

April 2015
RFP 112340

PURCHASING DEPARTMENT
101 EAST 11th STREET, STE. G-13
CHATTANOOGA, TENNESSEE 37402

Request for Proposals for the City of Chattanooga, TN

Requisition No.: RFP – 112340
Ordering Dept.: Land Development Office, ECD Department
Buyer: Sharon Lea / lea_sharon@chattanooga.gov
Phone No.: 423 643-7235
Fax No.: 423 643-7244

**Request for Proposals for Review of Acoustical Engineering Drawings
& Specifications for Amplified Music District**

*****REQUEST FOR PROPOSALS MUST BE RECEIVED***
NO LATER THAN**

4:00 PM E.S.T. on Thursday, May 28th, 2015

*****ALL QUESTIONS MUST BE SUBMITTED IN WRITING**
NO LATER THAN**

4:30 PM E.S.T. on Tuesday, May 19th, 2015

The City of Chattanooga reserves the right to reject any and/or all proposals, waive any informalities in the proposals received, and to accept any proposal which in its opinion may be for the best interest of the City.

The City of Chattanooga will be non-discriminatory in the purchase of all goods and services on the basis of race, color or national origin.

The City of Chattanooga (COC) Terms and Conditions posted on Website are applicable:

<http://www.chattanooga.gov/purchasing/standard-terms-and-conditions>

NOTE: ALL PROPOSALS MUST BE SIGNED.

All proposals received are subject to the terms and conditions contained herein and as listed in the above referenced website. The undersigned Offeror acknowledges having received, reviewed, and agrees to be bound to these terms and conditions, unless specific written exceptions are otherwise stated.

PLEASE PROVIDE US WITH THE FOLLOWING

Company Name: _____
Mailing Address: _____
City & Zip Code: _____
Phone/Toll-Free No.: _____
Fax No.: _____
E-Mail Address: _____
Contact Person: _____
Signature: _____

Request for Proposals

RFP 112340

For Review of Acoustical Engineering Drawing and Specifications For Amplified Music District

City of Chattanooga, Tennessee

April, 2015



Section 1

Introduction

REQUEST FOR PROPOSALS RFP 112340

REVIEW OF ACOUSTICAL ENGINEERING DRAWING AND SPECIFICATIONS FOR AMPLIFIED MUSIC DISTRICT

CITY OF CHATTANOOGA, TENNESSEE

1.0 INTRODUCTION

1.1 BACKGROUND

The City of Chattanooga, Tennessee (City) is a growing, vibrant, and thriving downtown. In order to attract various types of venues to the downtown area, the City Council (Council) adopted Ordinance No. 12850 (Attachment No. 5) which created the Downtown Amplified Music District (AMD). The Land Development Office (LDO) has been assigned the task of issuing permits for the AMD. The LDO presently issues all of the permits for land disturbing and vertical construction.

1.2 PURPOSE OF RFP

An AMD permit generally allows the permittee to emit amplified sounds in excess of the city-wide noise limits. Applicants for an AMD permit are required to provide evidence of all actions taken to comply with the city-wide noise level limits [set forth in Code Sec. 25-69(a)] (Attachment No. 5), the reasons why compliance cannot be feasibly achieved, the reasons for such determination, the actions that have been taken to comply with the city-wide noise level limits, a proposed method for complying as nearly as is feasible with the city-wide noise limits, and a proposed time schedule for its accomplishment.

The LDO is tasked with all of the reviews and inspections associated with the AMD permits; however, the LDO has little expertise in the review of acoustical renovations/adaptations. The City is requesting a proposal from Institute of Noise Control Engineering Board Certified Acoustical Engineers for the review, evaluation and validation of the claims, proposals, drawings and specifications submitted with the AMD permit applications and, if necessary, for a list of alternatives to the designs as submitted in order to comply as nearly as is feasible with the city-wide noise limits.

1.3 DESCRIPTION OF PROJECT SCOPE

The project is specifically defined to provide engineering review services to the LDO.

The consultant agrees to provide the following services:

1.3.1 The consultant will review and make written recommendations based on the drawings and specifications furnished when the application (Attachment No. 2) is submitted. The consultant will review, evaluate and validate the claims, proposals, drawings and specifications submitted with the AMD permit application and, if necessary, will prepare a list of alternatives to the designs as submitted in order to comply as nearly as is feasible with the city-wide noise limits. Please refer to the Amplified Music District (AMD) Policies (Attachment No. 1), and the Amplified Music District Flow Chart (Attachment No. 4).

1.3.2 If necessary, the consultant will travel to Chattanooga to review the proposed project.

Section 2

Proposals Package Instructions

2.0 PROPOSALS PACKAGE (PP) INSTRUCTIONS

2.1 GENERAL

Five (5) bound copies, one (1) unbound original copy, and an electronic copy in Word or PDF format of the PP shall be submitted. The PP should be limited to the requested content.

All PPs shall be submitted in a sealed envelope or box marked “**Review of Acoustical Engineering Drawings and Specifications For Amplified Music District**”. The original and copies of the PP shall be indexed with tabs for each section.

All PPs shall be submitted no later than **4:00 p.m. Eastern Standard Time, on Thursday, May 28th, 2015** to the attention of:

City of Chattanooga
Purchasing Department
Attn: Sharon Lea
101 E. 11th Street, Suite G13
Chattanooga, TN 37402

Lea_Sharon@chattanooga.gov
Phone: (423) 643-7235
FAX: (423) 643-7244

NOTE: PPs shall address only the information requested in the RFP. The City is not interested in “fluff or filler.” It is interested in the resumes of the people that will be working on the project and descriptions of similar project on which they have worked independently or together. Resumes of others who will not be working on the project or project descriptions that are not recent or not relevant to the RFP are not wanted.

2.2 PP WITHDRAWAL PROCEDURE

PPs may be withdrawn up until the date and time set above for opening of PPs. Any PP not so withdrawn shall, upon opening, constitute an irrevocable offer for a period of ninety (90) days to provide the services set forth in the PP or until one of the PPs has been accepted and a contract has been executed between the City and the successful PP submitter.

2.3 RESERVATION OF CITY RIGHTS

2.3.1 The City reserves the right to request clarification of submitted information and to request additional information of one (1) or more PPs.

2.3.2 The City reserves the right to negotiate an Agreement/Contract for the **Review of Acoustical Engineering Drawings and Specifications For Amplified Music District** with the next most qualified finalist if the successful finalist does not execute an Agreement/Contract within seven (7) days after submission of an Agreement to such offer. The City reserves the right to negotiate all elements of work that comprise the selected PP submitter.

2.3.3 The City reserves the right, after opening the PPs or at any other point during the selection process, to reject any or all PPs, modify or postpone the proposed project, evaluate any alternatives offered or accept the PP that, in the City’s sole judgment, is in its best interest.

2.3.4 The City reserves the right to terminate the Agreement if the Consultant fails to commence the work described herein upon giving the Consultant a thirty (30) day written Notice of Award.

2.4 PRE-RFP CONFERENCE: (Contingent on Scope and Volume of Questions Received from Potential PP Submitters)

2.5 ADDITIONAL REQUESTS FOR INFORMATION

2.5.1 Any additional requests for information **must be directed in writing to the City by 4:30 p.m., Eastern Standard Time, on Tuesday, May 19th, 2015.** The requests will be addressed to the fullest extent possible by the City in writing and posted on the City's website as an addendum to this RFP (Link to website: <http://www.chattanooga.gov/purchasing/bidssolicitations>). After this time, no further requests for information will be received or a response created.

2.5.2 Requests for information or clarification must be sent to:

Lea_Sharon@chattanooga.gov

or

City of Chattanooga
Purchasing Department
Attn: Sharon Lea
101 E. 11th Street, Suite G13
Chattanooga, TN 37402

or

FAX: (423) 643-7244

2.5.3 The city specifically requests that any contact concerning this RFP be made exclusively with the Purchasing Department or its designee, until selection has been completed. Failure to honor this request will be negatively viewed in the selection process.

2.6 AFFIRMATIVE ACTION PLAN

2.6.1 The City is an equal opportunity employer and during the performance of this Contract, the Consultant agrees to abide by the equal opportunity goals of the City of Chattanooga as follows:

2.6.1.1 The Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or handicap. The Consultant will take affirmative action to ensure that applicants are employed, and the employees are treated during employment without regard to their race, color, religion, sex, national origin, or handicap. Such action shall include but not be limited to, the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training including apprenticeship. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

2.6.1.2 The Consultant will, in all solicitations or advertisements for employees placed by or on behalf of the Consultant state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or handicap.

2.6.1.3 The Consultant will send to each labor union or representative or workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice advising said labor union or workers' representatives of the Consultant's

commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- 2.6.1.4** In all construction contracts or subcontracts in excess of \$10,000 to be performed for the City, and Consultant and/or subcontractor is further required to file in duplicate within ten (10) days of being notified that it is the lowest responsible bidder, an affirmative action plan with the EEO Director of the City of Chattanooga. This plan shall state the Consultant's goals for minority and women utilization as a percentage of the work force on this project.
 - 2.6.1.5** This Plan or any attachments thereto, shall further provide a list of all employees annotated by job function, race, and sex who are expected to be utilized on this project. This plan or attachment thereto, shall further describe the methods by which the Consultant and/or subcontractor will utilize to make good faith efforts at providing employment opportunities for minorities and women.
- 2.6.2** During the term of this Contract, the Consultant upon request of the City will make available for inspection by the City copies of all payroll records, personnel documents, and similar records or documents that may be used to verify the Consultant's compliance with these Equal Opportunity provisions.

Section 3

Proposals Package Contents

3.0 PROPOSALS PACKAGE CONTENTS

- 3.1 GENERAL INFORMATION:** The PP shall provide the following general information:
 - 3.1.1** The name, address, telephone and facsimile numbers, and e-mail address of the Consultant and principal contact person.
 - 3.1.2** Identify the type of firm or organization (corporation, partnership, joint venture, etc.) and describe the entity that will serve as the contracting party.
 - 3.1.3** Submit a project organization chart.
 - 3.1.4** PP shall identify the portions of the work that will be undertaken directly by the Consultant and what portions of the work will be subcontracted. At a minimum, PPs must identify the lead parties that will undertake the various roles for the various phases.
 - 3.1.5** Describe the proposed contractual relationships between the Consultant and all major partners and subcontractors relative to the various phases of the project.
 - 3.1.6** Describe the history of the relations among the Project Team members, including a description of past working relationships.
 - 3.1.7** Provide the history, ownership, organization, and background of the Consultant. If the Consultant is a joint venture, the required information must be submitted for each member of the joint venture firm. Include the following:
 - 3.1.7.1** Names of partners, and company officers who own 10 percent or more of the shares.
 - 3.1.7.2** If the Consultant or joint venture is a subsidiary of a parent company, state when the subsidiary was formed and its place in the corporate structure of the parent company. If a subsidiary is newly created for the purposes of responding to this RFP, the reasons for this action must be fully disclosed.
 - 3.1.7.3** Identify any lawsuits or litigation, permit violations, and/or contract disputes for other projects by the Consultant.

3.2 PROPOSALS AND EXPERIENCE

- 3.2.1** The Consultant shall provide the following regarding technical Proposals and experience dealing with the **Review of Acoustical Engineering Drawings and Specifications For Amplified Music District**.
- 3.2.2** General Experience: Provide a summary of the experience of the Consultant's Project Team.
- 3.2.3** Project Team Members Experience: Provide resumes of the Consultant's Project Team including the Project Manager and all technical personnel that will be used. Resumes should include information on professional registrations and certifications of each team member.
- 3.2.4** Previous Experience with Similar Projects: Provide a list of three (3) to five (5) projects of similar type that the Consultant's Project Team has worked on independently or together. Include the name, description, and location of each project; dates work was performed; and name, address, and phone number of owner and/or contact person.
- 3.2.5** Previous Experience Analyzing Acoustical Characteristics of Performance Spaces: Provide a list of five (5) to seven (7) projects of similar type that the Consultant's Project Team has worked on independently or together. Include the name, description, and location of each project; dates work was performed; and name, address, and phone number of owner and/or contact person.

3.3 PROPOSED SCOPE OF WORK

- 3.3.1** The Consultant shall describe in detail the overall approach that will be used by its Project Team to perform the scope of work described herein for the **Review of Acoustical Engineering Drawings and Specifications For Amplified Music District**.
- 3.3.2** The Consultant shall provide all labor, benefits, equipment, materials, fuel, utilities, insurance, out-of-pocket expenses, and other related services required in connection with this project.
- 3.3.3** The Consultant shall provide and submit reports, drawings, etc. necessary to convey to the City that the Project Team has adequately reviewed the application submitted along with all of its attachments.
- 3.3.4** The report of the Consultant shall state, to the best of his knowledge and belief, that the requirements of the ordinance will be met by the proposal shown in the application **OR** what recommendations should be considered to bring the proposal into compliance with the ordinance if possible.
- 3.3.5** The Consultant shall provide adequate supervision, and technical and managerial oversight of the Consultant's employees, subcontractors, and agents.

3.4 CITY SUPPLIED SERVICES

The City will provide a project Manager as the single point of contact who will be the responsible party for the City. Any available information that may be relevant to the project may be obtained through the Project Manager.

3.5 FINANCIAL RESOURCES

The Consultant shall provide documentation that the firm is of sound financial standing and have the financial ability to work in the capacity of requested services.

3.6 TERMS AND CONDITIONS

- 3.6.1** The Acoustical Engineer may submit a standard form of agreement; however, the following Terms and Conditions shall be included.
- 3.6.2** THE TERMS AND CONDITIONS SHALL BE THOSE ADDRESSED IN THE City standard contract/agreement unless otherwise listed below:

<http://www.chattanooga.gov/purchasing/standard-terms-and-conditions>

- 3.6.3** THE Consultant shall at all times during the term of the Contract or agreement and for a period of five (5) years after the end of the contract, keep and maintain records of the work performed pursuant to this Contract or Agreement. This shall include proper records of quotations, contracts, correspondence, invoices, vouchers, timesheets, and other documents that support actions taken by the Consultant. Documents shall be maintained by the Consultant necessary to reflect clearly all work and actions taken. All such records shall be maintained in accordance with generally accepted accounting principles. The Consultant shall make, at its own expense, such records available for inspection and audit (including copies and extracts of records as required) by the City at all reasonable times and without prior notice.
- 3.6.4** The obligations of this Section shall be explicitly included in any Subcontracts or Agreements formed between the Consultant and any subcontractors or suppliers or goods or service to the extent that those Subcontracts or Agreements relate to fulfillment of the Consultant's obligations to the City.
- 3.6.5** Costs of any audits conducted under the authority of this section and not addressed elsewhere will be borne by the City unless the audit identifies significant findings that would benefit the City. The Consultant shall reimburse the City for the total costs of an audit that identifies significant findings that would benefit the City.
- 3.6.6** This Section shall not be construed to limit, revoke, or abridge any other rights, powers, or obligations relating to audit which the City may have by Federal, State, or Municipal law, whether those rights, powers, or obligations are express or implied.

Section 4

Review and Evaluation of PPs

4.0 REVIEW AND EVALUATION OF PPs

4.1 REVIEW COMMITTEE

The review committee consisting of individuals selected by the City shall receive and review all submitted PPs. The City, in its sole judgment, shall decide if a PP is viable.

4.2 FORMAL PRESENTATIONS

After reviewing each PP submittal, the City may prepare a short list of up to three (3) qualified firms for formal presentations. The City reserve the right to invite more or less than this number if the quality of the PPs so merits, or not to prepare a short list and require formal presentations.

4.3 SELECTION CRITERIA

Selection of Consultants for formal presentations and/or the selection of one (1) consultant for the contract/agreement negotiation will be based on an objective evaluation of the following criteria:

4.3.1 General

4.3.1.1 Proposal and/or SOQ properly interpret the Request for Proposals.

4.3.1.2 Proposal and/or SOQ contain no technical errors.

4.3.1.3 Proposal and/or SOQ contain no discrepancies, omissions, ambiguous and/or misleading statements.

4.3.2 Problem Statement and Background Summary

4.3.2.1 Proposal and/or SOQ demonstrate good understanding of the problem.

4.3.3 Proposal Plan (Objectives and Tasks)

4.3.3.1 Proposal and/or SOQ cite specific tasks clearly.

4.3.3.2 Difficult areas are identified and details for overcoming them are given.

4.3.3.3 Proposal and/or SOQ represent a novel idea or technical approach that is worth considering.

4.3.4 Products and Implementation

4.3.4.1 Proposal and/or SOQ clearly define products to be delivered for each application review.

4.3.4.2 SOQ includes a practical, realistic implementation plan, and schedule, showing a familiarity with City procedures and policies, as well as demonstrated ability to meet budgets and schedules without compromising sound engineering practice for similar projects.

4.3.5 Staffing and Facilities

4.3.5.1 Availability of personnel is clearly defined.

4.3.5.2 Proposal and/or SOQ show a depth of qualified personnel.

4.3.5.3 Personal Proposals and education are directly related to the requirements of the project.

4.3.5.4 Key personnel have direct experience and accomplishments with this type of project.

4.3.5.5 Proposal and/or SOQ show ability to manage a project of this size.

4.3.5.6 Proposal and/or SOQ include plans for specific key personnel assignment.

4.3.5.7 Project does not depend excessively on Sub consultants/Subcontractors or recruited personnel.

4.3.5.8 Submitter's location will not hinder project coordination.

4.3.6 City Involvement

4.3.6.1 City involvement is clearly described and quantified.

4.3.6.2 City involvement is not excessive.

4.3.6.3 Submitter's Record of Past Accomplishments for the City.

4.3.6.4 Submitter satisfactorily completed past projects.

4.3.6.5 Submitter met scheduled commitments.

4.3.6.6 Submitter was cooperative and flexible.

4.3.7 Evaluation proceedings shall be conducted within the established guidelines regarding equal employment opportunity and discriminatory action based upon the grounds of race, color, sex, creed, or national origin.

4.4 SELECTION OF FINALIST

After the review of the PPs by the Review Committee and possibly formal presentations, the City may, at its sole option, elect to reject all PPs or elect to pursue the project further. In the event that the City decides to pursue the project further, the City will select the highest ranked finalist to negotiate an Agreement.

Section 5

Attachments

ATTACHMENT NO. 1

Amplified Music District (AMD) Policies

(Revised 10/8/14)

1. The Applicant shall submit to the Land Development Office the following documentation:
 - a. Downtown Amplified Music District (AMD) Permit Application;
 - b. The fee associated with the review of the permit application will be based on the cost to the City for that review. An initial payment of \$1,000.00 shall be submitted with the application. After the permit has been reviewed, the applicant will be sent an itemized invoice for the remainder of the cost. It is expected that the total cost to the applicant will be approximately \$1,750.00.
 - c. A report from an Acoustical Engineer. Note: a report from a "sound engineer" is **not** acceptable. The Acoustical Engineer shall be a member of the National Council of Acoustical Consultants (NCAC) and either the Acoustical Society of America (ASA) or the Institute of Noise Control Engineers (INCE-USA).
2. The Acoustical Engineer's report shall contain the following information:
 - a. The occupant load of the facility (based on the edition of the International Building Code adopted by the City of Chattanooga);
 - b. The type of construction (based on the edition of the International Building Code adopted by the City of Chattanooga);
 - c. A vicinity map (approximately 8-1/2 x 11);
 - d. A site plan (minimum scale: 1" = 40');
 - e. A floor plan of the building showing the placement of the audience and the sound equipment (minimum scale: 1/8" = 1'-0");
 - f. Two building sections, one transverse and one longitudinal (minimum scale: 1/8"=1'-0");
 - g. The reasons why compliance with the noise levels limits set forth at Code Sec. 25-69(a) cannot be feasibly achieved and the reasons for such determination;
 - h. The Actions that have been taken to comply with the noise level limits set forth in Code Sec. 25-69(a);
 - i. A proposed method for complying as nearly as is feasible with the noise level limits set forth in Code Sec. 25-69(a) and the estimated cost thereof; and
 - j. A proposed time schedule for to accomplishment the remediation.



City of Chattanooga, TN
 Land Development Office
 1250 Market Street • Suite 1000
 • Chattanooga, TN 37402

Phone: (423) 643-5800 Fax: (423) 643-5848
 Inspection Scheduling: (423) 643-5879

(OFFICE USE ONLY)

Permit No. ATTACHMENT NO. 2

Permit Fee \$ (Based on Cost of Service) \$1,000.00

Double Fee (if applicable) \$ _____

Technology Fee \$ _____ 10.00

Admin Fee \$ _____ 5.00

TOTAL FEE \$1,015.00

**DOWNTOWN AMPLIFIED MUSIC DISTRICT (AMD)
 PERMIT APPLICATION**

Not Refundable

| | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------|-----------------|---------------|---------------------|--|------------------|
| Please Print Clearly or Type | PROPERTY ADDRESS | | | | | | |
| | Number and Street Name | | | | Suite / Unit Number | | Zip Code |
| | State Tax Map Number | | | | Lot Number | | Subdivision Name |
| | Ownership is: <input type="checkbox"/> Private <input type="checkbox"/> Public (Government) | | | | | | |
| | TITLE OF ESTABLISHMENT: | | | | | | |
| Name | | Mailing Address – Number, Street, City, ST & Zip Code | | | Telephone Number | | |
| Property Owner | Company | | | | | | |
| | First | Last | E-Mail Address: | | | | |
| Occupant / Tenant | Company | | | | | | |
| | First | Last | E-Mail Address: | | | | |
| Agent | Company or Relationship to Appl. | | | | | | |
| | First | Last | E-Mail Address: | | | | |
| Acoustical Engineer | Company | | | | | | |
| | First | Last | TN State Lic. # | County Lic. # | City Business Lic.# | | |
| APPLICANT IS: <input type="checkbox"/> Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Tenant <input type="checkbox"/> Agent | | | | | | | |

- CHECKLIST:**
1. Site Plan
 2. Report from Acoustical Engineer
 3. Fee
 4. Vicinity map showing all properties from within 300 feet of venue property lines.
 5. Please note that the total fee for this permit application will be based on the cost of the review provided by the City's staff and Consultants. An invoice will be sent to the applicant when all of the costs have been determined. The \$1,000 initial payment will be credited to the total cost of the review.

DATES APPROVED

BY _____
Land Development Officer Date

BY _____
AMD Board (if required) Date

EXPIRATION DATE: _____

Time schedule for compliance methods:

Begin: _____

Completion: _____

Date letters mailed: _____

History of noise complaints received from CPD:

Size of Venue (sq. ft.): _____

Capacity of Venue: _____

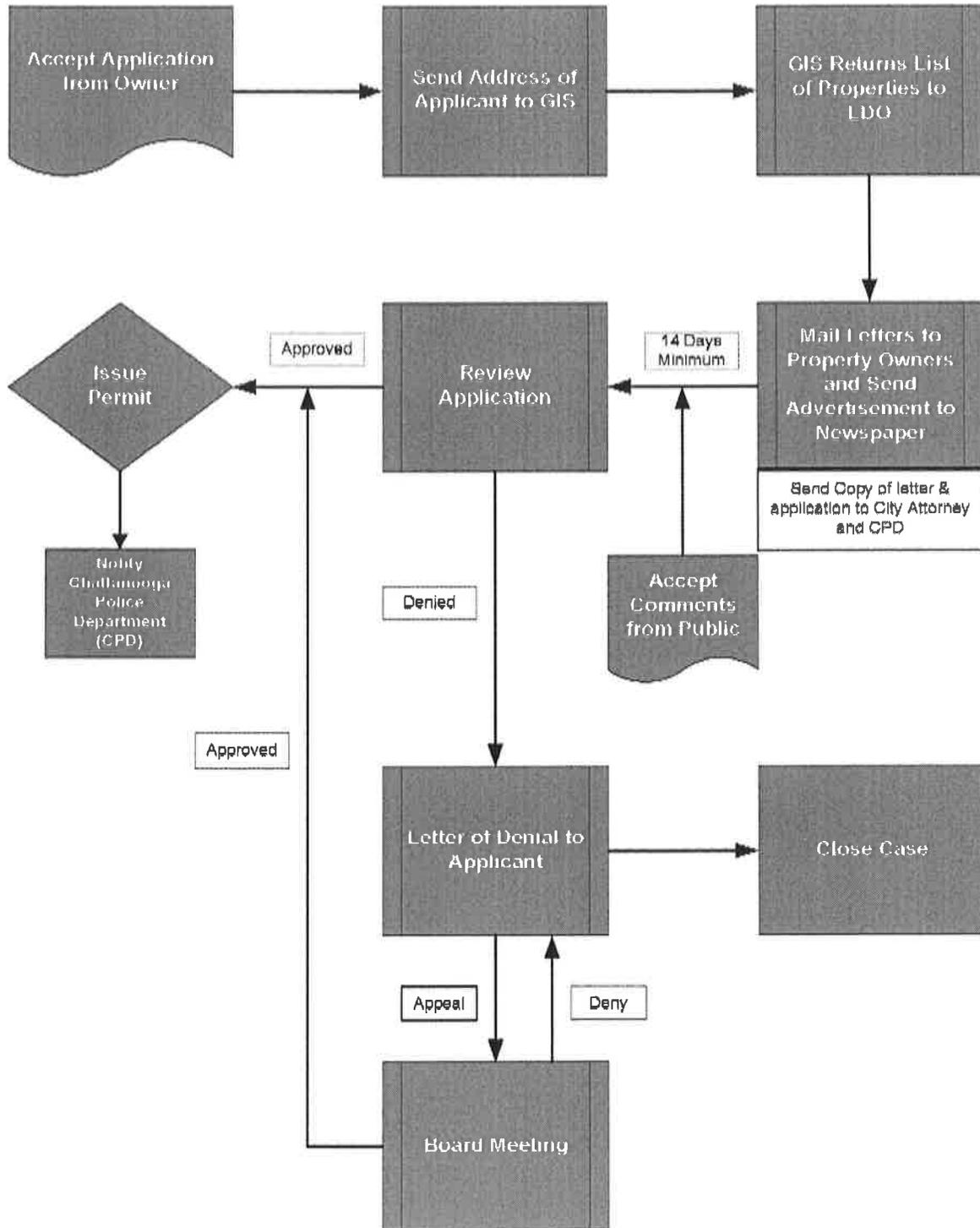
The undersigned does hereby declare that the statements contained in this document, those submitted with this document are true and correct to the best of his or her knowledge, information and belief.

Print Name

Applicant Signature

Amplified Music District Flow Chart

ATTACHMENT NO. 4



First Reading: August 19, 2014
Second Reading: August 26, 2014

ORDINANCE NO. 12850

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 25, ARTICLE III, SECTIONS 25-67, 25-69, 25-73, 25-75, 25-76, AND 25-77 RELATIVE TO UNLAWFUL NOISES SO AS TO CREATE A DOWNTOWN AMPLIFIED MUSIC DISTRICT.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 25, Article III, Section 25-67, be and is hereby amended as follows in parts:

ARTICLE III. SOUNDS

Sec. 25-67. Definitions and noise measurement procedures.

(a) All terms used in this Article shall, for the purpose of this Article, have the meanings hereinafter ascribed to them.

“A’ Weighted Sound Level” is the electronic filtering in sound level meters that models human hearing frequency sensitivity and shall mean the sound pressure level as measured with the sound level meter using the “A” weighing network. The standard unit notation is dB(A).

“C’ Weighted Sound Level” is the electronic filtering in sound level meters that minimally attenuates very low frequencies and shall mean the sound pressure level as measured with the sound level meter using the “C” weighing network. The standard unit notation is dB(C).

“dB(C)” shall mean the composite abbreviation for C- weighted sound level in decibels.

“Downtown Amplified Music District” or “AMD” shall mean the following geographic areas:

- (1) Main Street beginning at the intersection of West Main Street and Broad Street and continuing to the railroad tracks west of Adams Street.

- (2) Martin Luther King Boulevard beginning at the intersection of West Martin Luther King Boulevard and Broad Street and continuing to the intersection of East Martin Luther King Boulevard and University Street.
- (3) Market Street beginning at the intersection of Market Street and West Main Street and continuing to the intersection of Market Street and West 7th Street.
- (4) Broad Street beginning at the intersection of Broad Street and West Main Street and continuing to the intersection of Broad Street and West 7th Street.
- (5) Georgia Avenue from the intersection of Georgia Avenue and East Martin Luther King Boulevard and continuing to the intersection of Georgia Avenue and Patten Parkway, Patten Parkway, Lindsay Street beginning at the intersection of Lindsay Street and Patten Parkway and continuing to the intersection of Lindsay Street and East Martin Luther King Boulevard.

“Downtown Amplified Music District Permit” or “AMD Permit” means a permit granted by the Land Development Officer pursuant to Code Sec. 25-75 or, after an appeal, by the Board of Downtown Amplified Music District Permit Appeals. The AMD Permit shall be issued for a one (1) year term and shall be renewed yearly before the anniversary date of the initial issuance.

(b) For the purpose of determining dB(A)’s and dB(C)’s as referred to in this article, the noise shall be measured on the A-weighting scale and C-weighting scale set to slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute.

(c)(4) Ambient Conditions. Measurements shall be made only when the A-weighted ambient sound level, including wind effects and all sources other than the noise source being measured, is at least 10 dB(A) lower than the sound level of the of the noise source being measured.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 25, Article III, Section 25-69, be and is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 25-69. Loudspeakers, amplifiers and sound-amplifying devices.

(a) Except for entities possessing a Downtown Amplified Music District Permit in the designated Downtown Amplified Music District, it shall be unlawful to:

- (1) Operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) dB(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, hospital, school in session or nursing home, except in accordance with a permit obtained from the chief building official.
- (2) As to multifamily structures including apartments, condominiums or other residential arrangements where boundary lines can not readily be determined, it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds registering fifty-five (55) dB(A) between 9:00 a.m. and 9:00 p.m. or fifty (50) dB(A) between 9:00 p.m. and 9:00 a.m., as measured from any point within the interior of another residential unit in the same complex or within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.
- (3) As to places of public entertainment having a capacity of one thousand (1,000) or more persons, operate or allow the operation of any sound amplification equipment so as to create sounds registering more than sixty-five (65) dB(A) between 9:00 a.m. and 9:00 p.m., or fifty (50) dB(A) between 9:00 p.m. and 9:00 a.m., as measured anywhere within the boundary line of the nearest residentially occupied property, except in accordance with a permit obtained from the chief building official.
- (4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing or which register more than sixty (60) dB(A) at or on the boundary of the nearest public right-of-way or park.
- (5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce sounds registering more than sixty (60) dB(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 a.m. and 9:00 p.m., or fifty (50) dB(A) fifty (50) feet or more from any electromechanical speaker between the hours of 9:00 p.m. and 9:00 a.m.

(b) (1) For entities possessing a Downtown Amplified Music District Permit in the designated Downtown Amplified Music District, it shall be unlawful to emit sound in excess of

the following limits as measured at the property line of the business producing the sound averaged over one (1) minute:

| Time (Monday –Thursday) | Sound Level Limit dB(A) | Sound Level Limit dB(C) |
|-------------------------|----------------------------|----------------------------|
| 3:00 a.m. – 11:00 a.m. | 55 | 70 |
| 11:00 a.m. – 11:00 p.m. | 80 | 90 |
| 11:00 p.m. – 3:00 a.m. | 65 | 80 |

| Time (Friday – Sunday) | Sound Level Limit dB(A) | Sound Level Limit dB(C) |
|-------------------------|----------------------------|----------------------------|
| 3:00 a.m. – 11:00 a.m. | 55 | 70 |
| 11:00 a.m. – 12:00 a.m. | 80 | 90 |
| 12:00 a.m. – 3:00 a.m. | 65 | 80 |

(2) For entities possessing a AMD Permit in the designated Downtown Amplified Music District, it shall be unlawful to violate any terms, conditions, and requirements of the AMD Permit.

(c) No person operating or occupying a motor vehicle on any street, highway, alley, parking lot or driveway, either public or private property, shall operate or permit the operation of any sound amplification system, including, but not limited to, any radio, tape player, compact disc player, loud speaker, or any other electrical device used for the amplification of sound from within the motor vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle or, in the case of a motor vehicle on private property, beyond the property line. For the purpose of this section, "plainly audible" means any sound which clearly can be heard, by unimpaired auditory senses based on a direct line of sight of fifty (50) or more feet, however, words or phrases need not be discernible and such sound shall include bass reverberation.

(d) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens or other emergency warning devices actually being used in emergency circumstances.

SECTION 3. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 25, Article III, Section 25-73, be and is hereby amended by designating subpart (a) and by adding a new subpart (b) as follows:

Sec. 25-73. Enforcement and penalties.

(a) Where there is a violation of any provision of this article, the city court, in its discretion, may take one (1) or more of the following actions.

- (1) A citation fine of fifty dollars (\$50.00) for each violation.
- (2) A civil penalty not to exceed five hundred dollars (\$500.00) for each violation of this article may be adjudged to recover administrative expenses incurred in enforcing this article. A detailed and individualized statement of administration costs incurred by the city shall be submitted to the court for consideration if a civil penalty is sought.
- (3) A conditional civil penalty not to exceed five hundred dollars (\$500.00) for each separate violation of this article may be assessed by the city judge in the event of an intentional violation of this article conditioned upon the violator purging himself or herself of the civil penalty by not committing another violation of this article for one (1) year following imposition of the conditional civil penalty.

Provided that no combination of fines and civil penalties may exceed five hundred dollars (\$500.00) for each violation

(b) In addition to any fine or penalty assessed by city court, violators of this Article will be referred to the appropriate city regulatory board. The board may assess additional penalties, including, but not limited to, suspension or revocation of permits administered by the board. In the case of an entity holding an AMD Permit, more than three (3) violations of this Article in a ninety (90) day period shall result in either the suspension or revocation of the AMD Permit by the Land Development Officer. The action of the Land Development Officer shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

(c) In the event that a citation is issued because of a venue's violation of any provision of this article and the venue fails to reduce the sound levels to a level not in violation of this article, the venue shall be closed until the next usual opening time for the venue.

SECTION 4. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 25, Article III, Section 25-75, be added as a new section as follows:

Sec. 25-75. Downtown Amplified Music District Permit application process.

(a) The Land Development Officer may issue AMD Permits to a person who submits an application meeting the requirements of the provisions of this section. The Land Development Officer may adopt rules to implement the requirements of this Article.

(b) Persons desiring a Downtown Amplified Music District Permit shall apply to the Land Development Office and shall supply such information as the Land Development Office may require to identify the land and to determine whether the permit should be granted.

(c) The application shall set forth all actions taken to comply with the noise level limits set forth in Code Sec. 25-69(a), the reasons why compliance cannot be feasibly achieved, the reasons for such determination, the actions that have been taken to comply with the noise level limits set forth in Code Sec. 25-69(a), a proposed method for complying as nearly as is feasible, and a proposed time schedule for its accomplishment. The application shall be accompanied by a fee in the amount established by resolution of the city council. A separate application shall be filed for each noise source.

(d) A notice of the filing of an application shall be sent by regular U.S. mail to each of the property owners within a minimum of 300 feet of each property for which an entertainments are permit has been requested. The notice shall state that a copy of the application is available for review at the prior to any action on the application by the Land Development Officer. Said notice will be mailed at least fourteen (14) days prior to any action on the application by the Land Development Officer. The most recently updated tax rolls for the City of Chattanooga will be the source of ownership information for notice purposes. A notice shall also be published in a daily paper at least fourteen (14) days prior to any action on the application by the Land Development Officer.

(e) Persons objecting to the relief sought by the applicant or interested in the review or determination made by the Land Development Officer may likewise set forth their views and actual evidence in writing, signed by the objectors, and filed with the Land Development Office. The application and objections shall be considered by the Land Development Officer in the review of the application.

(f) In reviewing an application, the Land Development Officer Land Development Officer will consider the following criteria:

- (i) proximity of the venue emitting the sound to existing land uses;
- (ii) the size and capacity of the venue emitting the sound;
- (iii) sound mitigation actions that have been taken to comply with the noise level limits set forth in Code Sec. 25-69(a), including, but limited to, building design, landscaping, and buffering;
- (iv) the history of noise complaints or violations by either the applicant or the venue emitting the sound, of this Article as verified by the Chattanooga Police Department.

(g) The Land Development Officer may grant a Downtown Amplified Music District Permit if the Land Development Officer finds, after full consideration of all of the facts and the criteria set forth Code Sec. 25-75(f) that strict compliance with the noise level limits set forth in Code Sec. 25-69(a) will cause practical difficulties for the applicant.

A Downtown Amplified Music District Permit may be subject to any terms, conditions, and requirements as the Land Development Officer deems reasonable to achieve maximum compliance with the provisions of this Article. The terms, conditions and requirements may include, but shall not be limited to, limitations on noise levels and operating hours.

(h) Each Downtown Amplified Music District Permit shall set forth the approved method of achieving maximum compliance and a time schedule for its accomplishment. The Land Development Officer shall consider the magnitude of nuisance caused by the offensive noise, the uses of property within the area of impingement by the noise, the time factors related to study, design, financing and construction of remedial work, the economic factors related to age and useful life of equipment and the general public interest and welfare.

(i) Applications for an annual renewal of a Downtown Amplified Music District Permit shall be granted upon the finding that the applicant has complied with this Article, complied with the time schedule for complying with this Article as nearly as is feasible as set forth in the initial application, and has complied with any terms, conditions, and requirements as the Land Development Officer and/or the Board of Downtown Amplified Music District Permit Appeals deemed reasonable to achieve maximum compliance with the provisions of this Article.

(j) Decisions of the Land Development Officer may be appealed within ten (10) days to the Board of Downtown Amplified Music District Permit Appeals by filing a notice of appeal with the Land Development Office.

SECTION 5. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 25, Article III, Section 25-76, be added as a new section as follows:

Sec. 25-76. Board of Downtown Amplified Music District Permit Appeals.

(a) There is hereby established a board of three (3) members, to be known as the "Board of Downtown Amplified Music District Appeals."

(b) One member of the board shall reside in City Council District 7, one member of the board shall reside in City Council District 8, and one member shall reside in the City at-large. The Chairperson of the City Council shall appoint the City-at-large board member; the Council Member representing City Council District 7 shall appoint the District 7 board member; and, the Council Member representing City Council District 8 shall appoint the District 8 board member.

(c) The term of all member of the board shall be for one (1) year. Members shall continue to serve until their successors are appointed.

(d) The board shall select its own chairman.

(e) The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet within thirty (30) calendar days after notice of appeal has been received on a date to be determined by the chairman.

(f) The board shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. The board shall consider the factors set forth in Sec. 25-75 and the written submissions to the Land Development Officer. The board may affirm, reverse or modify the decision of Land Development Officer. Every decision shall be promptly filed in writing in the Land Development Office. Every decision of the board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

SECTION 6. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 25, Article III, Section 25-77, be added as a new section as follows:

Sec. 25-77. One Year Review.

The Land Development Office is directed to monitor the impact of this ordinance on the quiet enjoyment of residents located within the AMD. Such review shall also include an assessment of the permitting process and shall include, review times, cost of public notice, and any complaints received from business operators and residents. The Land Development Officer shall report to City Council on the impact of this ordinance approximately one year after the effective date of the ordinance.

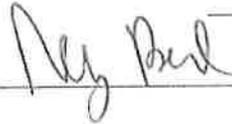
SECTION 7. BE IT FURTHER ORDAINED, That this Ordinance shall take effect within thirty (30) days from and after its passage as provided by law.

Passed on second and final reading: August 26, 2014



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

KJR/mem

Section 6

Previously Submitted Questions & Answers

INCLUSION OF QUESTIONS FROM FIRST SOLICITATION

QUESTIONS & ANSWERS

This is the second solicitation for this RFP. There were an abundance of questions with the first solicitation. To assist with your responses, these questions along with answers are listed below.

Response to All Questions as of November 6, 2014:

1. Will responses from companies that do not have Noise Control Engineering Board Certified Acoustical Engineers be considered?
No
2. We normally work on time and material rates. Is this an acceptable format for the city of Chattanooga?
Time and material is an acceptable format. Please propose a cap on a per project basis.
3. How many proposals for permits are expected each year? Each month?
I expect that we will have about 4-5 the first year. The bulk of the applications will be within the first three months.
4. How long do you expect the consultant to spend reviewing a typical permit application?
Each application will be different, but I would expect that it would not take more than 10 hours per application.
5. Can you please provide us with the attachments listed in the RFP?
Attachment No's 1, 2, and 4 are included with this addendum (Please see last three pages). There is not an Attachment No. 3.
6. When we find things on the application that need to be addressed, we will provide recommendations for correction.
Yes
7. Will we then need to review the revised application to ensure the application has complied with the recommendations?
Yes
8. For indoor performances, the sound that exits the building is a function of the sound system output and also the transmission loss characteristics of the building construction. We don't expect the performer to know details related to the building TL and thus we do not expect to find that information in the application. Will the city be able to provide construction details (for example blue prints with wall thicknesses, stud spacing, and materials used) for the building(s) so we can calculate the TL?
We are making the assumption that TL stands for Time Lag. If the drawings are available, we will certainly give you all of the information we have. If the drawings are not available, we will give you a written description of how we think the walls and roof are constructed.
9. Is this an example of a situation that you would expect the consultant to travel to Chattanooga?
That will have to be determined on a case by case basis, and we are not sure which of the venues will submit an application first.
10. The sound ordinance is written with limits on the sound levels at the property line (we assume this is outdoors).
Yes
11. For indoor performances, the difference between the property line (outdoor) sound pressure levels and the indoor sound pressure levels can be measured or quantified. This difference value can be used by an operator to know if the sound levels are exceeding the ordinance at the property line while operating a mixing board. We have the knowledge and skills necessary to complete this analysis. Is this part of the expectations for the consultant?

No

12. How often does the city expect the need for the consultant to travel to Chattanooga?

This will be determined on a case by case basis, but I do not expect that it will be for each application.

13. Regarding, "prepar[ing] a list of alternatives to designs submitted" are details expected or general ideas for the alternatives?

General ideas with a good written description are acceptable.

14. Section 3.5 Financial Resources of the RFQ states that "The Consultant shall provide documentation that the firm is of sound financial standing and have the financial capacity of professional services". Could you please explain in detail what kind of documentation is required to show this?

This requirement will be waived for the RFP submittal; however, it will be required from the selected vendor during contract negotiations.