

**Request for Proposals**



**Town of Eagle, Colorado**

**Update to the Land Use and Development Code**

*Published: February 22, 2021*

**Submittal Deadline:**

March 26, 2021 @ 5:00pm

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## Introduction and Background

The town is requesting proposals for consulting services from a professional planning firm to lead a Land Use and Development Code (the code) update. The selected firm or team of firms will have demonstrated experience in variety of areas, including but not limited to, implementing community visions, and growth policies, strategies, and creating land use development requirements such as zoning and subdivision regulations. The consultants will prepare and provide documents and associated services for the development code in accordance with the requirements described within this request for proposal and accompanying documentation. This work will draw from a recently completed Comprehensive Plan update.

The Town of Eagle is located approximately 200 miles west of Denver in Eagle County. The Town has a population of approximately 6,500 people (census 2010) and is currently experience high growth pressures. Influenced by western slope ranching, federal lands, and two world-class ski resorts (Vail and Beaver Creek), the Town has a mix of rich historical agriculture and new recreation economies that influence the growth and development of the community.

### *Elevate Eagle Comprehensive Plan – Adopted 12/2020*

In 2018 the Town of Eagle began a Comprehensive Plan update branded as *Elevate Eagle*. This is the first Comprehensive Plan that the Town has drafted that only speaks for the Town. Over two years of community gathering, feedback, work sessions, and review has gone into the final plan, articulating five core themes for our comprehensive planning. The Comprehensive Plan outlines specific action items for a new Land Use Code.

### *Land Use and Development Code*

The Town adopted its first zone district map and zoning ordinance in 1976. The Town updated portions of the code in the mid-80s, early 90s, and most recently in 2010 and 2015. Since the adoption of the EACP in 2010, the land use code only received minor amendments to align with the community plan. The result is that the lack of a major update has caused a variety of challenges for the town as listed below.

- The current development process is onerous, outdated, and confusing
- Code elements are contradicting, delaying projects, putting the town at risk
- Small amendments to the code have complicated application of the code consistently and fairly
- Code requires legal interpretation costing substantial time and money
- Code structure requires multiple variances, special use permits, and PUDs

- Lack of graphic descriptions impacts the usability of the code
  - The current code does not address many important land use topics such as sustainability, new urbanism, appropriate densities, wildlife, green energy/efficiency, historic preservation, aging in-place, etc.
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## Project Overview

The Town is excited to identify partners that can support the needs of the project and the dedicated staff and volunteers that will contribute time and energy toward a successful outcome. The Town expects the project to be a 12-18-month process to successfully develop and implement a new Land Use Code. The project will include robust community outreach and workshops with citizen committees already established for the cause, partner organization meetings, and work sessions and public meetings with appointed and elected officials.

The Town anticipates a Land Use Code that is based on an appropriate structure for the different types and forms of neighborhoods, commercial centers, and future development in the Town. The Town is open to a blend of code structures including form-based zoning, performance zoning, and traditional zoning based on recommendations from the consultant team. The Code should include, but not be limited to, the following elements:

- Clear and concise language that doesn't create enforcement issues for a small town planning staff and attorneys
- Mixed-Use Zone Districts
- Progressive and Sustainable Landscape Standards that support low-water use landscapes and other elements of the town's water conservation and efficiency plan
- Storm Water Regulations that support the quality and sustainability of our local waterways
- Development Standards that supports the identification and mitigation of natural and human caused hazards
- Sign and Dark-Sky Lighting Codes that reflect the current intent of regulations and technology platforms
- Land use application policies and procedures streamlined over what exists today
- High quality visual references that support a user-friendly experience (images, graphics, tables, etc.)
- Clear design guidelines that support quality design but that foster creativity
- A finished product that includes user-friendly online tools and links

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## Project Objectives

In addition to the items listed above, the following objectives have been identified based on the recently updated Strategic Plan, feedback from constituents, and feedback from staff. The Town will work closely with the consultant team to ensure these objectives stay in the forefront of the project for the duration.

- Create a process that is innovative, transparent, and inclusive as to represent the full community.
- Support our citizens, business owners, institutional partners, and development community through our comprehensive plan and land use and development code.
- Achieve alignment between the updated comprehensive plan and the land use and development code to support the stated goals, policies, and action items.
- Improve customer service by making the land use code user friendly, streamlined, and fair.
- Reinforce the town's "open for business" message.
- Integrate progressive and sustainable policies and practices to support smart growth and environmental stewardship.

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## Scope of Work

**1. Oversee Public Participation Process.** The consultant will be the project lead for community engagement efforts for the project. The Town expects a robust, broad-based community engagement process that includes formal and information engagement techniques with a variety of tools. These techniques and tools should be adaptable to various age groups and ethnic communities. The Town expects that community engagement collateral be available in English and Spanish. The consultant will be responsible for the development of community engagement materials including posters, flyers, web content, FAQs, and other collateral necessary for the successful execution of the engagement plan.

**2. Project Kick-Off and Site Tour.** The Consultant shall meet with Town staff and the Land Use Code Committee for a project orientation meeting and tour of the Town of Eagle. The meeting will provide an understanding of project process and schedule, goals, and an orientation of the various areas within the town. The meeting will be coordinated by the Town and will be a half day.

**3. General Coordination Meetings and Partner Meetings.** The consultant shall be present at regularly scheduled coordination meetings and limited meetings with partner organizations to forward the progress of the project. In-person attendance is not required for these meetings. Conference hosting will be provided.

**4. Initial Code Assessment.** The Consultant shall assess the existing land use and development code. This assessment should be a comprehensive detailed technical review of the existing code, should include community engagement, and should consider the following:

- Notes and comments from Town staff regarding areas of concern.
- Feedback from Land Use Code Committee, boards/commissions, other committees, and development partners.
- The Consultant's experience and/or knowledge of best practices in other communities.
- The Consultant's knowledge of innovative zoning and land use practices. (provide examples)
- The Consultant's experience in developing zoning codes, per recommendations set forth in comprehensive plans.
- The Consultant's experience with developing user-friendly zoning codes, as well as land use application policies and procedures.

**5. Outline of Proposed Development Code Changes.** The Consultant shall provide an outline of the proposed changes to the development code. The outline shall include:

- An overview of the proposed structure and substance of the new codes.
- Different options for addressing issues.
- Rationale and recommended approach for each identified issue.

**6. Draft Development Code Changes.** The Consultant shall prepare draft codes based on the outline of proposed development code changes. The Consultant shall provide working maps/illustrations that show how the proposed changes would be applied. The draft shall include high quality graphics to accompany elements of the code that are engaging, attractive, and easy to understand.

**7. Final Drafts of Development Code Changes.** The Consultant shall prepare a final draft of the proposed development code and zoning map (if zone districts are altered) for public hearing purposes. An executive summary shall be produced explaining the final drafts and rationale behind the proposed changes.

**8. Attend Public Hearings and Committee Meetings.** The consultant shall be present at appropriate public hearings and committee meetings to present the final drafts of the documents to the Planning and Zoning Commission and Town Council at public

hearings. The consultant shall make changes to the final drafts based on input from the Planning and Zoning Commission and Town Council public hearings.

**9. Adoption and Implementation.** The consultant shall provide a final copy of the adopted development code in a digital file, compatible with the systems and programs utilized by Town. The digital file shall be modifiable. If applicable, GIS (Geographic Information Systems) data modified or produced for developing the development code shall be compatible with the Town of Eagle's (or Eagle County's) Geographic Information System (GIS).

**10. Additional Services.** The consultant may be contracted to assist the Town in developing updated website pages, application forms, FAQs, and "how to" documents related to the information in the new comp plan or development code. This should be listed as a potential add service to the scope of work above.

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## Project Deliverables

The Town expects the following deliverables for successful completion of the project:

1. Development and management of online content for the duration of the project, which includes the project status/project calendar, upcoming events, and opportunity for community input. The platform shall be integrated with social media platforms.
2. Community Engagement Plan with more specific details of the plan than outlined in the RFP.
3. Digital files of documents and collateral for distribution during the community engagement exercises.
4. Technical memo summarizing findings of the Initial Code Assessment.
5. Digital files of revised code and other documents for distribution during the review and comment phase of the project. All documents shall be delivered in redlined and clean versions for ease of review and comment.
6. Digital files of approved documents and graphics (files shall be delivered via Dropbox or method deemed acceptable by the Town).
7. Digital files of approved development code documents in a format as required by the Town's third-party codification service provider.

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## Project Budget and Schedule

The Town of Eagle Town Council has allocated \$60,000 in fiscal year 2021 for the project. The Town anticipates an approximate 12-18-month process beginning in the second quarter of 2021 with anticipated completion in mid-2022. Please see the Selection Process section of this document for details on the RFP timeline.

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## Communications and Resources

The Town of Eagle Town Community Development Director Chad Phillips will be the project lead for the Town. The Town has additional staff to support the project, at the direction of the Project Manager. This project is in addition to the regular duties of the department but is a priority for the Town. The department staff is available as a resource for the following areas of the project:

- Provide data sets developed or assembled by the Town (digital versions of plans, documents, GIS data, etc.)
- Support of Community Engagement Plan
  - Identification of venues, update of the Town's website, public notices, etc.
  - Drafting of all press releases by the Town
- Coordination of public hearings and administrative support for meeting preparation
- Reproduction of meeting materials (printing, copying, assembling, etc.)
- Coordinator/Liaison to Citizen Committees, including coordinating meetings, record and disseminate minutes, and materials

The Town conducts business through the support of the following systems and programs: Microsoft Office 365, Adobe Creative Suite, CommunityCore, and ArcGIS 10.5.1. The Town is also accustomed to file sharing platforms such as DropBox, Google Drive, and Sharepoint.

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## Submittal Requirements

The RFP must include the following to be considered for the project. Proposals shall comply with the following format:

**Tab 1. Firm Introduction and Project Approach.** Description of the Consultant's proposed overall approach to the project including strategy used to accomplish the Town's project objectives and the scope of services. This section should include a description of approaches to project management and communication structures that lead to successful projects. More specifically, the management and communication of the consultant's internal team and any subcontractors proposed for the project.

**Tab 2. Project Proposal.** Description of the methods proposed to complete each task in the Scope of Work. The proposal shall include a broad-based public engagement plan that specifies how and when the public will be engaged throughout the project. The project is expected to span multiple months, therefore, it is essential that the Consultant explain the approach and methods that would be used to continue the project momentum throughout the process. Provide a proposed project timeline (in graphic form with supporting text) that indicates the approximate schedule for completing each task and project milestones.

Please break out the timeline for stakeholder participation separately so the review committee can see how it overlaps with other project elements. The proposal shall include the projected number of meetings/presentations/workshops and other supplemental sessions for gathering input. It is expected that documents will have multiple rounds of drafting, circulation, and revisions.

**Tab 3. Project Experience – Code Preparation and Previous Projects.** Description of the Consultant's experience in preparing: simplified/user-friendly development codes for a variety of zoning districts and land use categories, including mixed-use and redevelopment/infill development; form-based, performance, hybrid or other zoning frameworks integrated with conventional land use categories; landscape standards; sign regulations; subdivision regulations; annexation and master plans; and land use policies and procedures. Description of the Consultant's experience in drafting development codes for communities of similar size, setting, and objectives; community outreach for similar projects; developing project timelines for similar projects; conducting public workshops; and conducting work sessions with appointed and elected officials. Provide contact information for a minimum of three projects that members of the selection committee can contact for references.

**Tab 4. Consultant's team.** Description of the Consultant's staffing plan for the project, including resumes and qualifications of key personnel and subcontractors, if any. Please note, all staff presented in the proposal and in any subsequent interviews must be present and actively participate in a manner aligned with their proposed involvement. Substitutions or replacements of the consultant's team must be made with authorization by the Town of Eagle.

**Tab 5. Cost Proposal.** A detailed cost proposal that meets the Town's current interests as they relate to the Scope of Work. Based on the project schedule outlined in the Project Proposal, describe the allocation of the project budget by task. Submit proposed

fee and reimbursable expense schedules as necessary to accomplish the scope of services.

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## Submittal Process

1. Being selected under this solicitation will not preclude the firm from being considered for any other projects advertised by the Town.
2. Consultants interested in submitting a proposal are invited to respond to this Request for Proposals by submitting all required materials to the address below.
3. Applicant questions: Questions shall be sent via email no later than March 4, 2021, 5:00 P.M., to Chad Phillips, Town Planner, at [chad.phillips@townofeagle.org](mailto:chad.phillips@townofeagle.org).

4. The submittal process will follow the schedule as outlined below.

RFP Publication Date .....	2/22/2021
Question Submittal Date .....	3/19/21
Question Response Date .....	3/25/21
RFP Submittal Deadline .....	3/26/21
Selection Committee Reviews Completed .....	4/9/21
Interviews with Consultants .....	Mid April, 2021
Selection of Consultant .....	Week of May 3 <sup>rd</sup> , 2021
Contract Award .....	Week of May 17, 2021

5. Format and Delivery: Email a PDF copy to [chad.phillips@townofeagle.org](mailto:chad.phillips@townofeagle.org) and submit six (6) bound letter-sized copies to:

Chad Phillips, AICP, Community Development Director  
Town of Eagle - Community Development Department  
PO Box 609  
Eagle, CO 81631

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## Criteria for Selection

After receipt of proposals on March 26, the Selection Committee will review all submittals. Interviews are anticipated as part of the selection process. The following criteria will be used with the evaluation of submittals:

- **Completeness:** The submittal includes all required items outlined in the RFP.

- **Experience:** The Consultant’s demonstrated capability on similar or related projects with comp plans, zoning, land use, development code projects for local governments, particularly various types of base codes (form-based, hybrid-based, etc.) and experience with preparing sign, landscape, and mixed-use codes.
  - **Timeline:** The Consultant’s proposed timeline is realistic and includes all assumptions outlined in the RFP.
  - **Scope of Work:** The Consultant’s anticipated work product as it relates to the Scope of Work is comprehensive and presents an appropriate approach to the work outlined.
  - **Budget:** The proposed budget includes all requested scope of work items and is reflective of the Town’s resources.
  - **Team:** Abilities and qualifications of personnel, demonstrated depth and breadth of the team to achieve the goals and objectives of the project.
  - **References:** References were relevant to the project and worked directly with members of the proposing team.
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## RFP Terms and Conditions

1. Proposals that do not include all submittal requirements outlined herein shall not be considered.
2. At the Town’s sole discretion, the Town may choose to republish this RFP.
3. The Town reserves the right to (i) accept or reject any and/or all proposals; (ii) waive any informalities or irregularities in said proposals; (iii) adopt all or any part of the proposer’s proposal; (iv) negotiate changes in the scope of work or services to be provided; and (v) select the proposer it deems to be most qualified to fulfill the needs of the Town. The proposer with the lowest priced proposal will not necessarily be the one most qualified, since several factors other than price are important in the determination of the most acceptable proposal. The RFP does not bind the Town to hire a contractor when, in the Town’s sole discretion, the Town determines not to do so.
4. Until such time that an agreement is executed with the selected contractor, there are no express or implied obligations or commitments on the part of either the Town or the selected contractor concerning either this RFP or any proposal associated with it.
5. At the Town’s sole discretion and with notice being provided to the respondents, the Town may amend the Selection Process and/or Tentative Project Schedule at any time.

6. All proposals and other materials submitted shall become the property of the Town.
7. By submitting materials for the Town's consideration pursuant to this RFP, the Consultant is waiving any claim of confidentiality, trade secrets or privilege with respect to materials submitted. All submittal materials are subject to disclosure under the Colorado Open Records Act.
8. All proposals must be signed by an authorized agent of your firm. Any firm or individual submitting a signed proposal shall be deemed to have read and understood all of the terms, conditions and requirements of this RFP.
9. All participating proposers, by their signature, agree to comply with all of the terms, conditions, requirements, and instructions of this RFP as stated in this RFP. Should the Town omit anything from this document which is necessary to a clear understanding of the work, or should it appear that various instructions are in conflict, then the proposer shall contact the Town and secure written instructions from the Town at least 48 hours prior to the time and date of the scheduled opening of the proposals.
10. If warranted, any updates, revisions or modifications to this RFP shall be posted on the Town of Eagle's website at: [www.townofeagle.org](http://www.townofeagle.org) during the advertising period, and it shall be the responsibility of the Consultant to review the website during the advertising period to verify if any such updates, revisions or modifications have been made to this RFP.
11. No oral questions will be answered. If additional information or clarification is desired, email requests should be made to the Town at the email address listed herein.
12. The Town shall not be liable for any costs incurred by the proposer in the preparation and production of the proposal, contract negotiations or for any work performed prior to the execution of a contract.
13. The Town reserves the right to conduct discussions with proposers, to accept revisions of proposals, and to negotiate price changes at the sole discretion of the Town. During this discussion period, the Town will not disclose any information regarding proposal submittals. The Town reserves the right to ask for the "Best and Final Offer."
14. The successful proposer shall be required to indemnify and hold the Town and its agents and employees harmless from and against all suits or actions of any kind, including workers' compensation claims, brought against them for or on account of any damages or injuries received or sustained by any parties, by or from any

acts of the successful proposer or its agents or employees in fulfilling its contractual duties to the Town.

15. The successful proposer shall have their insurance company send the Town a currently in-force Certificate of Insurance which indicates that insurance coverage has been obtained, including professional liability, which meets the minimum requirements as are required by Colorado law for work performed by the proposer and other insurance requirements as may be set forth in the written contract with the Town.
16. The successful proposer shall comply with all applicable federal, state, and local laws, regulations, administrative rulings, and codes, and shall secure all necessary licenses and permits in connection with this RFP and any goods or services to be provided hereunder. By submitting a proposal to the Town, the proposer certifies pursuant to § 8-17.5-102(1), C.R.S., that, at the time of the submittal of the proposal, it does not knowingly employ or contract with an illegal alien and that the proposer will participate in the e-verify program or the employment verification program established by the Colorado Department of Labor and Employment in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the written contract with the Town.
17. By submission of the proposal, the proposer certifies that the proposal has been arrived at independently and submitted without collusion with any other proposer, and that the contents of the proposal have not been communicated by the proposer, or to the proposer's best knowledge and belief, by any one of its employees or agents, to any person not an employee or agent of the proposer, and will not be communicated to any person prior to the official opening of the proposals.
18. The Town is exempt from sales, use, and excise taxes. Certification of tax exemption will be issued to the proposer upon request. Any appropriate taxes shall be shown as a separate item in the proposal.
19. The selected firm will work under a **Professional Services Agreement** (see Attachment A) once an Agreement is negotiated. In the event of any conflict between this RFP and the contract, the terms and conditions of the contract shall control. The following documents will be required by the selected firm prior to the commencement of any work:
  - a. Signed contract by both the Town and the selected contractor
  - b. Proof of insurance per Professional Services Agreement
  - c. A Town of Eagle Business License. A Town of Eagle Business License is required of any person who transacts or carries on any business, trade, profession, or occupation in the Town of Eagle

20. Being selected under this solicitation will not preclude the firm from being considered for any other projects advertised by the Town.

21. Governing Law. This RFP and any agreement with the Town that may result shall be governed by the laws of the State of Colorado. Respondent, by seeking, receiving or possessing this RFP and/or in submitting a response RFP, hereby agrees to and consents to exclusive original jurisdiction and venue in the District Court of Eagle County for any litigation arising from or out of this RFP or any Agreement executed as a result of this RFP.

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## Supplemental Materials

[A. Elevate Eagle Comp Plan \(2020\)](#)

[B. Eagle River Corridor Plan \(Adopted 2015\)](#)

[C. West Eagle Sub Area Plan \(Adopted 2011\)](#)

[D. Town of Eagle Strategic Plan \(Adopted 2017\)](#)

[E. Chapter 4 – Town of Eagle Land Use and Development Code](#)

[F. Brush Creek Management Plan \(Adopted 2011\)](#)

[G. Eagle County Housing Needs Assessment \(2016\)](#)

[H. Climate Action Plan \(Adopted 2017\)](#) and

<https://www.walkingmountains.org/sustainability-hub/climate-action-plan-eagle-county/>

[I. Town of Eagle Downtown Parking Study \(December 2017\)](#)

[J. Town of Eagle Community Profile – Colorado Department of Local Affairs](#)