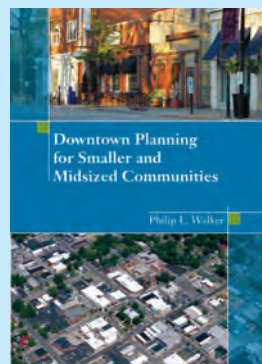
During his more than three decades of experience, Phil has led numerous planning projects, including those receiving awards from state chapters of the American Planning Association (APA) in Alabama, Arkansas, Kentucky, Mississippi, North Carolina, Tennessee and Texas. Phil has been a member of the American Institute of Certified Planners (AICP) since 1989, and was inducted into the College of Fellows (FAICP) in 2018. In 2016, he served on a group to develop the APA Comprehensive Plan Standards for Sustaining Places Recognition Pilot, and he recently served on APA’s Community Assistance Planning Services Committee. Phil is trained and certified by the National Charrette Institute. He has served as an occasional Instructor with the University of North Alabama’s continuing education program for planning officials, and he has been a Site Visitor for the Planning Accreditation Board (PAB) to evaluate collegiate planning programs. He holds a bachelor’s degree in Historic Preservation from Middle Tennessee State University, a master’s degree in Urban and Regional Planning from the University of Florida, and a master’s degree in Real Estate Development from Harvard University.



“The reason the City continuously hires The Walker Collaborative, even over the course of multiple political administrations, is because we think they do a good job.”

David Bennett - Mayor
City of Lookout Mountain,
Georgia

Among the books and articles that Phil Walker has authored or co-authored, his 2009 book on downtown planning published by APA’s Planners Press is among APA’s “Best of Class” books recommended for college planning courses. It is required reading for some planning programs.



B. Team Member Qualifications (continued)

EDWARD HOLMES, AICP: Principal - EHI Consultants

Percentage of Time on this Project: 20%

Edward Holmes is a certified planner with over 40 years of experience focusing on incorporating sustainable planning strategies into redevelopment, master planning, environmental justice, and land use plans. As an urban planner and Principal in EHI Consultants, Ed has created sustainable development frameworks that provide benchmark considerations for future environmentally responsible planning and sustainable neighborhoods. Ed has direct experience with numerous public-sector and private-sector projects throughout the Southeast United States. He has been recognized by the planning profession for his planning efforts in neighborhood planning, environmental justice and farmland preservation.



Ed's specialties include urban planning / urban design, comprehensive planning, zoning and subdivision regulation plans, neighborhood plans, housing market studies, community engagement and outreach. He has been recognized by the Kentucky Chapter of the American Planning Association and the Kentucky Chapter of the American Society of Landscape Architects for his planning efforts in comprehensive and neighborhood planning, environmental justice and farmland preservation. He is a former member of the Lexington Planning Commission and a member of the University of Kentucky College of Design Historic Preservation Advisory Committee. He earned a Bachelor of Arts degree in Urban Planning & Design from the University of Cincinnati.

EHI led the team responsible for the development of various small area plans for Lexington's East End, Armstong Mill West, and Winburn/Russell Cave Neighborhoods, in coordination with the Lexington-Fayette Urban County Government. EHI also played a supportive role in the development of the housing analysis component of the Cardinal Valley Small Area Plan. The small area plans encompassed several neighborhoods with differing socio-economic conditions and diverse character, as well as mixed housing densities and types. The plans provided a development framework used to guide both public infrastructure and private investment efforts for the purpose of neighborhood revitalization and creating more livable, connected and sustainable places. The plans' recommendations developed new sustainable strategies that balanced the market demand for great, walkable, urban places and communities, with the need for jobs, housing, and transportation that are attainable and equitable to everyone.



B. Team Member Qualifications (continued)

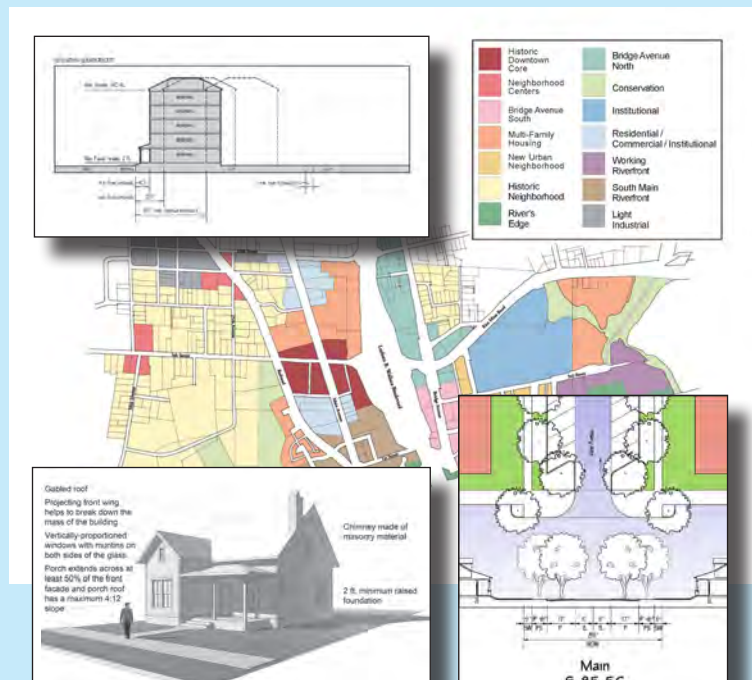
KEITH COVINGTON, RA: Principal - Common Ground Urban Design + Planning

Percentage of Time on this Project: 20%

Keith Covington is a registered architect (Tennessee License No. 101338) and a member of the American Planning Association who brings over 25 years of professional experience in urban design, land planning, and architecture to Common Ground Urban Design + Planning. Keith earned his Bachelor of Architecture at the University of Tennessee and his Masters of Architecture in Urban Design at Congress for the New Urbanism founders Andres Duany and Elizabeth Plater-Zyberk's program at the University of Miami. As a graduate of these programs, Keith has a unique understanding of traditional patterns of urban design from the regional scale down to the scale of the building. Keith applies time-tested principles of urbanism to all of his projects to achieve a true sense of community in downtowns, neighborhoods, districts, towns and cities. While he is an accomplished architect whose work has been published in national and regional publications, Keith's primary focus is to create walkable, inclusive environments that balance the needs of the pedestrian with those of the automobile. He has lectured extensively on this subject across the country. Prior to starting his private practice in 2006, Keith was the director of the Metro Nashville Planning Department's Design Studio where he helped reinvent Nashville's approach to planning, public engagement, and coding. He is also currently serving as the part-time Interim Planning Director for the Town of Pike Road, Alabama, providing further insights into the real world realities of plan implementation.



Common Ground and TWC led an extensive planning project for the downtown, riverfront and surrounding urban neighborhoods of Northport, Alabama, which adjoins the college town of Tuscaloosa. Under a development moratorium until this work was completed, the project included a master plan and new zoning and design standards for the entire "Core City" area. The zoning and standards completely replaced the existing policies with the creation of twelve distinct districts, each with different permitted land uses and design standards. Similarly, there were several different permitted street types mapped for the area that correlate with street cross-sections, as well as two different alley types. The plan and codes were adopted by the City Council shortly after their completion and have since been used to guide development in the area. The project won an award from the Alabama Chapter of the American Planning Association.

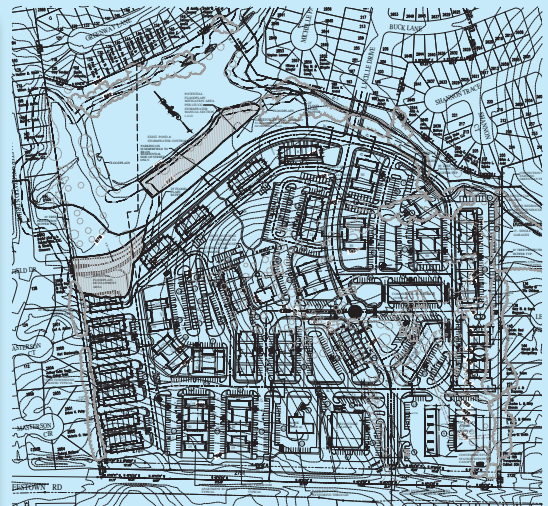


B. Team Member Qualifications (continued)

STEVE GARLAND, PE, LSIT: Project Manager - PRIME AE Group

Percentage of Time on this Project: 15%

Steve Garland is responsible for the management and project coordination for private development and municipal infrastructure projects for PRIME AE's Lexington, Kentucky office. His major responsibilities include design for transportation, traffic, wastewater collection (gravity and force mains), stormwater drainage, and major site development projects, including planning and zoning filings. Additionally, he is responsible for scoping, contract negotiations, public awareness, and presentation programs, along with quality control/quality assurance. For nearly 25 years, Steve has continuously worked on site development and public infrastructure projects that have shaped the social and economic development of Lexington. He has outstanding relationships with LFUCG Planning Staff through his countless hours of time over the years in working with them through the development review and approval process.



PRIME AE (formerly Integrated Engineering) carried forward the conceptual design through the zone change process, preliminary and final development plan process, final design, and construction documentation for The Village at Great Acre. Developed by Anderson Communities, the project is located in Fayette County. Interaction with Lexington Fayette Urban County Government Planning and Zoning, Engineering, and Water Quality Staff was a key factor in the approval of the final plans. PRIME carried out the permitting/approval process, including a watershed study of 2,195 acre watershed, a stormwater analysis for the City of Lexington, a full H&H study including converting a HEC-1 previous model to HEC-RAS, and preparing and filing a CLOMR with FEMA. Great Acres is an infill project on open farmland adjacent to residential subdivisions consisting of over 2,500 homes. It includes several apartment buildings and townhouses, as well as a commercial area with infrastructure facilities to serve both the local development and commuter traffic.

B. Team Member Qualifications (continued)

CRAIG RICHARDSON, ESQ: Director - Clarion Associates

Percentage of Time on this Project: 10%

Craig Richardson is a Director of Clarion Associates. He is a planner and lawyer with over 35 years of practice experience, primarily representing local government clients on a variety of planning and zoning matters. They include the comprehensive updates of development codes, the design and implementation of exaction and impact fee programs, affordable housing mitigation programs, design and form controls, and sustainable and green building practices. He has a strong record of success in managing or serving as a principal on award winning comprehensive code rewrite projects in North Carolina, South Carolina, Florida, Virginia, Maryland, New York, Pennsylvania, Alabama, Mississippi, Colorado, and Wyoming. Example code projects include Prince George's County, MD (Washington, D.C., metro area); Norfolk (winner of an APA Award of Excellence in Sustainability), Portsmouth (winner of the 2012 EPA Smart Growth Award), Vienna, and Henrico (Richmond metro area) and Fairfax counties, VA; Daytona Beach, Apopka, Estero, Pompano Beach, Palm Beach County, Martin County, and Alachua, FL; Kannapolis, Mooresville, Fayetteville, High Point, and Currituck County, NC; Columbia, Greenville, Rock Hill, Folly Beach, Richland and Charleston counties, SC; State College, PA; Albany, NY; the Capitol region (Hartford) in Connecticut (model sustainable development code); Teton County and Jackson, WY (Jackson Hole); Aspen, CO; as well as over 30 other comprehensive code update projects. He has drafted the regulations for over 100 impact fee programs in ten states and designed mandatory affordable housing mitigation programs in Jackson Hole and the Florida Keys. He served on the faculty for APA's national Zoning Clinic, speaks regularly at planning conferences on code implementation issues, worked on the USEPA Sustainable Code Building Blocks project, and has worked on the Model Sustainable Community Development Code project for the Rocky Mountain Land Use Institute. Craig has been a member of the Florida Bar for over 35 years.



GEOFF GREEN, ESQ, AICP: Senior Associate - Clarion Associates

Percentage of Time on this Project: 5%

Geoff Green, Esq., AICP, is a Senior Associate in Clarion's Chapel Hill office. A planner and lawyer, he has drafted development codes for communities in South Carolina, North Carolina, Virginia, Alabama, Florida, and Colorado, including Henrico County, VA; Estero and Maitland, FL; Colorado Springs, CO; Kannapolis and Mooresville, NC; Tuscaloosa, AL; and Richland County, SC. Geoff has also recently drafted impact fee ordinances in Beaufort County, SC, and adequate public facility regulations in Prince George's County, MD. Geoff joined Clarion after several years in the public sector working as a planner for a regional public transit agency, where before leaving he focused on land entitlement for a proposed multi-billion-dollar light-rail project that traversed Durham and Chapel Hill. Outside of work he currently serves as chair of the Town of Chapel Hill Board of Adjustment. Geoff received his masters of city and regional planning degree from the University of North Carolina, Chapel Hill, where he was named outstanding student in his graduating class; a law degree from New York University (Order of the Coif); and an undergraduate degree from Duke University.



C. Unique Team Experience

Tailored specifically for this project, this team is uniquely qualified for the following reasons:

Diversity of Relevant Disciplines

This Consultant Team brings the following disciplines to this project:

- Planning
- Engineering
- Urban Design
- Land Use Law
- Architecture

Nation-Wide Experience Drafting Codes

As attorneys and planners, Clarion's Craig Richardson and Geoff Green bring a wealth of experience with zoning and development codes. Examples of codes they have prepared include the college towns of Columbia, South Carolina, and Columbia, Missouri. While codes are not the sole focus for TWC and Common Ground, the two firms have collectively drafted dozens of zoning and development codes throughout the South, including some that they have then implemented as staff.

Local Planning Insights

Balancing out the national perspective brought by much of this team are tremendous local insights. PRIME AE Group's Steve Garland has been involved with many development applications that have gone before the LFUCG. Ed Holmes is a Lexington-based planning consultant who has worked on numerous projects in the community and is a past member of the LFUCG Planning Commission. Finally, TWC's Phil Walker was part of the consulting team that prepared the LFUCG's parks, recreation and open space plan in 1998. His primary focus was to review the existing zoning and subdivision regulations and to craft strategies for open space requirements as part of the development approval process.

Policy Implementation Experience

TWC's Phil Walker served as the Planning Director for Natchez, Mississippi, in the 1990s and recently finished a 4-month stint as their part-time Interim Planning Director while they were without a full-time Director. In that capacity he helped to implement the award-winning downtown master plan that he led in 2018, as well as the zoning code that he drafted in 2013. Likewise, Common Ground's Keith Covington led Nashville's Urban Design Studio for five years and is currently finishing a 9-month stint serving as the Interim Planning Director for Pike Road, Alabama.

Consensus-Based Solutions

Although public engagement and consensus building are not unusual activities for most planners, TWC's Phil Walker has been hired to successfully navigate some particularly challenging projects. For example, in 2015 he led a process in Frederick, Maryland, to work with the National Park Service and affected private property owners to build their support for the geographic expansion of the Monocacy Battlefield's National Historic Landmark designation. Similarly, Clarksville, Tennessee's, Economic Development Council (EDC) hired him in 2018 to serve as a neutral third party consultant to conduct a study and make recommendations to address the politically-sensitive issue of restructuring this complex entity.

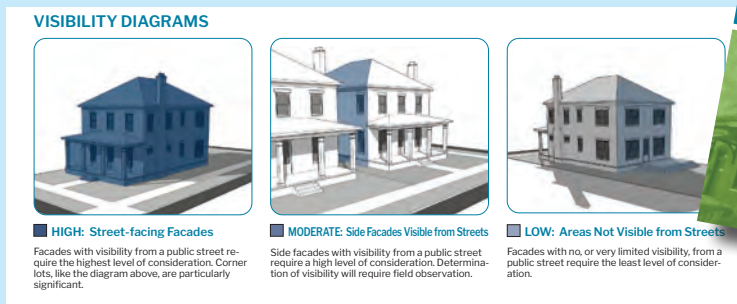
D. Project Examples & References

Burlington Design Standards: Burlington, North Carolina (2022)

Burlington is a community of 55,000 people located in the Piedmont Triad, which is anchored by Greensboro, Winston-Salem and High Point. The City has two designated local historic districts. TWC and Common Ground were hired to lead the preparation of new design standards. A major focus of the project was revisions to their procedures for Certificate of Appropriateness (COA) approvals to streamline the process more, including shifting many application types previously requiring full Preservation Commission approval to administrative approvals by City staff.

Reference

Jamie Lawson, AICP, CZO - Planning Director
(336)222-5096
jlawson@burlingtonnc.gov



East Street Form-Based Code Study: Frederick, Maryland (2021)

Established in 1745, Frederick has a population of approximately 72,000 people. The East Street corridor is located just east of the core of Downtown Frederick, but it features a wide range of conditions. Because the corridor has become extremely ripe for redevelopment, the City decided to pursue the creation of their first Form-Based Code (FBC) to guide future redevelopment. Consequently, TWC was hired by the City to prepare a study for the area before embarking on the FBC project to help determine if a FBC even made sense. The City followed TWC's recommendations to pursue a FBC, and Phil Walker was then hired to draft the RFP and help with the consultant selection process.

Reference

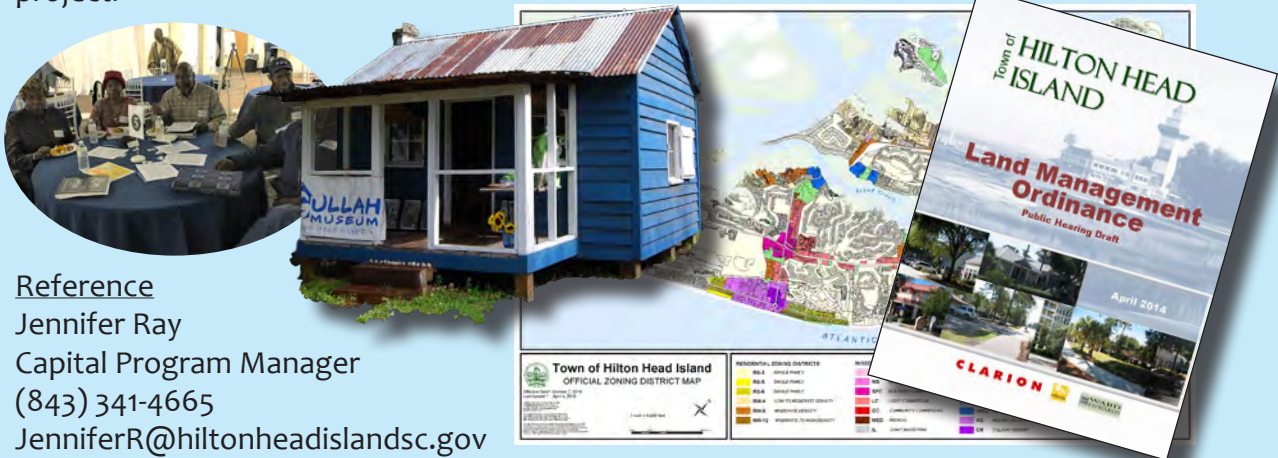
Joe Adkins, AICP - Deputy Director for Planning
(301) 600-1655
jadkins@cityoffrederickmd.gov



D. Project Examples & References (continued)

Land Management Ordinance Revisions: Hilton Head Island, South Carolina (2018)

Prior to the 1950s, the sole occupants of Hilton Head were the Gullah Geechee people. Since then, the island has evolved into a resort community of gated neighborhoods and golf courses, and today the Gullah comprise only 7% of the population. A key issue for them is that the 400+ page Land Management Ordinance (LMO) poses many challenges for the Gullah to utilize, develop and sell their 1,000+ acres of land. Consequently, TWC was hired to prepare a plan to preserve Gullah culture, as well as to make specific recommendations to amend the LMO. As the original author of the LMO, Clarion Associates' Craig Richardson worked with TWC on this project.



Reference
Jennifer Ray
Capital Program Manager
(843) 341-4665
JenniferR@hiltonheadislandsc.gov

Economic Development Restructuring Facilitation: Clarksville, Tennessee (2018)

Clarksville and Montgomery County has an unusual, but highly successful, model for economic development. The Economic Development Council (EDC) serves as an umbrella entity for three other entities - the Chamber of Commerce, the Convention and Visitors Bureau, and the Industrial Development Board. Each of those organizations has its own board of directors and staff, but all three are housed in one building and overseen by the EDC and its board of directors and staff. Although this system has been highly effective, the complexity and friction between the various entities prompted a third party “outside set of eyes” to revisit the organizational structure and operations. Consequently, TWC was hired by the EDC to study the various bylaws and agreements of the entities, and to conduct an intensive process of interviews and the facilitation of focus group meetings to determine how the EDC should proceed. TWC’s report and revisions to bylaws and agreements have resulted in systemic adjustments.



Reference
Shannon Green - VP of Finance & Administration
(931) 245-4335
sgreen@clarksville.tn.us



D. Project Examples & References (continued)

Town Center Design Guidelines (2016) & PUD Ordinance (2017): Lookout Mountain, Georgia

When the grocery store anchoring Lookout Mountain's commercial center burned down, it prompted the community to rethink the unattractive strip center that constituted the closest thing they had to a town center. Electing instead to pursue a true "heart and soul" for their community, the City hired TWC to prepare a master plan for a Town Center with a new city hall, firehouse, police station, retail, offices, a plaza, and a range of housing types. TWC was then hired to prepare design guidelines allowing for greater flexibility than a rigid plan would provide, and the following year TWC drafted a PUD ordinance to further enable the Town Center's development. The first phase of development was completed in 2021.

Reference

David Bennett - Mayor
(423) 645-0019
DSBennett@BBandT.com



Additional Relevant Example Projects by The Walker Collaborative

Phil Walker has played a key role in the projects listed below, including some prior to establishing TWC in 2002. Projects for which he served as the Project Manager have been asterisked (*).

- Capitol Districts Master Plan, Zoning and Design Guidelines: Little Rock, Arkansas (current)*
- Fayetteville Design Standards: Fayetteville, North Carolina*
- Madison Historic Districts Design Guidelines: Madison, Indiana
- Omaha Historic Districts Design Guidelines: Omaha, Nebraska
- Sumner County Zoning Code: Sumner County, Tennessee*
- Starkville Comprehensive Plan & Code: Starkville, Mississippi*
- Natchez Zoning & Development Code: Natchez, Mississippi*
- Downtown Cullman Design Standards: Cullman, Alabama
- Form-Based Code Analysis: Beaufort, South Carolina*
- Clarksville Downtown & Riverfront Design Guidelines: Clarksville, Tennessee
- Northport Core City Zoning & Design Standards: Northport, Alabama*
- Route 17 Corridor Design Standards: Isle of Wight County, Virginia
- Old Meridian New Town Center Zoning & Design Standards: Carmel, Indiana
- Gulch Zoning & Design Standards: Nashville, Tennessee*
- Fairpark District Zoning & Design Standards: Tupelo, Mississippi
- Nolensville Comprehensive Plan & Code: Nolensville, Tennessee*
- Downtown Natchitoches Design Guidelines: Natchitoches, Louisiana*
- Bradley County Zoning Ordinance: Bradley County, Tennessee
- Vicksburg Downtown & Riverfront Design Guidelines: Vicksburg, Mississippi*

D. Project Examples & References (continued)

RELEVANT PROJECTS OF EHI CONSULTANTS

Key examples of EHI's most relevant work to this project for the LFUCG includes the following projects:

- Imagine Lexington Comprehensive Plan: Lexington, Kentucky
- Lexington Infill & Redevelopment Recommendations: Lexington, Kentucky
- Southend Park Urban Village Plan: Lexington, Kentucky
- East End Small Area Plan: Lexington, Kentucky
- Armstrong Mill West Small Area Plan: Lexington, Kentucky
- Winburn/Russell Cave Neighborhoods Small Area Plan: Lexington, Kentucky
- Cardinal Valley Small Area Plan: Lexington, Kentucky
- Fayette County Opportunity Zone Analysis: Lexington, Kentucky
- Fayette County Sustainable Growth Study: Lexington, Kentucky
- Lexington-Fayette Urban County Government Housing Market Study: Lexington, Kentucky
- Davis Park Commercial Market Analysis: Lexington, Kentucky
- Magoffin County Comprehensive Plan: Magoffin County, Kentucky
- Deer Park Neighborhood Plan: Louisville, Kentucky
- Hopkinsville Inner City Residential Enterprise Zone: Hopkinsville, Kentucky
- Cynthiana, Harrison County, Berry Comprehensive Plan: Harrison County, Kentucky
- Simpson County Comprehensive Plan: Simpson County, Kentucky
- Red River Neighborhood Plan: Clarksville, Tennessee
- Dixie Highway Bus Rapid Transit: Louisville, Kentucky

Lexington Infill & Redevelopment Recommendations: Lexington, Kentucky (2007)

EHI Consultants served as a project facilitator for two of three task forces charged with the responsibility of developing a set of infill and development recommendations for undeveloped and underdeveloped lands within Lexington-Fayette County's Urban Service Boundary. EHI facilitated and assisted in this intense land use planning process through the development of recommendations for the Quality of Process and Quality of Life Task Forces. The objective was to recognize and improve an effective, efficient, and rational planning process that allows the Infill & Redevelopment Program to address the outstanding infill and redevelopment challenges facing the community.

Reference

Keith Lovan, PE

LFUCG Division of Engineering

(859) 258-3410 / klovan@lexingtonky.gov



D. Project Examples & References (continued)

RELEVANT PROJECTS OF COMMON GROUND URBAN DESIGN + PLANNING

Keith Covington has worked on numerous regulation projects, and most have included review and approval procedures. Projects for which he served as Project Manager have been asterisked (*).

- Pike Road Planning Policies and Procedures Update: Pike Road, Alabama (current)*
- Fayetteville Design Standards: Fayetteville, North Carolina
- Taft Corners Code: Williston, Vermont
- Columbia Zoning Code Charrette: Columbia, Tennessee
- Downtown Code: Cedar Falls, Iowa
- Downtown Design Standards: Bernardsville, New Jersey*
- S. Hartmann Drive Form-based Code: Lebanon, Tennessee*
- Residential Infill Overlay: Lebanon, Tennessee*
- Downtown Historic District Guidelines: Lewisburg, Tennessee*
- Lebanon Design Standards Update: Lebanon, Tennessee*
- Lowry Street Design Standards: Smyrna, Tennessee
- Lewisburg Property Maintenance Code: Lewisburg, Tennessee*
- E. Commerce Corridor Special District: Lewisburg, Tennessee*
- Nashville Hwy Corridor Special District: Lewisburg, Tennessee*
- W. Commerce/Hwy 373 Corridor Special District: Lewisburg, Tennessee*
- Conventional Zoning Update: Pike Road, Alabama*
- SmartCode Update: Pike Road, Alabama*
- The Flats Pattern Book: Wilmington, Delaware*
- Village of Metamora TND Code: Metamora, Illinois*
- Downtown Blacksburg Regulation Study: Blacksburg, Virginia

Common Ground was involved with many of the projects listed for The Walker Collaborative, but because of limited space, they have not been listed here.

Zoning Updates and New Town Center Zoning District: Walden, Tennessee (2022)

Common Ground led a planning effort to update the Town of Walden's land use plan - its first update in over 25 years. The plan included a special focus on creating a true town center for Walden. After the plan was adopted, Common Ground began updating sections of Walden's Zoning Ordinance to help implement the plan, including the creation of a new district for the town center. The ordinance featured graphics to describe specific standards and clear procedures for review and approval of proposed projects. The effort has led to the creation of the Town's first Planning Commission, whereas in the past they relied on a regional planning commission somewhat detached from specific issues in this environmentally-sensitive area of Hamilton County. The Town of Walden Plan won "Outstanding Plan for a Small Jurisdiction" from the Tennessee Chapter of the American Planning Association (TAPA).

Reference

Lee Davis - Mayor
(423) 309-4670
ldavis@waldentn.gov



D. Project Examples & References (continued)

RELEVANT PROJECTS OF PRIME AE GROUP, INC.

PRIME AE has a broad range of experience with both public and private sector planning and development projects. Below is a list of projects completed in Lexington / Fayette County where the firm has gone through the LFUCG planning process for development project approvals:

- Village of Great Acres
- Hamburg Springs
- North Kearney Ridge Apartments
- Polo Club Apartments
- Richwood Bend / Codell Drive Apartments
- Oasis at Kearney Creek Apartments

Pikeville Comprehensive Plan Update: Pikeville, Kentucky (2021)

Pikeville is the county seat of Pike County, the most eastern county in the state. The community has relied primarily upon coal mining until the past few decades, but has since diversified its economy and revitalized the downtown to become the cultural and economic hub of Eastern Kentucky Appalachia. Integrated Engineering (now PRIME AE Group) led the creation of a city-wide Comprehensive Plan for Pikeville and TWC's Phil Walker served as a subconsultant. The planning process included a public opinion survey, an open house, several stakeholder focus groups, and a public workshop as part of a multi-day charrette. Because the funding for this plan was tied to economic development, the plan features a strong focus on that topic, including a market analysis. Other primary topics included environmental conservation, creation of a greenway system, and continued enhancement of their vibrant downtown. The plan won the "Outstanding Comprehensive Plan in a Small Jurisdiction" award in 2021 from the Kentucky Chapter of the American Planning Association.

Reference

Philip R. Elswick, PE - City Manager
(606) 437-5128 / citymanager@pikevilleky.gov



D. Project Examples & References (continued)

RELEVANT PROJECTS OF CLARION ASSOCIATES

Below is just a small sampling of Clarion's numerous code projects, including other college towns:

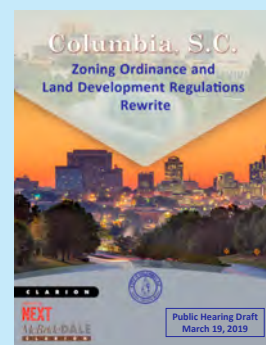
- Maitland Land Development Code: Maitland, Florida
- Norfolk Zoning Ordinance Rewrite: Norfolk, Virginia
- Columbia Development Code: Columbia, Missouri
- Kannapolis Development Ordinance: Kannapolis, North Carolina
- Prince George's County Zoning Ordinance & Sub. Regulations: Prince George's County, Maryland
- Mooresville Unified Development Ordinance: Mooresville, North Carolina
- Apopka Land Development Code: Apopka, Florida
- Henrico County Zoning Ordinance & Subdivision Regulations: Henrico County, Virginia
- Fairfax Zoning Code Update: Fairfax County, Virginia
- Beaufort County Form Based Code: Beaufort County, South Carolina
- Daytona Beach Land Development Code: Daytona Beach, Florida
- Estero Land Development Code: Village of Estero, Florida
- Colorado Springs Development Code Update: Colorado Springs, Colorado
- Tuscaloosa Zoning and Subdivision Ordinance Update: Tuscaloosa, Alabama
- State College Development Code Update: State College, Pennsylvania
- Bloomington Development Code Update: Bloomington, Indiana
- Rochester Development Code Update: Rochester, Minnesota
- Syracuse Development Code Update: Syracuse, New York
- Albany Development Code Update: Albany, New York
- Albuquerque Development Code Update: Albuquerque, New Mexico

Columbia Zoning Ordinance & Land Development Regulations: Columbia, South Carolina (2019)

The City of Columbia retained Clarion Associates, along with McBride Dale Clarion and Planning NEXT, to conduct a comprehensive rewrite of the city's land development code. The project sought to establish a more user-friendly and efficient set of modern development controls to further the city's long-term planning goals and vision for future growth and development, as established in the city's Plan Columbia Land Use Plan. Clarion completed the public review draft of the code in late 2017. The code was adopted in August 2019 and became effective in August 2021. Clarion is currently assisting the city with implementation materials. Innovations include establishment of a number of new character-based corridor and activity center districts, graphically-based zoning districts, and strong neighborhood protection regulations.

Reference

Krista Hampton - Planning Director
(803) 545-3425
kmhampton@columbiasc.net



E. Proposed Approach & Timeline

The approach to this project described below is generally consistent with the spirit and intent of the “Tasks / Products” section of the RFP document. However, the sequencing of various components has been changed and a greater level of detail has been provided to assist our team with creating a project budget. Our team is very open to adjusting this proposed approach and timeline, as determined necessary, but below is our initial suggestion for the project approach.

PROPOSED APPROACH

Task 1.0: Existing Process Analysis

Task 1.1: Project Kick-Off Meeting

This videoconference meeting between LFUCG staff and the Consultant Team will provide an opportunity to address both the substance and logistics of the project.

Task 1.2: State Statutes Review

This initial task will be led by the land use attorneys with Clarion Associates and it will focus on statutes related to all aspects of local government and their regulation of land use and development. It will help to establish the parameters for what potential review and approval processes do and do not comply with State laws.

Task 1.3: Review of Existing Process

This task will examine the existing processes used for land use and development approvals, including (but not limited to):

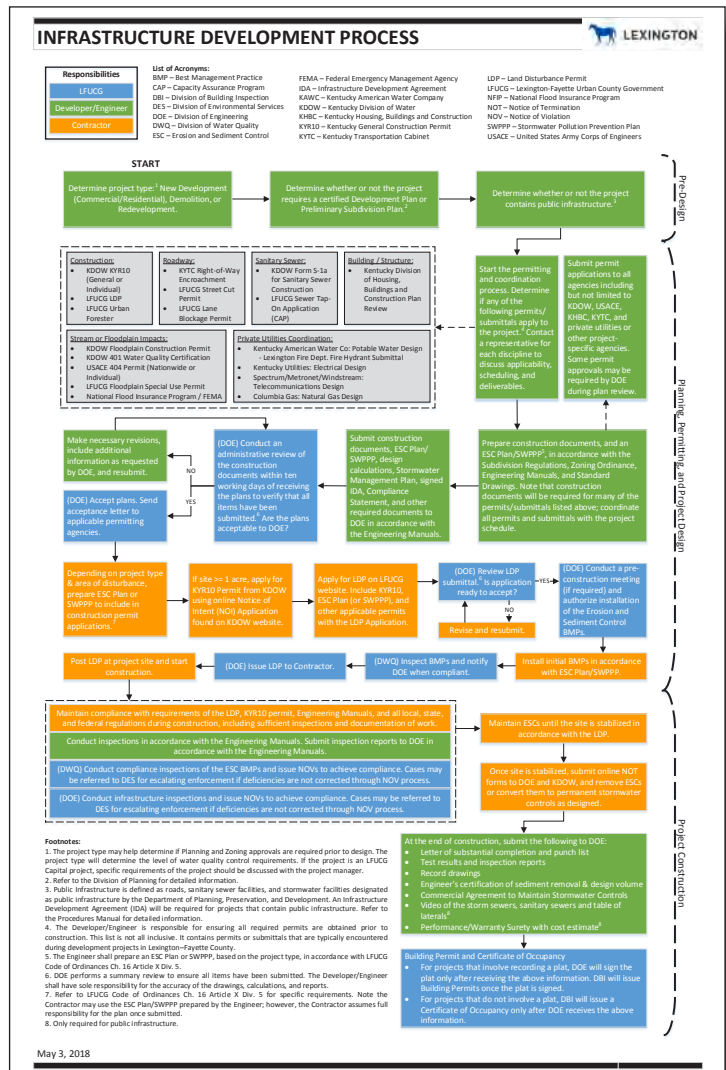
- Comprehensive Plan amendments
- Rezoning
- Variances and waivers
- Conditional use approvals
- Site plan approvals
- Subdivisions
- Certificates of Appropriateness

In addition to a description for each type of approval process, a flow chart will also be provided.

Task 1.4: Analysis of Past Application & Approval Data

The Consultants will conduct a current planning application process assessment and analysis, including a review and summary of relevant application approval process data, a summary of existing proposed project timelines for recent projects and procedural processes currently in place for proposed development projects. The report will show the current time it takes for a project from application to approval or final decision, including the number of postponements (staff and developer requested).

Deliverable: Existing Conditions Report



This graph for the approval of infrastructure development is just one of many processes that will be studied.

E. Proposed Approach & Timeline (continued)

Task 2.0: Field Work & Public Engagement

This task will occur as part of the Consultant Team's three (3) day Trip #1 to Lexington. It will include both field work to understand the community's land use and development conditions, and a robust public engagement process. While all public meetings will be open to anyone interested in attending, a particular focus will be placed on engaging key stakeholders such as land owners, developers, builders, designers, real estate professionals, environmentalists, historic preservationists and neighborhood activists. This task will include the following components:

Task 2.1: Community Tour

The LFUCG staff will lead the Consultant Team on a windshield tour of the community with an emphasis on locations that represent issues relevant to this project, including recently approved land policy changes and development.

Task 2.2: Public Kick-Off Meeting

This meeting will start with a presentation by the Consultant Team to address the following:

- Introduction of Consultant Team members and key LFUCG officials
- Description of the project intent and process
- Overview of initial findings by the Consultant Team
- Discussion with meeting participants

Task 2.3: Stakeholder Focus Group Meetings

Up to six (6) meetings will occur during this trip with each meeting including up to ten (10) participants and lasting one (1) hour. While the LFUCG officials will determine the specific group composition, potential groups might include the following:

- Land owners, developers and builders
- Planners and designers (engineers, architects, landscape architects, etc.)
- Land use attorneys and real estate professionals (brokers, sales agents, leasing agents, etc.)
- Neighborhood representatives
- Conservationists and historic preservationists
- Public officials

Task 2.4: Key Person Interviews

The Consultant Team will also be available during this Trip #1 to Lexington and afterwards to meet with key stakeholders either in-person or via videoconference. These meetings can be with people who were not available during the trip or who warrant a more focused meeting to address their particular issues and concerns.

Also, the LFUCG Chief Development Officer will be updated throughout the process.

Deliverable(s): Public Kick-Off Meeting PowerPoint Presentation
Summary Report on Stakeholder Input



E. Proposed Approach & Timeline (continued)

Task 3.0: Comparison with Other Communities

This review will look at the land use and development approval process of other communities, including a comparison of the fee costs and the length of time the approval process takes for various types of applications at LFUCG compared to other communities. The client will sign off on the communities prior to research. Comparisons will be split into the following two categories of communities:

Task 3.1: Comparison with Comparable Communities

Up to three (3) comparable communities will be studied. These are communities that have many similarities to Lexington and Fayette County based upon existing conditions.

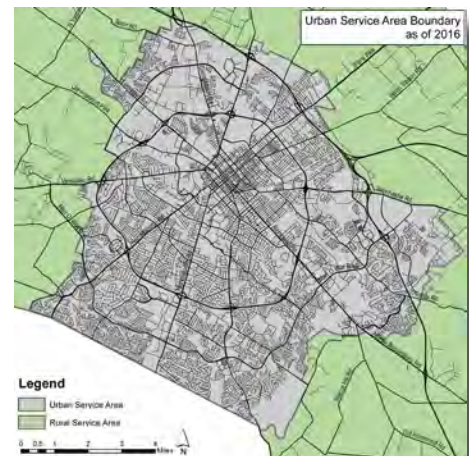
Task 3.2: Comparison with Model Communities

Up to three (3) model communities will be studied. These are communities that Lexington and Fayette County might aspire to emulate as models.

Deliverable: Report on Other Communities

Task 4.0: Criteria for Process Improvements

It is likely that a rough draft of these criteria will be prepared earlier in the project, but they will be refined and solidified during this task based upon the full breadth of research and stakeholder input. While the criteria cannot be predicted at this point, they will need to strike a balance between the two extreme ends of the spectrum of the most stringent regulations and the most lax regulations. Just a few examples of various factors for consideration might include: 1) costs to developers versus costs to the LFUCG's taxpayers; 2) time demands on LFUCG planning staff; 3) risk level for regulations to discourage desirable development (infill, etc.); 4) potential for regulations to insufficiently protect natural and cultural resources; and 5) equity issues for economically disadvantaged stakeholders.



The urban service area will be a factor to consider in creating any new development policies and approaches to the approval process within the LFUCG jurisdiction.

Once the draft criteria are prepared, the key Consultant Team members will make the two (2) day Trip #2 for meetings presenting the Task 3.0 and 4.0 findings and soliciting more input. The meetings format will be determined at some point well before this trip, but potential options might include focus group meetings, formal presentations, workshops, town hall style meetings, and/or open houses.

Deliverable: Criteria for Process Improvements

Task 5.0: Draft Recommendations for Process Changes

The draft recommendations will be designed to improve the overall LFUCG planning process based upon "best practices" of the model communities researched and the many other examples known to the Consultant Team, as well as stakeholder input and creative thinking. They will suggest changes for implementing codes, regulations, ordinances and administrative documents, including improvements to the review and approval process, associated timelines, and fees. A particular focus will be placed on infill, redevelopment and underutilized areas, as well as adhering to State statutes.

Deliverable: Draft Recommendations Report

E. Proposed Approach & Timeline (continued)

Task 6.0: Meetings & Revisions to Recommendations

Task 6.1: Meetings

Once the LFUCG has time to review the report and any initial key revisions are made to the report, the Consultant Team will return to Lexington for the two (2) day *Trip #3* for a series of presentations and/or meetings to solicit input for potential revisions. As with all meetings associated with this project, the client will be responsible for securing meeting venues and advertising/promoting the meetings. The optimal number and format of meetings for this trip will be determined sometime prior to this task (Task 5.0 or earlier).

Task 6.2: Revisions

The client will submit to the Consultant Team a single “red lined” draft serving as a composite of all comments received by the LFUCG. The Team will then make the requested edits and provide the final report to the client.

Deliverable: Final Recommendations Report

PROPOSED TIMELINE

A six (6) month project timeline is proposed as follows:

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Proposed Tasks						
1.0: Existing Process Analysis						
2.0: Field Work & Public Engagement						
3.0: Comparison with Other Communities						
4.0: Criteria for Process Improvements						
5.0: Draft Recommendations for Process Changes						
6.0: Meetings & Revisions to Recommendations						

F. Proposed Costs

The proposed project cost is based upon estimated manhours, hourly rates, and travel expenses. Below is a summary of the proposed costs.

Task	Fees	Expenses	Total
Task 1.0: Existing Process Analysis	\$17,100	\$0	\$17,100
Task 2.0: Field Work & Public Engagement	\$28,650	\$3,450	\$32,100
Task 3.0: Comparison with Other Communities	\$14,800	\$0	\$14,800
Task 4.0: Criteria for Process Improvements	\$19,600	\$950	\$20,550
Task 5.0: Draft Recommendations for Process Changes	\$21,300	\$0	\$21,300
Task 6.0: Meetings & Revisions to Recommendations	<u>\$26,300</u>	<u>\$2,850</u>	<u>\$29,150</u>
TOTAL	\$127,750	\$7,250	\$135,000

APPENDICES:

REQUIRED FORMS

- 1) Affidavit
- 2) General Provisions

AFFIDAVIT

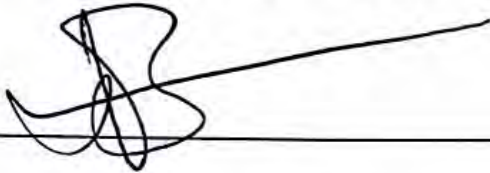
Comes the Affiant, Philip Walker, and after being first duly sworn, states under penalty of perjury as follows:

1. His/her name is Philip Walker and he/she is the individual submitting the proposal or is the authorized representative of The Walker Collaborative, LLC, the entity submitting the proposal (hereinafter referred to as "Proposer").
2. Proposer will pay all taxes and fees, which are owed to the Lexington-Fayette Urban County Government at the time the proposal is submitted, prior to award of the contract and will maintain a "current" status in regard to those taxes and fees during the life of the contract.
3. Proposer will obtain a Lexington-Fayette Urban County Government business license, if applicable, prior to award of the contract.
4. Proposer has authorized the Division of Central Purchasing to verify the above-mentioned information with the Division of Revenue and to disclose to the Urban County Council that taxes and/or fees are delinquent or that a business license has not been obtained.
5. Proposer has not knowingly violated any provision of the campaign finance laws of the Commonwealth of Kentucky within the past five (5) years and the award of a contract to the Proposer will not violate any provision of the campaign finance laws of the Commonwealth.
6. Proposer has not knowingly violated any provision of Chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances, known as "Ethics Act."

Continued on next page

7. Proposer acknowledges that "knowingly" for purposes of this Affidavit means, with respect to conduct or to circumstances described by a statute or ordinance defining an offense, that a person is aware or should have been aware that his conduct is of that nature or that the circumstance exists.

Further, Affiant sayeth naught.



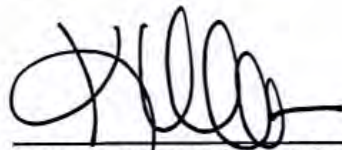
STATE OF Tennessee

COUNTY OF Davidson

The foregoing instrument was subscribed, sworn to and acknowledged before me

by Kathryn H. Walker on this the 5th day
of October, 2022

My Commission expires: September 8, 2025



NOTARY PUBLIC, STATE AT LARGE



GENERAL PROVISIONS

1. Each Respondent shall comply with all Federal, State & Local regulations concerning this type of service or good.

The Respondent agrees to comply with all statutes, rules, and regulations governing safe and healthful working conditions, including the Occupational Health and Safety Act of 1970, *29 U.S.C. 650 et. seq.*, as amended, and KRS Chapter 338. The Respondent also agrees to notify the LFUCG in writing immediately upon detection of any unsafe and/or unhealthful working conditions at the job site. The Respondent agrees to indemnify, defend and hold the LFUCG harmless from all penalties, fines or other expenses arising out of the alleged violation of said laws.

2. Failure to submit ALL forms and information required in this RFP may be grounds for disqualification.
3. Addenda: All addenda and IonWave Q&A, if any, shall be considered in making the proposal, and such addenda shall be made a part of this RFP. Before submitting a proposal, it is incumbent upon each proposer to be informed as to whether any addenda have been issued, and the failure to cover in the bid any such addenda may result in disqualification of that proposal.
4. Proposal Reservations: LFUCG reserves the right to reject any or all proposals, to award in whole or part, and to waive minor immaterial defects in proposals. LFUCG may consider any alternative proposal that meets its basic needs.
5. Liability: LFUCG is not responsible for any cost incurred by a Respondent in the preparation of proposals.
6. Changes/Alterations: Respondent may change or withdraw a proposal at any time prior to the opening; however, no oral modifications will be allowed. Only letters, or other formal written requests for modifications or corrections of a previously submitted proposal which is addressed in the same manner as the proposal, and received by LFUCG prior to the scheduled closing time for receipt of proposals, will be accepted. The proposal, when opened, will then be corrected in accordance with such written request(s), provided that the written request is contained in a sealed envelope which is plainly marked "modifications of proposal".
7. Clarification of Submittal: LFUCG reserves the right to obtain clarification of any point in a bid or to obtain additional information from a Respondent.
8. Bribery Clause: By his/her signature on the bid, Respondent certifies that no employee of his/hers, any affiliate or Subcontractor, has bribed or attempted to bribe an officer or employee of the LFUCG.

9. Additional Information: While not necessary, the Respondent may include any product brochures, software documentation, sample reports, or other documentation that may assist LFUCG in better understanding and evaluating the Respondent's response. Additional documentation shall not serve as a substitute for other documentation which is required by this RFP to be submitted with the proposal,
10. Ambiguity, Conflict or other Errors in RFP: If a Respondent discovers any ambiguity, conflict, discrepancy, omission or other error in the RFP, it shall immediately notify LFUCG of such error in writing and request modification or clarification of the document if allowable by the LFUCG.
11. Agreement to Bid Terms: In submitting this proposal, the Respondent agrees that it has carefully examined the specifications and all provisions relating to the work to be done attached hereto and made part of this proposal. By acceptance of a Contract under this RFP, proposer states that it understands the meaning, intent and requirements of the RFP and agrees to the same. The successful Respondent shall warrant that it is familiar with and understands all provisions herein and shall warrant that it can comply with them. No additional compensation to Respondent shall be authorized for services or expenses reasonably covered under these provisions that the proposer omits from its Proposal.
12. Cancellation: If the services to be performed hereunder by the Respondent are not performed in an acceptable manner to the LFUCG, the LFUCG may cancel this contract for cause by providing written notice to the proposer, giving at least thirty (30) days notice of the proposed cancellation and the reasons for same. During that time period, the proposer may seek to bring the performance of services hereunder to a level that is acceptable to the LFUCG, and the LFUCG may rescind the cancellation if such action is in its best interest.

A. Termination for Cause

- (1) LFUCG may terminate a contract because of the contractor's failure to perform its contractual duties
- (2) If a contractor is determined to be in default, LFUCG shall notify the contractor of the determination in writing, and may include a specified date by which the contractor shall cure the identified deficiencies. LFUCG may proceed with termination if the contractor fails to cure the deficiencies within the specified time.
- (3) A default in performance by a contractor for which a contract may be terminated shall include, but shall not necessarily be limited to:
 - (a) Failure to perform the contract according to its terms, conditions and specifications;
 - (b) Failure to make delivery within the time specified or according

- to a delivery schedule fixed by the contract;
- (c) Late payment or nonpayment of bills for labor, materials, supplies, or equipment furnished in connection with a contract for construction services as evidenced by mechanics' liens filed pursuant to the provisions of KRS Chapter 376, or letters of indebtedness received from creditors by the purchasing agency;
- (d) Failure to diligently advance the work under a contract for construction services;
- (e) The filing of a bankruptcy petition by or against the contractor; or
- (f) Actions that endanger the health, safety or welfare of the LFUCG or its citizens.

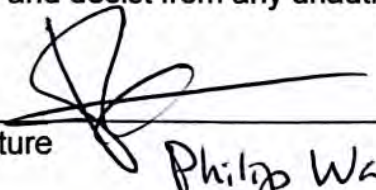
B. At Will Termination

Notwithstanding the above provisions, the LFUCG may terminate this contract at will in accordance with the law upon providing thirty (30) days written notice of that intent, Payment for services or goods received prior to termination shall be made by the LFUCG provided these goods or services were provided in a manner acceptable to the LFUCG. Payment for those goods and services shall not be unreasonably withheld.

13. **Assignment of Contract:** The contractor shall not assign or subcontract any portion of the Contract without the express written consent of LFUCG. Any purported assignment or subcontract in violation hereof shall be void. It is expressly acknowledged that LFUCG shall never be required or obligated to consent to any request for assignment or subcontract; and further that such refusal to consent can be for any or no reason, fully within the sole discretion of LFUCG.
14. **No Waiver:** No failure or delay by LFUCG in exercising any right, remedy, power or privilege hereunder, nor any single or partial exercise thereof, nor the exercise of any other right, remedy, power or privilege shall operate as a waiver hereof or thereof. No failure or delay by LFUCG in exercising any right, remedy, power or privilege under or in respect of this Contract shall affect the rights, remedies, powers or privileges of LFUCG hereunder or shall operate as a waiver thereof.
15. **Authority to do Business:** The Respondent must be a duly organized and authorized to do business under the laws of Kentucky. Respondent must be in good standing and have full legal capacity to provide the services specified under this Contract. The Respondent must have all necessary right and lawful authority to enter into this Contract for the full term hereof and that proper corporate or other action has been duly taken authorizing the Respondent to enter into this Contract. The Respondent will provide LFUCG with a copy of a corporate resolution authorizing this action and a letter from an attorney confirming that the proposer is authorized to do business in the State of Kentucky if requested. All proposals must

be signed by a duly authorized officer, agent or employee of the Respondent.

16. **Governing Law:** This Contract shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky. In the event of any proceedings regarding this Contract, the Parties agree that the venue shall be the Fayette County Circuit Court or the U.S. District Court for the Eastern District of Kentucky, Lexington Division. All parties expressly consent to personal jurisdiction and venue in such Court for the limited and sole purpose of proceedings relating to this Contract or any rights or obligations arising thereunder. Service of process may be accomplished by following the procedures prescribed by law.
17. **Ability to Meet Obligations:** Respondent affirmatively states that there are no actions, suits or proceedings of any kind pending against Respondent or, to the knowledge of the Respondent, threatened against the Respondent before or by any court, governmental body or agency or other tribunal or authority which would, if adversely determined, have a materially adverse effect on the authority or ability of Respondent to perform its obligations under this Contract, or which question the legality, validity or enforceability hereof or thereof.
18. Contractor understands and agrees that its employees, agents, or subcontractors are not employees of LFUCG for any purpose whatsoever. Contractor is an independent contractor at all times during the performance of the services specified.
19. If any term or provision of this Contract shall be found to be illegal or unenforceable, the remainder of the contract shall remain in full force and such term or provision shall be deemed stricken.
20. Contractor [or Vendor or Vendor's Employees] will not appropriate or make use of the Lexington-Fayette Urban County Government (LFUCG) name or any of its trade or service marks or property (including but not limited to any logo or seal), in any promotion, endorsement, advertisement, testimonial or similar use without the prior written consent of the government. If such consent is granted LFUCG reserves the unilateral right, in its sole discretion, to immediately terminate and revoke such use for any reason whatsoever. Contractor agrees that it shall cease and desist from any unauthorized use immediately upon being notified by LFUCG.

Signature 
Philip Walker

Date 10/5/22