RESOLUTION NO. 2014-01-06

STATE OF GEORGIA
COUNTY OF FULTON

A RESOLUTION TO AUTHORIZE THE SECOND PHASE OF A TWO PHASE PROCESS TO PROCURE THE SERVICES OF A MASTER DEVELOPER FOR THE CITY CENTER PROJECT

WHEREAS, the City of Sandy Springs ("City") has determined that it is necessary to develop a City center and infrastructure project ("City Center"); and

WHEREAS, on December 18, 2012, the City adopted a City Center Master Plan ("Master Plan") following a comprehensive study conducted by an independent firm; and

WHEREAS, the City has acquired or is in the process of acquiring properties within the City limits for a City Center development consistent with the Master Plan to include, among other things, a City government complex, green space, parks and rights-of-way for channels of trade and travel; and

WHEREAS, on September 17, 2013, City Council authorized staff to issue a request for qualifications as the first part of a two-phase process to solicit and select a master developer ("Master Developer") capable of working with the City for comprehensive development of City Center; and

WHEREAS, the first phase of the process ("Phase I") contemplated the issuance of a request for qualifications to determine the level of interest and number of qualified developers for the City Center development; and

WHEREAS, on September 18, 2013, the City issued its City Center Master Developer RFQ 14-019 ("RFQ"), with proposals due no later than October 25, 2013; and

WHEREAS, the City received proposals from nine (9) entities in response to the RFQ, which were evaluated by the City in compliance with provisions of the RFQ and the City's purchasing policy; and

WHEREAS, five (5) of the proposing entities ("Shortlist") were recommended by evaluators to continue forward to the second phase of the procurement process ("Phase II") to select a Master Developer; and

WHEREAS, in Phase II, each of the entities on the Shortlist will respond to an outline of more specific transaction terms and developer obligations for evaluation leading toward the selection of a qualified Master Developer; and

WHEREAS, on January 14, 2014 at a special called meeting, City Council approved the Shortlist; and

WHEREAS, pursuant to Council's approval of the two-phase process for the Master Developer procurement, the City now intends to issue its City Center Master Developer Request for Proposals Number 14-067 ("RFP") in substantially the form attached hereto as Exhibit "A"; and

WHEREAS, the RFP outlines requirements for the development of City Center and describes the evaluation process to be undertaken with respect to this procurement, which process shall supersede existing City purchasing policies which may be in conflict therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, while in regular session on January 21, 2014, at 6:00 p.m. as follows:

1. The Council hereby authorizes the City Manager and City staff to release the RFP in substantially the form attached to this resolution as Exhibit "A."

2. The City Manager and City staff are hereby authorized to take such actions with respect to the RFP and the process stated therein as necessary to further the goals of the City indicated by the Master Plan.

RESOLVED this the 21st day of January, 2014.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)

REQUEST FOR PROPOSALS NUMBER 14-067

For

PROFESSIONAL SERVICES
OF MASTER DEVELOPER TO ASSIST THE CITY OF SANDY SPRINGS IN
COMPREHENSIVE DEVELOPMENT OF CITY CENTER

(PHASE TWO OF A MULTI-PHASE PROCUREMENT QUALIFICATIONS
BASED COMPETITIVE PROCESS)

RESPONSES DUE: No later than March 28, 2014 2:00 PM EST in hard copy. Electronic submissions via e-mail or fax **WILL NOT** be accepted.

A MANDATORY pre-proposal conference will be held on February 6, 2014, 2:00 p.m. at Heritage Bluestone Center.

City of Sandy Springs
Heritage Bluestone Center
6110 Bluestone Road
Sandy Springs, GA 30328

All questions should be directed in writing to the City of Sandy Springs Purchasing Manager, Jeff Allen, via e-mail to: jallen@sandyspringsga.gov. Deadline for questions is March 7, 2014, 5:00 p.m. EST. Questions received after this date and time may not be answered.

Submit Responses to:
City of Sandy Springs
Purchasing Office
7840 Roswell Road, Bldg. 500
Sandy Springs, GA 30350
Attention: Jeff Allen, Purchasing Manager

PROPOSAL SIGNATURE AND CERTIFICATION

I certify that this proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal ("Offeror") for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the proposal and certify that I am authorized to sign this proposal for Offeror. I further certify that the provisions of O.C.G.A. § 45-10-20, et seq. have not been violated and will not be violated in any respect.

Authorized Signature for Offeror _____

Date _____

Print/Type Name

_____

Print/Type Offeror Name Here

_____

OFFEROR'S RFP CHECKLIST

10 Critical Things to Keep in Mind When Responding to an RFP for the City of Sandy Springs

1. _____ **Read the *entire* document.** Note critical items such as: supplies/services required; submittal dates; number of copies required for submittal; contract requirements, if any (e.g. bonding and insurance requirements).
2. _____ **Note the Purchasing Manager's name, address, phone numbers and e-mail address.** This is the only person you are allowed to communicate with regarding the RFP and is an excellent source of information.
3. _____ **Attend the pre-proposal conference** if one is offered. These conferences provide an opportunity to ask clarifying questions, obtain a better understanding of the Project, or to notify the City of any ambiguities, inconsistencies, or errors in the RFP. This conference may be mandatory.
4. _____ **Take advantage of the "question and answer" period.** Submit your questions to the Purchasing Manager by the due date listed in the *Schedule of Events* and view the answers given in the formal "addenda" issued for the RFP. All addenda issued for an RFP will be distributed by email to the RFP participants.
5. _____ **Follow the format required in the RFP** when preparing your response. Provide point-by-point responses to all sections in a clear and concise manner.
6. _____ **Provide complete answers/descriptions.** Read and answer **all** questions and requirements. Don't assume the City or Evaluation Committee will know what your company capabilities are or what items/services you can provide, even if you have previously contracted with the City. The responses are evaluated based solely on the information and materials provided in response to the RFP.
7. _____ **Use the forms provided**, e.g. cover page, reference questionnaire, etc.
8. _____ **Review the RFP document again** to make sure that you have addressed all requirements. Your original response and the requested copies must be identical and complete. The copies are provided to the Evaluation Committee members and will be used to rank your submittal.
9. _____ **Submit your proposal on time.** Note all the dates and times listed in the *Schedule of Events* and within the document, and be sure to submit all required items on time. Late proposals will not be accepted.

This checklist is provided for assistance only and should not be submitted with Offeror's proposal.

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SECTION 1: BACKGROUND

For a detailed Background and Project Overview, see Section 1 of the Phase I RFQ 14-019.

The City understands that there is insufficient information available at this time for Offerors to provide fully complete and final proposals. The intent of this process is to acquire sufficient information regarding the Offerors' approach, concept, financial approach, financial condition, and other factors indicated as bases of selection in other sections of this document to allow the City to rank Offerors in order of desirability. The ranking and selection will be followed by a period of negotiation during which a final agreement will be concluded or negotiations terminated and negotiations entered into with the next ranked firm.

PARCEL DESCRIPTION

As indicated in Exhibit A to this RFP, the City currently controls property in Blocks A and E. Adjacent to Block A is a bank property (Fidelity National Bank). The bank owners have indicated a willingness to discuss a potential partnership with the developer of Block A. Block B is partially owned by a third party that is also willing to be a partner in the City Center development. The City desires that the Master Developer negotiate with and include the owners of Block B and the bank in their RFP proposal responses.

For development purposes, Blocks C and D are generally for public, non-commercial uses. The City intends to develop and finance a park / civic green space and a civic facility (the "Civic Facility") on Blocks C and D of the Project Site. The Civic Facility will include a performing arts center/council chamber/conference facility which may be made available for private meetings and events as well as for council meetings and public performances.

UPDATES TO CITY CENTER CONCEPT

A recently completed parking study recommends parking should be located on the Project Site (Exhibit A) adequate for retail, housing, and public uses. Because a "wrap-around" scheme is thought to limit housing and retail development, the City proposes the construction of underground parking on the site sufficient to meet all parking needs for the complex.

UPDATES TO CITY'S APPROACH TO PROJECT IMPLEMENTATION

In addition to component 1 (Public Private Partnership) the City is adding the components 2 – 5 for consideration in this procurement as set forth below:

<u>Project Components</u>

1. The housing and commercial component (Public Private Partnership)
2. The Project Site infrastructure, which includes streets, sidewalks, sanitary and storm sewer systems, natural gas and electrical distribution, street lighting, etc.
3. The park/green space with its related landscape/hardscape and any minor structures that might be required.
4. The Civic Facility, which will include office space for all City governmental functions, facilities for the interface of citizens and government, a performance hall that will double as City Council chambers, and conference facilities for use by public and private entities.
5. A major parking structure(s) (in the range of 700 to 1,000 cars) which will be located under buildings and / or under the park/green space or other project space considerations.

Given the complexity of placing occupied structures above parking and the necessity for careful coordination among these components, the City desires that the Master Developer:

1. Assume responsibility for the design, construction, marketing and management of the private development (Component 1), assuming all commercial risk for that component.
2. Manage (for a fee) the design and construction of the site infrastructure (Component 2). The City would expect to participate in the selection of designers and contractors and would propose to hold the design and construction contracts for this component.
3. Manage (for a fee) the design and construction of the park/green space (Component 3). The City would expect to select the landscape architect/engineer team (this process is underway) and would propose to hold the design and construction contracts for this component.
4. Manage (for a fee) the design and construction of the Civic Facility (Component 4). The City would expect to select the architect/engineer team (this process is underway), participate heavily in the programming and design of the Civic Facility, and would propose to hold the design and construction contracts for this component.
5. Manage (for a fee) the design and construction of a parking structure (Component 5). The City would expect to participate in the selection of designers and contractors and would propose to hold the design and construction contracts for this component.

In the event the Offeror does not choose to propose on Components 2, 3, 4, and 5, or is not deemed qualified for that work, then the Offeror may propose or be selected for Component 1 only.

In the event that the selected Master Developer is selected for Component 1 only, all other components will be the responsibility of the City, in which case a separate program manager will be selected to oversee the entire Project. Further, in this event the selected Master Developer will be consulted by City engineers relative to layout of streets and other infrastructure and the design of all other components in an effort to incorporate the design and construction of these components with the Master Developer's design concept. In any case, contracts for design and construction of components 2, 3, 4, and 5 will be held by and payments made by the City.

The City intends to make various incentives available to the Master Developer, including development authority financing and the waiver of impact and building fees. In addition, as a partner in the development, the City plans significant public infrastructure investments in the area that have the potential to lower private development costs on the Project Site. Specific projects with potential cost savings for the Master Developer include storm water storage capacity for the site at an off-site facility (Marsh Creek) and up to 1,000 structured, below grade parking spaces on-site provided by the City for use by both public users and development tenants. Arrangements regarding how charges for parking will be incorporated into the financial structure will be subject to negotiation between the City and the Master Developer.

Previous data provided to Offerors has not mentioned sustainability or energy conservative design. At a minimum, the City will expect the Project to exhibit a high degree of environmental responsibility. No decision has yet been made as to whether a certification under USGBC's Leadership in Energy and Environmental Design (LEED) program will be pursued. Offerors should nevertheless provide their thoughts and capabilities in this regard.

Finally, Offerors should understand that the approach described above is not proscriptive. If Offeror wishes to propose an alternative approach (i.e., development concept or financial arrangements) that still meets the overall goals of the City Center Master Plan, it will be considered without prejudice. The City specifically does NOT wish to limit or discourage the creativity of the Offerors.

The City reserves the right to alter this scope of responsibilities and to negotiate final Project team members.

SECTION 2: SUBMISSION FORMAT AND CONTENTS

- Component 1: Development Concept for Private Development: Describe Offeror's planned concept for the 14 acre parcel, excluding the public improvements on Blocks C and D. The City desires that RFP responses include the plans for Block B and the bank, as dictated by negotiations between the Offeror and the private owners of these properties. The City's objectives include mixed-use development on the Project Site, with a preference for owner-occupied housing, as dictated by market demand. The proposal should provide a detailed response to the following:

    a. Proposed Uses: Square footage estimates for all proposed structures and uses in the private development. Describe why this development has a realistic opportunity to be successful.
    b. Site Plan: Show the proposed private development areas, including building shape and orientation, location of parking lots or structures, sidewalks, site amenities, and proposed landscaped design, including hardscape and planting.;
    c. Elevation Drawings: Show proposed architectural character, including proposed materials, architectural treatment, fenestration, height, roof treatment, and other details as appropriate to describe developer's conceptual design;
    d. Architectural Rendering(s): Show proposed development on the parcel, including at a minimum, a bird's eye perspective of the entire site and other sketches/renderings as required describing the scheme.
    e. Project Team: Identify all firms and Project team members anticipated to be involved. **Full acknowledgement/clarification of your Project team must be identified in the proposal.** If Project team members have changed or been added since the Phase I RFQ submittal, updated Qualification Statements should be provided, as described in Section 3 of the RFQ (page 10). In addition, please address how Offeror proposes to address potential loss of key team members during the duration of this project should it occur.
    f. Lifestyle / Concierge Programming: The City is interested in a Master Developer that will be responsible during the term of the Project Agreement for programming and concierge services that enhance the community activity on the Project Site. Programming by the Master Developer is intended to provide activities for Project residents, commercial tenants and the overall Sandy Springs community which result in promoting a sense of place for downtown Sandy Springs. This section should address the Offeror's ability to deliver these services and include an outline and proposed value for the proposed activities.
    g. Pricing and Financing: Include information about the firm's proposed price for the land, relevant financing information, and a signed Letter of Intent. The City is interested in selecting and negotiating with a firm having a realistic plan, adequate financial resources and demonstrated willingness to move forward diligently to bring the Project to completion.

    The City is open to responses that consider all types of public-private partnership opportunities and financing alternatives, including taxable or tax-exempt financing or other powers pursuant to the Development Authorities Law (O.C.G.A. § 36-62-1, et seq.). The City expects to receive fair market value for any land it sells or leases. The City intends to contract with the Development Authority of Sandy Springs for both the disposition of property and to offer development authority financing for this transaction.

Specifically this section should include:

i. Price – In exchange for the land and the City's proposed development of a City park, civic elements and infrastructure, as described in Section 1, describe the firm's offer and any relevant business terms or payment schedules. The proposed price should clearly indicate whether or not the Offeror would purchase the property outright or would propose an alternative proposal such as a long-term lease. The proposed price should also indicate any proposed use of City incentives or any use of development authority financing.

ii. Relevant pricing information: If the Offeror does not intend to pay full cost at closing, provide detailed information related to any proposed financing of the development including how these payments will be structured and scheduled. Please include a statement detailing the source (bank, private equity partners, cash on hand, etc.) of the anticipated private funding.

iii.

h. Proposed project timeline: Provide detailed timeline for all phases of project through completion.

- Components 2, 3, 4, 5: (Public Component) City Facilities Development Management: Specifically, the proposal should address the following:

  a. Indicate interest of the Offeror in performing the services described in components 2, 3, 4, and 5 above;
  b. If interested, provide qualifications of Offeror in proving these services, including previous experience; and proposed fee structure for services.

The City is in the process of procuring architectural and engineering services to design the Civic Facility and park/green space. The City would like to explore the option that the contracts with the selected professional services firm(s) would be assigned to the Master Developer to manage on behalf of the City and the City would be obligated to make payments for those items.

Should the City choose to use the program management and construction management services of the Master Developer for any of the above components, the procurement of any public facility / infrastructure construction must comply with the provisions of applicable procurement laws including, but not limited to, Georgia Public Works Construction Law (O.C.G.A. § 36-91-1, et seq.) and City codes, ordinances and policies. The winning proposal would be assigned to the Master Developer to manage on behalf of the City and the City would be obligated to make payments for those items.

SECTION 3: SELECTION PROCESS AND NEGOTIATION

The City intends to assess RFP proposals and confirm references of the Master Developer. In-person interviews will be conducted for qualified teams, as outlined in the schedule in Section 8. At the City's sole discretion, the most responsive Offeror will be then be identified and the City will proceed to the negotiation of a Master Development Agreement and other definitive documents, which would detail the rights and responsibilities of the Master Developer and the City.

SECTION 4: EVALUATION CRITERIA

For each of the proposal areas listed in Section 2, the City will rate proposals based on the evaluation criteria below:

Component 1: Development Concept for Private Development:

- How does this development align with the goals, visions, and intent described in the City Center Master Plan?
- The City desires that RFP responses include the plans for Block B and the bank, as dictated by negotiations between the Offeror and the private owners of these properties.
- The City desires proposals that include owner occupied housing, as dictated by market demand.
- How quickly can the developer complete this development? (It is the City's intent that the development be completed as expeditiously as possible)
- Is the developer capable of following through with the financial and other obligations related to this Project?
- Is the developer capable of providing community programming for the park and private development which will drive demand to the area?
- Do the Master Developer and Project team members have the institutional depth to ensure Project completion of construction and success should individual members of the team exit the Project?
- Is the City being offered a market-based value for the land, given the unique nature of the Project and considering the level of City investments and incentives proposed?

Components 2, 3, 4, 5: City Facilities Development Management:

a. Indicate interest of the Offeror in performing the services described in components 2, 3, 4, and 5 above;

b. If interested, provide qualifications of Offeror in proving these services, including previous experience; and

c. Proposed fee structure for services.

In-person presentations and interviews will be conducted for the acceptable Offerors. Following in-person interviews, the City will evaluate the Offerors based on the criteria stated in this RFP. The selection committee will make a recommendation to City Council of the Offeror that best meets the evaluation criteria. The final selection will be made by the Sandy Springs City Council. The City anticipates there will be financial and contract negotiations with a single potential Master Developer Partner. Should negotiations fail to yield a mutually acceptable contract the City may select another firm and begin negotiations.

SECTION 5: INQUIRIES

There will be a pre-proposal conference on February 6, 2014 at *2:00 p.m.* at the Heritage Bluestone Center, 6110 Bluestone Road, Sandy Springs, GA 30328. A question and answer time will follow the pre-proposal conference. Any written inquiries must be delivered no later than 5:00 PM EST on March 14, 2014. After this date, no further questions will be accepted. Requests for information and questions should be submitted to:

City of Sandy Springs
Attn: Jeff Allen, Purchasing Manager
7840 Roswell Road, Bldg. 500
Sandy Springs, GA 30350
jallen@sandyspringsga.gov

Responses to questions and any additional information relating to this RFP will be distributed via email to each firm's designated contact. Informal verbal communications during the pre-proposal conference or at any other time, by any person other than the conference organizer, shall be considered unofficial and the City shall have no responsibility to verify any information that is not contained in this RFP or future addenda.

SECTION 6: RESPONSE DEADLINES

Responses to this RFP must be submitted in writing in hard copy (one (1) original marked "Original," four (4) copies marked "Copy" and one (1) scanned PDF copy saved to a CD or USB flash drive) no later than 2:00 PM on March 28, 2014. Responses received after this time and date will not be considered. Submissions must be contained in a sealed envelope marked: "RFP # 14-067 FOR PROFESSIONAL SERVICES OF MASTER DEVELOPER TO ASSIST THE CITY OF SANDY SPRINGS IN COMPREHENSIVE DEVELOPMENT OF CITY CENTER," addressed to:

City of Sandy Springs
Attn: Jeff Allen, Purchasing Manager
7840 Roswell Road, Bldg. 500
Sandy Springs, GA 30350

SECTION 7: TERMS AND CONDITIONS

All proposals and supporting materials as well as correspondence relating to this RFP become property of the City when received. Any proprietary information contained in the proposal should be so indicated; however, a general indication that the entire contents, or a major portion, of the proposal is proprietary will not be honored. The following terms and conditions shall also apply:

A. All applicable federal and State of Georgia laws, City of Sandy Springs and Fulton County ordinances, licenses and regulations of all agencies having jurisdiction shall apply to the Offerors throughout and are incorporated herein.

B. Professionals requiring special licenses must be licensed in the State of Georgia, and shall be responsible for those portions of the work as may be required by law.

C. No response shall be accepted from, and no contract will be awarded to, any person, firm, or corporation that (i) is in arrears to the City with respect to any debt, (ii) is in default with respect to any obligation to the City, or (iii) is deemed irresponsible or unreliable by the City.

D. The City shall be able to request of the Offerors satisfactory evidence that they have the necessary financial resources to accomplish the requirements of the RFP.

E. From the date this RFP is issued until a Project team is selected, Offerors are not allowed to communicate with any staff or elected officials of the City regarding this procurement, except at the direction of Jeff Allen, purchasing manager for the City and procurement agent in charge of this solicitation ("Purchasing Manager"). Any unauthorized contact may disqualify the Offeror from further consideration. Contact information for the single point of contact is as follows:

Purchasing Manager:	Jeff Allen
Address:	7840 Roswell Road, Building 500 Sandy Springs, GA 30350
E-mail Address:	jallen@sandyspringsga.gov

F. The costs for developing and delivering responses to this RFP and any subsequent presentations of the response as requested by the City are entirely the responsibility of the Offeror. The City is not liable for any expense incurred by the Offeror in the preparation and presentation of its response.

G. While the City of Sandy Springs has every intention to make an award as a result of this multi-phase solicitation, issuance of the RFP in no way constitutes a commitment by the City to designate a Master Developer or to award and execute a contract. Upon a determination such actions would be in its best interest, the City, in its sole discretion, reserves the right to:

1. cancel or terminate this RFP at any time. A notice of cancellation will be issued in writing to the RFP participants. If the RFP is cancelled, the City will not reimburse any Offeror for the preparation of its proposal. Proposals may be returned upon request if unopened;

2. reject any or all proposals received in response to this RFP, make a contract award based directly on the proposals received in the best interest of the City, in its sole discretion, or enter into further discussions with one (1) or more Offerors;

3. waive and/or amend any undesirable, inconsequential, or inconsistent provisions/specifications of this RFP which would not have significant impact on any response;

4. make partial award or no award if it is in the best interest of the City to do so; and

5. terminate any contract if the City determines adequate funds are not available.

SECTION 8: PROPOSED SCHEDULE OF EVENTS

Qualified Firms Contacted..... January 15, 2014

Release of Phase II RFP..... January 22, 2014

Opening of Written Question and Answer Period.....January 23, 2014

Mandatory Pre-Proposal Conference ..... February 6, 2014

Deadline for Receipt of Written Questions on RFP..... March 7, 2014

Deadline for Publication of Written Answers to Qualified Participants *..... March 14, 2014

Proposals from Qualified Firms due..... March 28, 2014

Phase II Proposal Review Process..... March 31 – April 4, 2014

Phase II Interviews with Qualified Firms..... April 14 – 18, 2014

City Council Selection..... May 2014

Master Development Agreement Negotiation..... May – June 2014

Deadline for Master Agreement Execution..... July 2014

*The City may publish Answers more than once during the question and answer period.

SECTION 9: EXHIBITS

Exhibit A: PROJECT SITE – AREA SUBJECT TO RFP

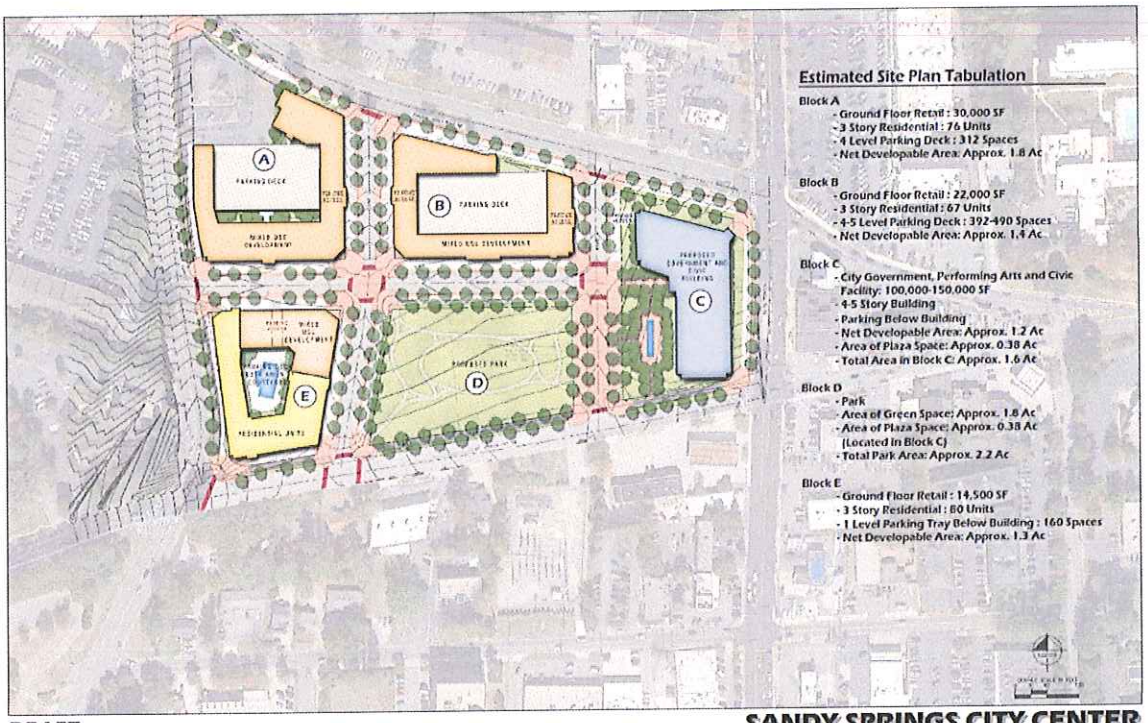
Exhibit B: CERTIFICATION OF CONSULTANT – DRUG-FREE WORKPLACE

Exhibit C: CERTIFICATION OF CONSULTANT - GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT

Exhibit D: AFFIDAVIT VERIFYING STATUS FOR CITY PUBLIC BENEFIT APPLICATION

Exhibit E: CONTRACTOR AFFIDAVIT UNDER O.C.G.A. § 13-10-91(B) (1)

Exhibit A: PROJECT SITE – AREA SUBJECT TO RFP



DRAFT

SANDY SPRINGS CITY CENTER

Kimley-Horn and Associates, Inc.

Concept Plan · August 2013 · PG. 1

Exhibit B: CERTIFICATION OF CONSULTANT – DRUG-FREE WORKPLACE

CERTIFICATION OF CONSULTANT

DRUG-FREE WORKPLACE

I hereby certify that I am a principle and duly authorized representative of _____ ("Consultant"), whose address is _____ and I further certify that:

(1) The provisions of Section 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-Free Workplace Act" have been complied with in full; and

(2) A drug-free workplace will be provided for Consultant's employees during the performance of the Agreement; and

(3) Each subcontractor hired by Consultant shall be required to ensure that the subcontractor's employees are provided a drug-free workplace. Consultant shall secure from that subcontractor the following written certification: "As part of the subcontracting agreement with Consultant, _____ certifies to Consultant that a drug-free workplace will be provided for the subcontractor's employees during the performance of this Agreement pursuant to paragraph (7) of subsection (b) of the Official Code of Georgia Annotated, Section 50-24-3"; and

(4) The undersigned will not engage in unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the Agreement.

CONSULTANT:

Date: _____ Signature: _____

Title: _____

Exhibit C: GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT CERTIFICATION

CERTIFICATION OF CONSULTANT

GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT

I hereby certify that I am a principle and duly authorized representative of _____ ("Consultant"), whose address is _____ and I further certify that:

Consultant hereby agrees to comply with all applicable provisions and requirements of the Georgia Security and Immigration Compliance Act of 2006 (the "Act"), as codified in O.C.G.A. Sections 13-10-90 and 13-10-91 and regulated in Chapter 300-10-1 of the Rules and Regulations of the State of Georgia, "Public Employers, Their Contractors and Subcontractors Required to Verify New Employee Work Eligibility Through a Federal Work Authorization Program," accessed at http://www.dol.state.ga.us, as further set forth below.

Consultant agrees to verify the work eligibility of all of newly hired employees through the U.S. Department of Homeland Security's *Employment Eligibility Verification (EEV) / Basic Pilot Program*, accessed through the Internet at https://www.vis-dhs.com/EmployerRegistration, in accordance with the provisions and timeline found in O.C.G.A. § 13-10-91 and Rule 300-10-1-.02 of the Rules and Regulations of the State of Georgia. As of July 1, 2007, the verification requirement applies to contractors and subcontractors with five-hundred (500) or more employees.

Consultant understands that the contractor and subcontractor requirements of the Act apply to contracts for, or in connection with, the physical performance of services within the State of Georgia.

Consultant understands that the following contract compliance dates set forth in the Act apply to the Contract Agreement, pursuant to O.C.G.A. § 13-10-91:

> On or after July 1, 2007, to public employers, contractors, or subcontractors of 500 or more employees;
>
> On or after July 1, 2008, to public employers, contractors, or subcontractors of 100 or more employees; and
>
> On or after July 1, 2009, to all other public employers, their contractors, and subcontractors.

To document the date on which the Act is applicable to Consultant, and to document Consultant's compliance with the Act, the undersigned agrees to initial one of the three (3) lines below indicating the employee number category applicable to Consultant, and to submit the indicated affidavit with the Contract Agreement if the Consultant has 500 or more employees.

Consultant has:

____ 500 or more employees [Consultant must register with the *Employment/Eligibility Verification/Basic Pilot Program* and begin work eligibility verification on July 1, 2007];

____ 100-499 employees [Consultant must register with the *Employment Eligibility Verification/Basic Pilot Program* and begin work eligibility verification by July 1, 2008]; or

____ 99 or fewer employees [Consultant must begin work eligibility verification by July 1, 2009].

Consultant further agrees to require O.C.G.A. Sections 13-10-90 and 13-10-91 compliance in all written agreements with any subcontractor employed by Consultant to provide services connected with the Contract Agreement, as required pursuant to O.C.G.A. 13-10-91.

Consultant agrees to obtain from any subcontractor that is employed by Consultant to provide services connected with the Contract Agreement, the subcontractor's indication of the employee number category applicable to the subcontractor.

Consultant agrees to secure from any subcontractor engaged to perform services under this Contract an executed "Subcontractor Affidavit," as required pursuant to O.C.G.A. 13-10-91 and Rule 300-10-1-.08 of the Rules and Regulations of the State of Georgia, which rule can be accessed at http://www.dol.state.ga.us.

Consultant agrees to maintain all records of the subcontractor's compliance with O.C.G.A. Sections 13-10-90 and 13-10-91 and Chapter 300-10-1 of the Rules and Regulations of the State of Georgia.

CONSULTANT:

Date: _____ Signature: _____

Title: _____

Exhibit D: AFFIDAVIT VERIFYING STATUS FOR CITY PUBLIC BENEFIT APPLICATION

By executing this affidavit under oath, as an applicant for a City of Sandy Springs, Georgia Business License or Occupation Tax Certificate, Alcohol License, Taxi Permit, execution of contract or other public benefit as referenced in O.C.G.A. Section 50-36-1, I am stating the following with respect to my application for a City of Sandy Springs license/permit and/or contract for

_____.

[Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity]

1) _____ I am a United States citizen

OR

2) _____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States.*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant: _____ Date: _____

Printed Name: _____

*Alien Registration number for non-citizens

_____

****PLEASE INCLUDE A COPY OF YOUR PERMANENT RESIDENT CARD, EMPLOYMENT AUTHORIZATION, GREEN CARD, OR PASSPORT WITH A COPY OF YOUR DRIVER'S LICENSE IF YOU ARE A LEGAL PERMANENT RESIDENT (#2).**

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE _____ DAY OF _____, 20_____

Notary Public: _____ My Commission Expires: _____

*Note: O.C.G.A. § 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

_____

Exhibit E: CONTRACTOR AFFIDAVIT UNDER O.C.G.A. § 13-10-91(B) (1)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

_____
Federal Work Authorization User Identification Number

_____
Date of Authorization

_____
Name of Contractor

_____
Name of Project

_____
Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, ___, 201__ in _____ (city), _____ (state).

_____
Signature of Authorized Officer or Agent

_____
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____, 201__.

_____
NOTARY PUBLIC

My Commission Expires:

_____