



Legislation Text

File #: 2015-0412, Version: 1

ECONOMIC DEVELOPMENT CONSULTING SERVICES:

A RESOLUTION TO APPROVE A SIX (6) MONTH EXTENSION TO THE CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES IN THE AMOUNT OF \$82,500.00 AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a six (6) month extension to the contract with the Fayetteville Chamber of Commerce for economic development consulting services in the amount of \$82,500.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2015-0412

Legistar File ID

9/15/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

8/28/2015

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a contract extension with the Fayetteville Chamber of Commerce for Economic Development Services for a period of six months, to allow for the City to perform an update to the Economic Development Strategic Plan, and approval of a budget adjustment.

Budget Impact:

1010.6600.5315.00	General Fund																								
Account Number	Fund																								
59027-901	Contract Services																								
Project Number	Project Title																								
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Budgeted Item?</td> <td style="width: 15%;"><u>No</u></td> <td style="width: 20%;">Current Budget</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 40%; text-align: right;">-</td> </tr> <tr> <td></td> <td></td> <td>Funds Obligated</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td></td> <td></td> <td>Current Balance</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">-</td> </tr> </table>	Budgeted Item?	<u>No</u>	Current Budget	\$	-			Funds Obligated	\$	-			Current Balance	\$	-	<table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Item Cost</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 75%; text-align: right;">82,500.00</td> </tr> <tr> <td>Budget Adjustment</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">82,500.00</td> </tr> <tr> <td>Remaining Budget</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">-</td> </tr> </table>	Item Cost	\$	82,500.00	Budget Adjustment	\$	82,500.00	Remaining Budget	\$	-
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V20140710

Previous Ordinance or Resolution # 5620

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF SEPTEMBER 15, 2015

TO: Fayetteville City Council

THRU: Mayor Lioneld Jordan

FROM: Jeremy Pate, Development Services Director 

DATE: August 28, 2015

SUBJECT: Economic Development Contract for Services - Extension

RECOMMENDATION:

Staff recommends a six-month contract extension with the Fayetteville Chamber of Commerce for economic development consulting services, in order for the City to conduct an update to our Economic Development Strategic Plan and not have a gap in services.

BACKGROUND:

The Fayetteville Chamber of Commerce was selected by the City Council through a competitive bidding process in 2009 to perform economic development consulting services. The City defined specific focus areas, work tasks and deliverables for the Chamber to achieve as part of the contract. In 2013, due to the success of the services provided, the City Council chose to waive the competitive bidding process and again approve a contract with the Chamber of Commerce, under virtually the same terms. This contract (attached) expires on September 16, 2015, though the Council has the ability to extend for an additional two years without bidding it out.

DISCUSSION:

Recent discussions with Council members, both during economic development updates over the past two years and at input sessions called by the Mayor in the past few weeks, indicate there is a desire for the City to update its Strategic Plan as it relates to economic development. The Mayor agrees with this direction, and has prepared an RFP calling for proposals to conduct a strategic plan update. Typically these plans take several months to complete. In order to not have a gap in our economic development services, data collection and reporting, it is the Mayor's recommendation to extend the contract for consulting services with the Chamber of Commerce under the same terms for a period of six months. This amount of time is proposed to coincide with quarterly reporting as our current contract is structured, and it will hopefully provide the time necessary to conduct a strategic planning process. It is currently the intent for the City to competitively bid economic development consulting services once the strategic plan update has been adopted.

BUDGET/STAFF IMPACT:

Under the same terms as the current contract, an extension for a six-month period has an \$82,500 budget impact. Staff proposes a budget adjustment in this amount to be taken from the use of Designated Fund Balance, which is from the proceeds of the sale of Wilson Springs.

Attachments:

Proposed Contract and Attachments
Current Contract for Services

**CONTRACT FOR
ECONOMIC DEVELOPMENT CONSULTING SERVICES
BETWEEN
THE CITY OF FAYETTEVILLE, ARKANSAS
AND
THE FAYETTEVILLE CHAMBER OF COMMERCE**

WHEREAS, the City of Fayetteville, Arkansas wishes to contract for Economic Development Consulting Services, and;

WHEREAS, the Fayetteville, Arkansas Chamber of Commerce wishes to provide Economic Development Consulting Services to the City of Fayetteville, Arkansas, and;

WHEREAS, the Fayetteville, Arkansas Chamber of Commerce was initially selected to perform Economic Development Consulting Services for the City of Fayetteville utilizing the competitive Request for Proposal selection process in 2009 (via RFP 09-14, Economic Development Consulting Services), and;

WHEREAS, the City Council of Fayetteville, Arkansas has waived competitive bidding and approved a contract for Economic Development Consulting Services with the Fayetteville, Arkansas Chamber of Commerce, and;

WHEREAS, the City of Fayetteville, Arkansas wishes to extend the same contract for consulting services for a period of six months while performing an update to the City's Economic Development Strategic Plan,

NOW THEREFORE:

In consideration of the mutual promises contained in this Agreement and other good and valuable consideration,

1. Agreement is made this ____ day of _____, 2015 by and between the City of Fayetteville, Arkansas located at 113 W. Mountain, Fayetteville, Arkansas 72701 and the Fayetteville, Arkansas Chamber of Commerce located at 123 West Mountain Street, Fayetteville, Arkansas 72701. **Term:** This Agreement shall be for a term of six (6) months. This contract may be canceled by either party within thirty days written notice.
2. **Renewals:** This agreement may be renewed for one additional term of six (6) months with mutual agreement of the parties.

3. **Appendix & Attachments:** The Contract documents which comprise the contract between the City of Fayetteville and the Fayetteville Chamber of Commerce consist of this Contract and the following documents attached hereto, and made a part hereof:
- a.) Appendix A - Schedule Detail for Deliverables and Performance Measures

* The City of Fayetteville shall coordinate with the Fayetteville Chamber of Commerce for modifications to this schedule. Any modifications shall be agreed upon by both the City and Fayetteville Chamber of Commerce; however, any changes affecting price shall have prior approval by the Fayetteville City Council. In the event Appendix B is revised and price is not modified, such revised document shall be provided to the City Council at the next regularly scheduled quarterly update.

4. **Services to be Provided:** During the terms of this Agreement, the Fayetteville Chamber of Commerce Shall:

- Serve as the first point of contact for economic development services and maintain good relations with the Arkansas Economic Development Commission and other economic development partners locally, nationally and internationally;
- Ensure that the City of Fayetteville is competitive locally, nationally and internationally in attracting prospective companies;
- Maintain and manage social media presence for the City of Fayetteville Economic Development activities. Produce materials that market Fayetteville including tools (but not limited to) an Economic Development website that caters to existing and prospective businesses and information packets for targeted industries, Facebook and other pertinent social sites.;
- Continue to work on the four (4) pillars of economic development – business attraction, business retention & expansion local entrepreneurship development and infrastructure including workforce development; ;
- Monitor and report matrices such as the number of new jobs created, jobs lost, new businesses created, businesses lost (each with dates), workforce skills inventory, new inquiry details, and any other pertinent reports relating to the economic development services requirements.
- Provide a diversity of opportunity in business types, job wages, & skill sets with a focus on jobs with living wages;
- Provide all deliverables and performance measures outlined in Attached scope of work

5. **Fees and Expenses:** The City of Fayetteville agrees the consulting fee shall be paid upon invoice as follows:

Consultation Services shall be invoiced for each quarter in the amount of \$41,250 per quarter. Total fees for consultation services shall not exceed \$82,500, from date of contract. The Fayetteville Chamber of Commerce shall track, log and report hours and expenses directly related to this Agreement along with invoice for payment for each quarter. Invoices shall be itemized.

6. **Notices:** Any notice required to be given under this Agreement to either party to the other shall be sufficient if addressed and mailed, certified mail, postage paid, delivery, fax (receipt confirmed), or overnight courier.
7. **Applicable Law:** This Agreement shall be governed by and construed in accord with the laws of the State of Arkansas.
8. **Entire Agreement:** This Agreement sets forth the entire agreement and understanding between the parties on the subject matter of this Agreement. Neither party shall be bound by any conditions, definitions, representations or warranties with respect to the subject matter of this Agreement other than those as expressly provided herein.
9. **Amendments and Waivers:** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees. No modification of this Agreement shall be binding unless made in writing and executed by both parties. No waiver by either party or any breach or obligation of the other party under this Agreement shall constitute a waiver of any other prior or subsequent breach or obligation.
10. **Performance Measures:** The Fayetteville Chamber of Commerce shall provide the following deliverables. Performance measures are included (with examples) for each item and will be used to evaluate the work performed throughout the entire term of the contract.

One: Economic Development Infrastructure

The City wants to develop appropriate infrastructure necessary to foster economic development opportunities for the City of Fayetteville. The Arkansas Economic Development Commission has suggested that Fayetteville work to have more spade ready building sites available for responses to new facility inquires. The Economic Development team will work to identify future development sites, and work to complete necessary task so that sites are more “ready” for immediate business opportunity availability.

Performance measures:

- *Positive relationship with AEDC & Appropriate communicated vision for Fayetteville.*
- *Marketing Materials Directed Toward Target Industries, and Social Media Sites, Website, etc.*
- *Work with the City and Community on creating an Economic Development Fund without raising new taxes.*
- *Real Estate Development – prepare sites & buildings ready for development.*
- *Establish market Statistics & Demographics*

- *Develop State & Regional partnerships by working with the state AEDC & regional economic development council.*
- *Support City's development of Quality of Life Programs*
- *Work with existing employers to develop workforce; attract quality employees to the City*
- *Conduct Economic Development training to ensure that the economic development team is knowledgeable and professional by attending at least 1 economic development related conferences & training classes during the contract period. Maintain updated information, highlights, available site locations, and any possible incentives, containing highlights on why companies should locate in Fayetteville, and maintain the State of Arkansas Site Availability listings.*

Two: Business Retention and Expansion

The City wants to ensure existing businesses thrive and remain or expand in Fayetteville. The Fayetteville Chamber of Commerce shall solicit continual feedback from the more than 3000 existing businesses to determine how they can best be served and how programs can be developed to leverage their assets and the assets of other similar businesses and the assets of the City of Fayetteville. The Chamber of Commerce shall develop concepts which promote existing business. For example, businesses located on the Fayetteville Square and in the Downtown are sponsoring a First Thursday event with extended store hours and additional attractions.

Performance measure:

- *Development of business community data*
 - *Retention rate for existing businesses*
 - *Existing employee headcount*
 - *Other data as requested by and coordinated with the City*
- *Provide technical assistance to existing businesses to assist them to retain jobs and/or expand.*
- *Continued Support of Local Purchase programs (like "Find it in Fayetteville")*
- *Bring or organize appropriate seminars and training to Fayetteville, AR, or within NWA Training Opportunities offered within the Region that would benefit Fayetteville Specific Companies.*
- *Develop business opportunities*
 - *Through GreeNWay initiatives, Programs, promotion of international trade, and development of trade directories.*
- *Analysis of existing businesses by utilizing Business Registry Data to evaluate growth, decline, establishment, or closure of existing businesses within the City of Fayetteville.*
- *Develop or recommend training & education opportunities to start up businesses.*
- *Provide resources to entrepreneurs as requested.*

Three: Business Attraction

The Fayetteville Chamber of Commerce shall take steps necessary to ensure that Fayetteville competes at local, state, national and international levels for prospective businesses. ARTP Economic Development Consulting Services Contract

incubates companies that are developing new technologies and products. As these companies scale up and consider permanent locations, the Chamber of Commerce shall coordinate programs, procedures, policies and promotional materials that make the City an attractive and competitive option. In addition, the Chamber of Commerce shall actively promote the City of Fayetteville at the state, national and international levels, particularly to companies in the clean tech, healthcare, hospitality and tourism and nonprofit sectors. The Economic Development website will have, as a minimum, a graphically engaging design, relevant demographic information, a comprehensive list of awards and distinctions received by the City, identification of publicly-owned, shovel-ready sites, incentive packages and materials for targeted industries, and opportunities and support services for existing businesses.

Performance measure:

- *Develop Site Selector Visits to the City of Fayetteville, AR*
- *Evaluate, and recommend trade shows to attend and meet perspective companies. Attendance will utilize Senior Administration Staff and Elected Officials. Identify up to two trade shows or similar events to attend and coordinate attendance.*
- *Number of home grown businesses locating in Fayetteville*
- *New businesses in Fayetteville*
- *Employee headcount attributed to new businesses*
- *Assistance in the coordination and development of a regional economic development council*
- *Listing of contacts or potential businesses obtained through serving as the lead contact*
- *Implementation of business registry*
- *Active website, updated content, and easy-to-find content as provided by other cities*
- *Number of monthly unique visitor hits on the website*
- *Maintain & review community profile with AEDC*

Four: Strengthened Relationship with the Arkansas Economic Development Commission (AEDC) and Regional Economic Development Organizations

These organizations are assets to the City's economic development efforts. They can provide free marketing for the City and expand our contact base and opportunities. Fostering relationships with these organizations will provide a competitive advantage at the state and regional level and ensure that the City receives feedback from prospective companies about what Fayetteville can do to provide an attractive business package. The Fayetteville Chamber of Commerce shall serve as the primary point of contact for the City of Fayetteville for economic development related purposes.

Performance measure:

- *Regular meetings with AEDC staff and commissioners, ARTP staff and other relevant organizations*
- *Documented efforts and participation in regional partnership*
- *Positive relationship with AEDC and appropriate communicated vision for Fayetteville*
- *AEDC understanding of firm's primary contact responsibility*

Five: Market Statistics and Demographics

The City of Fayetteville is interested in receiving up to date market statistics and demographics for existing businesses and labor shed and market data for businesses interested in locating in Fayetteville AR.

Performance measure:

- *Utilize and provide updated market, trend, and demographic analysis through current studies.*

Six: Reports and Presentations to the Mayor and City Council

The Fayetteville Chamber of Commerce shall provide a written report and prepare a brief presentation for the Mayor and City Council on a quarterly basis. Reports and presentations should outline the tasks accomplished and include statistics for each performance measure outlined herein.

Performance measure:

- *Written report and presentation on a quarterly basis to Mayor and City Council*
- *Timely updates to Mayor and City Council on potential and ongoing projects as necessary*

The City recognizes that the overall economy will affect some of the performance measures and success will be outside the control of the Fayetteville Chamber of Commerce. The City also recognizes that some of the needed statistics are not currently collected in a systematic way. However, the City expects the Fayetteville Chamber of Commerce to show evidence of experience in conducting comparative market and trend analyses and due diligence in amassing the detailed information necessary to support the Economic Development effort.

11. Contract Administration

The Mayor or his/her Designated Representative shall be the Contract Administrator for this contract. The Fayetteville Chamber of Commerce President and CEO or his/her Designated Representative shall be the primary contact for all matters pertaining to this contract. While it is understood that many facts pertaining to projects must be held in the strictest confidence, the Fayetteville Chamber of Commerce President and CEO will insure that the Mayor is kept abreast of details and progress made pertaining to Economic Development prospects considering development in Fayetteville to the greatest extent possible.

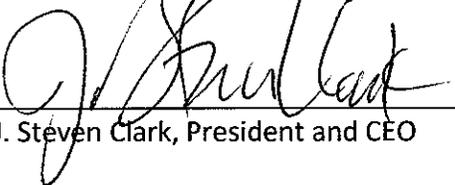
12. Freedom of Information Act

City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the Fayetteville Chamber of Commerce will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom

of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties have executed this Agreement.

Fayetteville Chamber of Commerce

By: 
J. Steven Clark, President and CEO

Date: 8/28/15

Witness: _____

Date: _____

The City of Fayetteville, Arkansas

By: _____
Lionel Jordan, Mayor

Date: _____

Attest:

Sondra E. Smith, City Clerk/Treasurer

Date: _____

City of Fayetteville, Arkansas & Fayetteville Chamber of Commerce

Appendix A - Schedule Detail for Deliverables and Performance Measures

Scope of Work

SECTION 1: Deadline Identification Schedule

Quarter	Dates per Quarter	Deadline for Quarter	Update Deadline to Admin	Update Deadline to City Council
Qtr 1	October 2013 - December 2013	Monday, January 13, 2014	Wednesday prior to January Agenda Session	City Council meeting in February, 2014
Qtr 2	January 2014 - March 2014	Monday, April 14, 2014	Wednesday prior to April Agenda Session	City Council meeting in May, 2014
Qtr 3	April 2014 - June 2014	Monday, July 14, 2014	Wednesday prior to July Agenda Session	City Council meeting in August, 2014
Qtr 4	July 2014- September 2014	Monday, October 13, 2014	Wednesday prior to October Agenda Session	City Council meeting in November, 2014
Qtr 5	October 2014 - December 2014	Monday, January 12, 2015	Wednesday prior to January Agenda Session	City Council meeting in February, 2015
Qtr 6	January 2015 - March 2015	Monday, April 13, 2015	Wednesday prior to April Agenda Session	City Council meeting in May, 2015
Qtr 7	April 2015 - June 2015	Monday, July 13, 2015	Wednesday prior to July Agenda Session	City Council meeting in August, 2015
Qtr 8	July 2015 - September 2015	Monday, October 12, 2015	Wednesday prior to October Agenda Session	City Council meeting in November, 2015
Qtr 9	October 2015 - December 2015	Monday, January 11, 2016	Wednesday prior to January Agenda Session	City Council meeting in February, 2016
Qtr 10	January 2016 - March 2016	Monday, April 11, 2016	Wednesday prior to October Agenda Session	City Council meeting in May, 2016

SECTION II: Details of Deliverables and Performance Measures

Category	Category Description	Performance Measure	Deadline (Quarter)	Notes
1	Business Attraction	A	Promote Fayetteville to Site Selection Consultants, Intermediary Agencies, and Direct Clients	Quarters 1 - 10 Both inbound and outbound visits
		B	Operate and manage social media tools such as Economic Development webpages, Facebook, etc. to keep businesses and social community informed and updated	Quarters 1 - 10 Provide quarterly statistics

		C	Operate and manage an international trade and investment program	Quarters 1 - 10	Evaluate trade shows/conferences/sister city; 2 inbound/outbound visits which could include city staff and elected officials; Target sectors: Education/Research & Dev, Healthcare, Manufacturing, Hi Tech/Sustainability
		D	Be the Point-Of-Contact for economic development purposes	Quarters 1 - 10	Respond to inquiries, Request-For-Proposals (RFPs) and Request-For-Information (RFIs)
		E	Develop, Assist and Support home grown businesses	Quarters 1 - 10	Develop and implement programs to support this activity
		F	Support and Assist New Businesses Coming to Fayetteville	Quarters 1 - 10	Logistics
		G	Employee headcount attributed to new businesses	Quarters 1 - 10	
2	Business Retention & Expansion	A	Development of business community data, retention rate for existing businesses, existing employee headcount	Quarters 1 - 10	Include information and statistics on businesses closed and/or jobs lost from the community; analysis of existing businesses utilizing the Business License data
		B	Provide technical assistance to existing businesses to assist them to retain jobs and/or to expand	Quarters 1 - 10	Include finding incentives and resources

		C	Support "Find It in Fayetteville" campaign	Quarters 1 - 10	
		D	Bring or organize appropriate seminars and training to Fayetteville or NWA	Quarters 1 - 10	
		E	Develop business opportunities for existing businesses	Quarters 1 - 10	Through GreenNWAY Initiative Program and promotion of local, national and international trade
3	Development of Local Entrepreneurs	A	Provide technical assistance to perspective entrepreneurs	Quarters 1 - 10	How to start a business in Fayetteville, etc.
		B	Develop or recommend training and education opportunities to start up businesses	Quarters 1 - 10	
		C	Provide resources to entrepreneurs as requested.	Quarters 1 - 10	
4	Infrastructure	A	Managed Relationships and wherever possible, partner with the AEDC and Relevant Partners	Quarters 1 - 10	Regular interactions and communications with AEDC and other relevant organizations; partner on projects together
		B	Development of an Economic Development Fund for the City of Fayetteville	Quarters 1 - 10 or till Fund is created	Work with City and Community and without raising taxes

		C	Work on attracting/creating jobs with a focus on jobs with living wages	Quarters 1 - 10	Both business attraction and entrepreneurship start-ups
		D	Monitor and manage internal and external environments to be sure that City is competitive in developing, attracting and retaining businesses		Report findings, make recommendations and so on to the City leadership
		E	Support and Assist Development of the NWA Region for economic development purposes	Quarters 1 - 10	Include establishing statistics and demographics
		F	Development of marketing materials for economic development purposes	Quarters 1 - 10	Manage real estate inventory, maintain Arkansas Site Selection, print, social media and media
		G	Workforce Development	Quarters 1 - 10	Work with existing employers to develop existing workforce; attract quality employees through quality of place programs
		H	Economic Development Training	Quarters 1 - 10	Team to attend at least 2 economic development related conferences and training classes a year.
5	Reports and Presentations	A	Provide written reports and prepare a brief presentation to the Mayor and City Council	Every quarter	

The Fayetteville Chamber of Commerce shall provide a written report and prepare a brief presentation for the Mayor and City Council on a quarterly basis. Reports and presentations should outline the tasks accomplished and include statistics for each performance measure outlined herein.

Performance measures include:

- * Written report and presentation on a quarterly basis to Mayor and City Council
- * Timely updates to Mayor and City Council on potential and ongoing projects as necessary

The City recognizes that national and international economies could affect some of the performance measures and success and that they are outside the control of the Fayetteville Commerce. The City also recognizes that some of the needed statistics are not currently collected in a systematic way.

The City expects the Fayetteville Chamber of Commerce to show evidence of experience in conducting comparative market and trend analyses and due diligence in amassing the detailed information necessary to support the Economic Development effort.

ORDINANCE NO. 5620

AN ORDINANCE TO WAIVE FORMAL COMPETITIVE BIDDING, TO APPROVE A TWO YEAR ECONOMIC DEVELOPMENT SERVICES CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE IN THE TOTAL AMOUNT OF \$330,000.00 AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the Fayetteville Chamber of Commerce was selected through a competitive bidding process in 2009 to provide economic development services for the City of Fayetteville; and

WHEREAS, because of the Fayetteville Chamber of Commerce's excellent performance during the difficult years of the substantial national recession, the City of Fayetteville exercised its two year option to renew this contract on September 6, 2011, by the City Council Resolution No. 163-11; and

WHEREAS, because of the excellent performance by the Fayetteville Chamber of Commerce during the last four years, because of the specialized and valuable information and understanding of the economic development needs and potentials learned by the Fayetteville Chamber of Commerce during the last four years and because only a single other entity applied during the initial selection process for a supplier of economic development services, formal competitive bidding is not feasible and practical.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines that due to the exception circumstances noted above, formal competitive bidding is deemed not practical and feasible and therefore waives formal competitive bidding and approves the attached two year contract (with the two year option to renew) with the Fayetteville Chamber of Commerce to furnish economic development services for the annual cost of \$165,000.00 and authorizes Mayor Jordan to sign this contract.

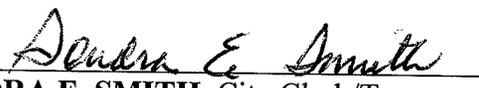
Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment to fund this contract.

PASSED and APPROVED this 17th day of September, 2013.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



**CONTRACT FOR
ECONOMIC DEVELOPMENT CONSULTING SERVICES
BETWEEN
THE CITY OF FAYETTEVILLE, ARKANSAS
AND
THE FAYETTEVILLE CHAMBER OF COMMERCE**

WHEREAS, the City of Fayetteville, Arkansas wishes to contract for Economic Development Consulting Services, and;

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3. **Appendix & Attachments:** The Contract documents which comprise the contract between the City of Fayetteville and the Fayetteville Chamber of Commerce consist of this Contract and the following documents attached hereto, and made a part hereof:

a.) Appendix A - Schedule Detail for Deliverables and Performance Measures

* The City of Fayetteville shall coordinate with the Fayetteville Chamber of Commerce for modifications to this schedule. Any modifications shall be agreed upon by both the City and Fayetteville Chamber of Commerce; however, any changes affecting price shall have prior approval by the Fayetteville City Council. In the event Appendix A is revised and price is not modified, such revised document shall be provided to the City Council at the next regularly scheduled quarterly update.

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8. **Entire Agreement:** This Agreement sets forth the entire agreement and understanding between the parties on the subject matter of this Agreement. Neither party shall be bound by any conditions, definitions, representations or warranties with respect to the subject matter of this Agreement other than those as expressly provided herein.

9. **Amendments and Waivers:** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment

approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees. No modification of this Agreement shall be binding unless made in writing and executed by both parties. No waiver by either party or any breach or obligation of the other party under this Agreement shall constitute a waiver of any other prior or subsequent breach or obligation.

10. Performance Measures: The Fayetteville Chamber of Commerce shall provide the following deliverables. Performance measures are included (with examples) for each item and will be used to evaluate the work performed throughout the entire term of the contract.

One: Economic Development Infrastructure

The City wants to develop appropriate infrastructure necessary to foster economic development opportunities for the City of Fayetteville. The Arkansas Economic Development Commission has suggested that Fayetteville work to have more spade-ready building sites available for responses to new facility inquires. The Economic Development team will work to identify future development sites, and work to complete necessary tasks so that sites are more “ready” for immediate business opportunity availability.

Performance measures:

- *Positive relationship with AEDC and appropriate communicated vision for Fayetteville.*
- *Marketing Materials Directed Toward Target Industries, and Social Media Sites, Website, etc.*
- *Work with the City and Community on creating an Economic Development Fund without raising new taxes.*
- *Real Estate Development – prepare sites and buildings ready for development.*
- *Establish market statistics and demographics*
- *Develop State and Regional partnerships by working with the state AEDC & regional economic development council.*
- *Support City’s development of Quality of Life Programs*
- *Work with existing employers to develop workforce; attract quality employees to the City*
- *Conduct Economic Development training to ensure that the economic development team is knowledgeable and professional by attending at least 2 economic development related conferences & training classes a year. Maintain updated information, highlights, available site locations, and any possible incentives, containing highlights on why companies should locate in Fayetteville, and maintain the State of Arkansas Site Availability listings*

Two: Business Retention and Expansion

The City wants to ensure existing businesses thrive and remain or expand in Fayetteville. The Fayetteville Chamber of Commerce shall solicit continual feedback from the more than 3000 existing businesses to determine how they can best be served and how programs can be developed to leverage their assets and the assets of other similar businesses and the assets of the City of Fayetteville. The Chamber of Commerce shall develop concepts which promote existing business. For example, businesses located on the Fayetteville Square and in the Downtown are

Economic Development Consulting Services Contract

sponsoring a First Thursday event with extended store hours and additional attractions.

Performance measure:

- *Development of business community data*
 - *Retention rate for existing businesses*
 - *Existing employee headcount*
 - *Other data as requested by and coordinated with the City*
- *Provide technical assistance to existing businesses to assist them to retain jobs and/or expand.*
- *Continued Support of Local Purchase programs (like “Find it in Fayetteville”)*
- *Bring or organize appropriate seminars and training to Fayetteville, AR, or within NWA Training Opportunities offered within the Region that would benefit Fayetteville Specific Companies.*
- *Develop business opportunities*
 - *Through GreeNWAy initiatives, Programs, promotion of international trade, and development of trade directories.*
- *Analysis of existing businesses by utilizing Business License Data to evaluate growth, decline, establishment, or closure of existing businesses within the City of Fayetteville.*
- *Develop or recommend training & education opportunities to start up businesses.*
- *Provide resources to entrepreneurs as requested.*

Three: Business Attraction

The Fayetteville Chamber of Commerce shall take steps necessary to ensure that Fayetteville competes at local, state, national and international levels for prospective businesses. ARTP incubates companies that are developing new technologies and products. As these companies scale up and consider permanent locations, the Chamber of Commerce shall coordinate programs, procedures, policies and promotional materials that make the City an attractive and competitive option. In addition, the Chamber of Commerce shall actively promote the City of Fayetteville at the state, national and international levels, particularly to companies in the clean tech, healthcare, hospitality and tourism and nonprofit sectors. The Economic Development website will have, as a minimum, a graphically engaging design, relevant demographic information, a comprehensive list of awards and distinctions received by the City, identification of publicly-owned, shovel-ready sites, incentive packages and materials for targeted industries, and opportunities and support services for existing businesses.

Performance measure:

- *Develop Site Selector visits to the City of Fayetteville, AR*
- *Evaluate, and recommend trade shows to attend and meet perspective companies. Attendance will utilize Senior Administration Staff and Elected Officials. Identify up to two trade shows or similar events to attend and coordinate attendance.*
- *Number of home grown businesses locating in Fayetteville*
- *New businesses in Fayetteville*
- *Employee headcount attributed to new businesses*

- *Assistance in the coordination and development of a regional economic development council*
- *Listing of contacts or potential businesses obtained through serving as the lead contact*
- *Implementation of business registry*
- *Active website, updated content, and easy-to-find content as provided by other cities*
- *Number of monthly unique visitor hits on the website*
- *Maintain & review community profile with AEDC*

Four: Strengthened Relationship with the Arkansas Economic Development Commission (AEDC) and Regional Economic Development Organizations

These organizations are assets to the City's economic development efforts. They can provide free marketing for the City and expand our contact base and opportunities. Fostering relationships with these organizations will provide a competitive advantage at the state and regional level and ensure that the City receives feedback from prospective companies about what Fayetteville can do to provide an attractive business package. The Fayetteville Chamber of Commerce shall serve as the primary point of contact for the City of Fayetteville for economic development related purposes.

Performance measure:

- *Regular meetings with AEDC staff and commissioners, ARTP staff and other relevant organizations*
- *Documented efforts and participation in regional partnership*
- *Positive relationship with AEDC and appropriate communicated vision for Fayetteville*
- *AEDC understanding of firm's primary contact responsibility*

Five: Market Statistics and Demographics

The City of Fayetteville is interested in receiving up to date market statistics and demographics for existing businesses and labor shed and market data for businesses interested in locating in Fayetteville AR.

Performance measure:

- *Utilize and provide updated market, trend, and demographic analysis through current studies.*

Six: Reports and Presentations to the Mayor and City Council

The Fayetteville Chamber of Commerce shall provide a written report and prepare a brief presentation for the Mayor and City Council on a quarterly basis. Reports and presentations should outline the tasks accomplished and include statistics for each performance measure outlined herein.

Performance measure:

- *Written report and presentation on a quarterly basis to Mayor and City Council*
- *Timely updates to Mayor and City Council on potential and ongoing projects as necessary*

The City recognizes that the overall economy will affect some of the performance measures and success will be outside the control of the Fayetteville Chamber of Commerce. The City also recognizes that some of the needed statistics are not currently collected in a systematic way. However, the City expects the Fayetteville Chamber of Commerce to show evidence of experience in conducting comparative market and trend analyses and due diligence in amassing the detailed information necessary to support the Economic Development effort.

11. Contract Administration

The Mayor or his/her Designated Representative shall be the Contract Administrator for this contract. The Fayetteville Chamber of Commerce President and CEO or his/her Designated Representative shall be the primary contact for all matters pertaining to this contract. While it is understood that many facts pertaining to projects must be held in the strictest confidence, the Fayetteville Chamber of Commerce President and CEO will insure that the Mayor is kept abreast of details and progress made pertaining to Economic Development prospects considering development in Fayetteville to the greatest extent possible.

12. Freedom of Information Act

City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the Fayetteville Chamber of Commerce will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties have executed this Agreement.

Fayetteville Chamber of Commerce

By: J. Steven Clark
J. Steven Clark, President and CEO

Date: 9/5/2013

Witness: Chung

Date: 9/5/2013.

The City of Fayetteville, Arkansas

By: Lionel Jordan
Lionel Jordan, Mayor

Date: 9/20/13

Attest:

Sondra E. Smith
Sondra E. Smith, City Clerk/Treasurer

Date: 9/20/13



City of Fayetteville, Arkansas & Fayetteville Chamber of Commerce
Appendix A - Schedule Detail for Deliverables and Performance Measures
Scope of Work

SECTION 1: Deadline Identification Schedule				
Quarter	Dates per Quarter	Deadline for Quarter	Update Deadline to Admin	Update Deadline to City Council
Qtr 1	October 2013 - December 2013	Monday, January 13, 2014	Wednesday prior to January Agenda Session	City Council meeting in January, 2014
Qtr 2	January 2014 - March 2014	Monday, April 14, 2014	Wednesday prior to April Agenda Session	City Council meeting in April, 2014
Qtr 3	April 2014 - June 2014	Monday, July 14, 2014	Wednesday prior to July Agenda Session	City Council meeting in July, 2014
Qtr 4	July 2014- September 2014	Monday, October 13, 2014	Wednesday prior to October Agenda Session	City Council meeting in October, 2014
Qtr 5	October 2014 - December 2014	Monday, January 12, 2015	Wednesday prior to January Agenda Session	City Council meeting in January, 2015
Qtr 6	January 2015 - March 2015	Monday, April 13, 2015	Wednesday prior to April Agenda Session	City Council meeting in April, 2015
Qtr 7	April 2015 - June 2015	Monday, July 13, 2015	Wednesday prior to July Agenda Session	City Council meeting in July, 2015
Qtr 8	July 2015 - September 2015	Monday, October 12, 2015	Wednesday prior to October Agenda Session	City Council meeting in October, 2015
SECTION II: Details of Deliverables and Performance Measures				
Category	Category Description	Performance Measure	Deadline (Quarter)	Notes
1	Business Attraction	A Promote Fayetteville to Site Selection Consultants, Intermediary Agencies, and Direct Clients	Quarters 1 - 8	4 visits in 2 years; include both inbound and outbound visits
		B Operate and manage social media tools such as Economic Development webpages, Facebook, etc. to keep businesses and social community informed and updated	Quarters 1 - 8	Provide quarterly statistics
		C Operate and manage an international trade and investment program	Quarters 1 - 8	Evaluate trade shows/conferences; 2 inbound/outbound visits which could include city staff and elected officials; Target sectors: Education/Research & Dev, Healthcare, and Manufacturing
		D Be the Point-Of-Contact for economic development purposes	Quarters 1 - 8	Respond to inquiries, Request-For-Proposals (RFPs) and Request-For-Information (RFIs)

		E	Develop, Assist and Support home grown businesses	Quarters 1 - 8	Develop and implement programs to support this activity
		F	Support and Assist New Businesses Coming to Fayetteville	Quarters 1 - 8	
		G	Employee headcount attributed to new businesses	Quarters 1 - 8	
2	Business Retention & Expansion	A	Development of business community data, retention rate for existing businesses, existing employee headcount	Quarters 1 - 8	Include information and statistics on businesses closed and/or jobs lost from the community; analysis of existing businesses utilizing the Business License data
		B	Provide technical assistance to existing businesses to assist them to retain jobs and/or to expand	Quarters 1 - 8	
		C	Support "Find It in Fayetteville" campaign	Quarters 1 - 8	
		D	Bring or organize appropriate seminars and training to Fayetteville or NWA	Quarters 1 - 8	
		E	Develop business opportunities for existing businesses	Quarters 1 - 8	Through GreenWAY Initiative Program and promotion of local, national and international trade
3	Development of Local Entrepreneurs	A	Provide technical assistance to perspective entrepreneurs	Quarters 1 - 8	

		B	Develop or recommend training and education opportunities to start up businesses	Quarters 1 - 8	
		C	Provide resources to entrepreneurs as requested.	Quarters 1 - 8	
4	Infrastructure	A	Managed Relationships and wherever possible, partner with the AEDC and Relevant Partners	Quarters 1 - 8	Regular interactions and communications with AEDC and other relevant organizations; partner on projects together
		B	Development of an Economic Development Fund for the City of Fayetteville	Quarters 1 - 8 or till Fund is created	Work with City and Community and without raising taxes
		C	Work on attracting/creating jobs with a focus on jobs with living wages	Quarters 1 - 8	Both business attraction and entrepreneurship start-ups
		D	Monitor and manage internal and external environments to be sure that City is competitive in developing, attracting and retaining businesses		Report findings, make recommendations and so on to the City leadership
		E	Support and Assist Development of the NWA Region for economic development purposes	Quarters 1 - 8	Include establishing statistics and demographics

		F	Development of marketing materials for economic development purposes	Quarters 1 - 8	Include managing of real estate inventory, preparing sites and buildings ready for development, and maintaining the Arkansas Site Selection site for Fayetteville
		G	Workforce Development	Quarters 1 - 8	Work with existing employers to develop existing workforce; attract quality employees through quality of life programs
		H	Economic Development Training	Quarters 1 - 8	Team to attend at least 2 economic development related conferences and training classes a year
5	Reports and Presentations	A	Provide written reports and prepare a brief presentation to the Mayor and City Council	Every quarter	
<p>The Fayetteville Chamber of Commerce shall provide a written report and prepare a brief presentation for the Mayor and City Council on a quarterly basis. Reports and presentations should outline the tasks accomplished and include statistics for each performance measure outlined herein.</p> <p style="text-align: center;">Performance measures include:</p> <ul style="list-style-type: none"> * Written report and presentation on a quarterly basis to Mayor and City Council *Timely updates to Mayor and City Council on potential and ongoing projects as necessary <p>The City recognizes that national and international economies could affect some of the performance measures and success and that they are outside the control of the Fayetteville Commerce. The City also recognizes that some of the needed statistics are not currently collected in a systematic way.</p> <p>The City expects the Fayetteville Chamber of Commerce to show evidence of experience in conducting comparative market and trend analyses and due diligence in amassing the detailed information necessary to support the Economic Development effort.</p>					