

ADDENDUM 1

RFQ Design Build

**NC Hwy 49 24-inch water main
General Services Drive to Stough Road**

June 19, 2020

1. In order to obtain existing GIS data for City of Concord water and sewer mains, please read and complete Attachment "A". Email application to hydes@concordnc.gov with subject line "RFQ Question 24" Waterline NC HWY 49".
2. Clarification: The entire submittal shall not exceed 40 pages. This includes but is not limited to covers, resumes, certifications, statements.
3. This addendum shall become a part of the drawings and specifications for the above project.

End of Addendum 1

**INFRASTRUCTURE CONFIDENTIALITY AND
SECURITY POLICY**



**Approved 05/09/2005
GIS Support Group
City of Concord**

INFRASTRUCTURE CONFIDENTIALITY AND SECURITY POLICY

1.0 Policy

It shall be the policy of the City of Concord to restrict access to plans, design drawings, aerial photography and similar documentation of its public infrastructure to only those individuals and organizations that require this information in conducting their business with the City and upon demonstration of such need. Requests for this information will be documented and maintained by the City.

This policy is designed to control and monitor access to security sensitive data. Each registrant's data request will be evaluated. Data provided will be based on the requirements of the registrant's project and the discretion of the responsible department director / or department designee.

2.0 Definitions

- 2.1 **Public Infrastructure** - Includes the City's: (a) utility systems and facilities, (b) public buildings, (c) telecommunication and data communication networks, and (d) public security plans.
- 2.2 **Detailed Plans, Drawings and Documentation** - Electronic or non-electronic information that communicates the organization, arrangement, location, or an operational understanding in sufficient detail to endanger or otherwise compromise the security or operation of the facility or plan being communicated.
- 2.3 **Public Security Plans** - Includes any assessments, policies and/or procedures pertaining to the security of the City's infrastructure; i.e., Emergency Action Plan, Response Plans, and Vulnerability Assessments.
- 2.4 **Licensed Professional** - Shall include any individual licensed by the State of North Carolina in the professions of: (a) Professional Engineer, (b) Land Surveyor, (c) Architect, (d) Landscape Architect, or (e) General Contractor.
- 2.5 **Non-Licensed Professional** - Includes all non-licensed professionals; i.e., business firms, professional associations, community groups, etc.
- 2.6 **Responsible Department Director** - The department director who is responsible for a particular public infrastructure.
- 2.7 **Registration** –Tier I or Tier II access to the City's sensitive infrastructure data will require completion of an Application for Approval. See Attachment A for licensed professional, or Attachment B for non-licensed professional. Registrations will remain in effect one year from the date of execution and must be renewed annually

- 2.8 Government Jurisdiction - An agency of North Carolina government as defined in North Carolina G.S. 132-1(a) and with whom the City has a contract, agreement or a formal business relationship.
- 2.9 Consortium Member - Jurisdictions or other governmental bodies that have adopted similar security polices and signed the City's Infrastructure Confidentiality Security Agreement, Attachment C.
- 2.10 Tier I – Registration level that allows Licensed Professionals to request project specific security sensitive information. If the request is granted the information may be delivered in hard copy or digital form.
- 2.11 Tier II – Registration level that allows non-licenced professional to request project specific security sensitive information. If the request is granted the information may be delivered in hard copy or digital form.
- 2.12 Tier III – Individuals and firms not registered with the City as a Tier I or II may request to access project specific security sensitive information. If the request is granted the information may be viewed. The information will not be delivered in hard copy or digital form.

3.0 Procedures/Rules

- 3.1 No plans, drawings, documentation or aerial photography that details the City's public infrastructure, **or data detailing public infrastructure not owned by the City**, shall be available to the general public, except upon a demonstrated need as provided herein; or as may be agreed to by the **owner of the infrastructure**.
- 3.2 Tier I: Requests for detailed plans, drawings and documentation of the City's public infrastructure by licensed professionals and their associated firms who have registered with the City, and have been approved access to such information will be honored by the City. Data provided will be based on the requirements of the registrant's project and the discretion of the responsible department director / or department designee.
 - 3.2.1 Requests for Tier I approval for licensed professionals must be by written application (See Attachment A). The execution of the registration acknowledges the licensed professional's acceptance of and adherence to this policy.
 - 3.2.2 The responsible department director, or his/her designee, will grant requests for registration for each type of infrastructure.
 - 3.2.3 Once approved, the original registration will be maintained by the City designee, with copies provided to the City staff and **Consortium members** as needed.
 - 3.2.4 Once approved, only those licensed professionals or associates identified on the registration will have access to and be provided copies of detailed plans, drawings and documentation of public infrastructure. Licensed professionals and their firms may only use such data as required in the exercise of their profession.
 - 3.2.5 The City designee will maintain a log detailing each instance where a licensed professional or his/her associates receives information (electronic or paper) under this policy. This log will include the name of the individual, the date the information was released and a description of the data released.
 - 3.2.6 The City will request a picture identification (such as a valid North Carolina driver's license) to confirm the individual's identity.
 - 3.2.7 Any person or firm receiving information in this manner is prohibited from otherwise copying or distributing the information to anyone outside of his/her immediate business concerns, and not directly related to the project for which the information was obtained.
- 3.3 Tier II: The responsible department director, or his/her designee, may approve a waiver registration and allow distribution of copies of detailed plans, drawings and documentation of public infrastructure to non-licensed professionals, in cases where access to this information furthers a public policy or project.
 - 3.3.1 Requests for Tier II approval for non-licensed professionals, business firms, professional associations, or community groups, etc., must be by written application

(See Attachment B). Execution of the registrations acknowledges the non – licensed professional acceptance of and adherence to this policy.

- 3.3.2 Tier II registrations can be granted by the responsible department director, or his/her designee, if the request furthers public policy and does not compromise the security of the public infrastructure. Examples include: (a) firms bidding on CITY projects, (b) neighborhood groups participating in community development activities or planning, and (c) other similar uses of the data.
 - 3.3.3 Once approved, only those individuals identified on the registration document will have access to and be provided copies of detailed plans, drawings and documentation of public infrastructure as described on the approved registration. Any request for information, not covered by the approved registration description and intended use, will require additional approval.
 - 3.3.4 Once approved, the original registration will be maintained by the City designee, with copies provided to the City staff and Consortium Members as needed.
 - 3.3.5 The City will maintain a log detailing each instance non-licensed professional receives information under this policy. The log will include the name of the individual, the date of the information release, a description of the data released and an explanation of the need for the information.
 - 3.3.6 The City will request a picture identification (such as a valid North Carolina driver's license) to confirm the individual's identity.
 - 3.3.7 Any person or firm receiving information in this manner is prohibited from otherwise copying or distributing the information to anyone outside of his/her immediate business concern.
- 3.4 Tier III: The City will not honor requests to distribute public infrastructure information to firms or persons not registered with the City as a Tier I or a Tier II approval. However, individuals and firms may view detailed plans, drawings or documentation of public infrastructure for the purpose of determining the proximity of the infrastructure to their property or a property of interest.
- 3.4.1 The City may request documentation of such need for information, if the sensitivity of the area or the scope of the request is unusual in nature, as determined by the City.
 - 3.4.2 Copying or any other form of duplication of the viewed detailed plans, drawings or documentation will not be permitted.
 - 3.4.3 The City will maintain a log detailing each instance of Tier III information access under this policy. The log will include the name of the individual, the date of the information viewed, a description of the data viewed and an explanation of the need for the information.

- 3.4.4 The City will request a picture identification (such as a valid North Carolina driver's license) to confirm the individual's identity.
- 3.5 The City will not distribute or allow access to view copies of Public Security Plans to licensed professionals, non-licensed professionals or the general public. Release of information shall only be made to law enforcement and related agencies as mandated by North Carolina General Statutes and consent of the Chief of Police.
- 3.6 All copies of detailed plans, drawings or documentation provided to individuals or firms under this policy must include a statement that reads as follows:

NOTICE

Sensitive information not to be copied or distributed without the express written consent of the City of Concord.

In compliance with – North Carolina Public Records Law
All information provided was created for the City's internal use. The City of Concord, its agents, and employees shall not be held liable for any errors in the data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. This data cannot be construed to be a legal document. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10.

City of Concord
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Concord, North Carolina 28026-0308
704-920-5215

- 3.7 This policy does not constrain access to the City's public infrastructure data to other city agencies, jurisdictions or other governmental bodies that have adopted similar security policies. The City will require a one time Written Confidentiality Agreement (See Attachment C) with each jurisdiction or governmental body requesting City infrastructure data. The City asks and expects that discretion be used and the intent of the law be followed to restrict this type of data from public domain use.
- 3.8 Any employee who routinely handles or otherwise has access to information covered under this policy will be required to be familiar with the policy and sign an acknowledgement form. Any employee of the City in violation of this policy shall be subject to disciplinary action up to and including termination.
- 3.9 Any employee of the City who encounters requests for information that they believe may compromise the security or operation of the facility, or plans being communicated, should contact their supervisor and report the request.

4.0 Request for Approval to Obtain Sensitive Infrastructure Data

Attachment A - Application for Approval of Tier I Registration for Licensed Professional to Obtain and Use Sensitive Infrastructure Data

Attachment B – Application for Approval of Tier II Registration for Non-Licensed Professional and Others to Obtain and Use Sensitive Infrastructure Data

Attachment C - Infrastructure Information Confidentiality Agreement

5.0 Consequences of Violations

Any violation of this policy by a Tier I or Tier II registrant may result in the City canceling all approvals and/or contracts with the violating party for cause. Further, the City may not conduct business with or grant contracts to the violators for a minimum of five (5) consecutive years. In addition, the City shall seek recovery of any damages experienced as a result of the violations. All GIS Consortium members will be notified of the violation.

All existing contracts, as of the date of adoption of this policy, shall be amended to include this condition and all future contracts shall contain this condition.

{Attachement "A"}

City of Concord
Application for Approval of Tier I Registration for Licensed Professional to
Obtain and Use Sensitive Infrastructure Data

This is a request by **LICENSED PROFESSIONALS** authorizing representatives of their company to obtain sensitive maps, plans, data, and other engineering information pertaining to the City's public infrastructure systems for their use in the practice of their profession, as per the City's Infrastructure Confidentiality and Security Policy, Section 3.2. **Please attach a detailed description of the information requested and its intended use.**

Category of Information Requested:

- | | |
|---|--|
| <input type="checkbox"/> Water System | <input type="checkbox"/> Storm Water System |
| <input type="checkbox"/> Sewer System | <input type="checkbox"/> Electric System |
| <input type="checkbox"/> Public Buildings | <input type="checkbox"/> Public Security Plans |
| <input type="checkbox"/> Telecommunication and Data Network Systems | |

I hereby designate the following individuals of our organization to make requests for information as described above. As a condition of this approval we will immediately notify CITY, in writing, if any of these employees are terminated or otherwise not authorized to obtain information under this agreement. We may add employees in a similar manner. I understand and agree that the City of Concord provides no warranties of any kind (including express, implied or other warranties) about the data provided. The City strives to create and provide accurate information, however I understand that the information may contain errors.

Employees Authorized (Please Print): (If more names are needed, please attach a second sheet.)

_____	_____
_____	_____

I hereby agree that any material furnished to our company will not be copied for transmittal to any other company or individual outside our company. Approval of this request is conditional upon reading and accepting the terms of the City's *Infrastructure Confidentiality and Security Policy*, including contract termination, limits upon future work and payment of damages, if any.

NAME OF REQUESTING FIRM: _____

ADDRESS: _____

REQUESTED AND AUTHORIZED BY:

_____	_____	_____
(Printed Name)	(Title)	
_____	_____	_____
(Signature)	(Date of Request)	(NC Professional License Number)

CITY APPROVED BY:

_____	_____	_____
(Director of lead dept.)	(Title)	(Date Approved)

{*Attachement "B"*}

CITY OF CONCORD

**Application for Approval of Tier II Registration for Non-Licensed Professional
And Others to Obtain and Use Sensitive Infrastructure Data**

This is a request by **NON-LICENSED PROFESSIONALS** to obtain sensitive maps, plans, data, and other engineering information pertaining to the City's public infrastructure systems as per the City's Infrastructure Confidentiality and Security Policy, Section 3.3.

Briefly describe the information requested and the intended use of the information:

Category of Information Requested:

- | | |
|---|--|
| <input type="checkbox"/> Water System | <input type="checkbox"/> Storm Water System |
| <input type="checkbox"/> Sewer System | <input type="checkbox"/> Electric System |
| <input type="checkbox"/> Public Buildings | <input type="checkbox"/> Public Security Plans |
| <input type="checkbox"/> Telecommunication and Data Network Systems | |

List the individuals with your firm/organization/group that you authorize to make requests for information as described above. As a condition of this approval, you will immediately notify CITY, in writing, if any of the individuals are no longer a member of your firm/organization/group or otherwise not authorized to obtain information under this agreement. I understand and agree that the City of Concord provides no warranties of any kind (including express, implied or other warranties) about the data provided..The City strives to create and provide accurate information, however I understand that the information may contain errors.

Authorized Individuals (Please Print):

I hereby agree that any material furnished to me will not be copied for transmittal to any other company or individual. Approval of this request is conditional upon reading and accepting the terms of the City's *Infrastructure Confidentiality and Security Policy*, including contract termination, limits upon future work and payment of damages, if any.

REQUIRED FOR APPROVAL:

NAME OF FIRM/ORGANIZATION/GROUP: _____

ADDRESS: _____

(Printed Name) (Signature) (Date Approved)

CITY APPROVED BY:

(Director of lead dept.) (Title) (Date Approved)

{*Attachement "C"*}

**City of Concord
Consortium Member
Infrastructure Confidentiality and Security Agreement**

Agreeing Parties:

Date:

1. _____ shall regard public infrastructure data provided by the City of Concord as confidential and proprietary. Information sharing shall be strictly limited to activities that are project specific. _____ shall have the right to display or map small portions of the City of Concord's data as needed specific to a project or personal request. _____ will follow the City of Concord's Infrastructure Confidentiality and Security policy to restrict sensitive City public infrastructure information from public domain use. All requests for complete data sets of the City of Concord's infrastructure will be forwarded to the City of Concord for evaluation.

2. The City of Concord shall regard public infrastructure data provided by _____ as confidential and proprietary. Information sharing shall be strictly limited to activities that are City project specific. The City shall have the right to display or map small portions of _____ data as needed specific to a project or personal request. The City of Concord will follow its adopted infrastructure confidentiality and security policy to restrict _____ sensitive public infrastructure information from public domain use. All requests for complete data sets of _____ infrastructure will be forwarded to _____ for evaluation.

3. Failure to follow this Agreement may result in cancellation of this Agreement upon written notice at the discretion of either party. Nothing in this Agreement shall limit the legal rights and remedies of either party to seek damages, declaratory judgments or injunctions in a court of competent jurisdiction.

_____ understands and agrees that the City of Concord provides no warranties of any kind (including express, implied or other warranties) about the data provided. The City strives to create and provide accurate information, however I understand that the information may contain errors..

AGREED TO BY:

City of Concord

Other

By _____ By _____

Title _____ Title _____