

**CITY OF EASTPORT
REQUEST FOR PROPOSALS
ENGINEERING SERVICES FOR HIGH STREET SIDEWALK PROJECT**

The City of Eastport (City) is soliciting proposals for engineering services for reconstruction of a sidewalk along approximately 0.27 miles of High Street, reference project WIN 24357.00. Proposers must provide: a.) technical proposal; and b.) price proposal in a separate, sealed package. *Price will not be part of the technical proposal; otherwise, that proposal will be rejected.*

The City is undertaking this locally administered project with federal funding from the Maine Department of Transportation (MaineDOT). This project is subject to applicable federal and state laws, regulations, policies and procedures, including but not limited to those described in the MaineDOT Local Project Administration Manual: <http://www.maine.gov/mdot/lpa/manual/>

The City, in accordance with Title VI of the Civil Rights Act of 1964 and all associated regulations, notifies all proposers that it will affirmatively assure that disadvantaged business enterprises will be afforded full opportunity to submit proposals in response to this invitation and that proposers will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

1. APPENDICES:

- Appendix A – Proposer’s Cost Proposal Form
- Appendix B – Proposer’s General Information Form
- Appendix C – Project Contract

2. PROPOSALS ARE TO BE RECEIVED NO LATER THAN:

Date Due: **7/17/2019**
Local Time: **1:00 pm**

Any proposal, portion of a proposal, or unrequested proposal revision received at the City after the time and date specified above **will not** be accepted.

3. COMMUNICATIONS:

Communications regarding the RFP must be submitted by email and directed to the RFP Coordinator listed below. The subject line must reference the project name, RFP title and Project WIN.

Name and Title: Ross L. Argir, Esq., City Manager
Office Phone: 207-853-2300
Email: rargir@eastport-me.gov

4. REQUEST FOR CLARIFICATION/RFP AMENDMENTS.

All requests for clarification and additional information must be submitted by email to the RFP Coordinator listed above by 1:00 PM on July 10, 2019. Late requests will not be accepted. When appropriate, responses will be placed on the City’s website: www.eastport-me.gov no later than close of business on July 10, 2019. **It will be the Proposer’s responsibility to check the referenced website for clarifications and amendments to this RFP.** (Note: Proposers must reference all amendments in their responses to this RFP.)

5. PROPOSAL SCOPE OF WORK and LOCATION MAP

The scope of work of the project is as follows: Reconstruction of the sidewalk along a portion of High Street, starting at Battery Street and extending north for 0.27 mile. The successful Proposer will be required to perform the services listed below:

- a. Prepare a preliminary design report (PDR) using the MaineDOT form found at the link below: https://www.maine.gov/mdot/lpa/docs/lpadocs/2018/PDR_Form_3-16-17_LPA.docx
- b. Develop design plans following MaineDOT's [Engineering Policies and Procedures](#), Standard Specifications and Standard Details at the following milestones: 50% complete, 75% complete, and 100% complete. Design plans will include plan views, profiles and cross-sections.
- c. Coordinate 2 public meeting(s) to obtain feedback on the project.
- d. Develop an engineer's estimate of construction cost at the following milestones: PDR and final Plans, Specifications and Estimate (PS&E).
- e. Assist the City with obtaining all permits necessary to carry out the project.
- f. Coordinate the project with impacted utilities, as applicable.
- g. If applicable, provide MaineDOT with CADD files at Plan Impacts Complete for use in preparing right-of-way maps, in accordance with MaineDOT's CADD standards: <https://www.maine.gov/mdot/caddsupport/docs/ElectronicExchangeofCADD2016.doc>
- h. Develop a package of final plans, specifications and estimate (PS&E) in accordance with all federal and state requirements.
- i. Conduct and document quality-control design checks at 50% and 95% plans complete.
- j. Provide engineering support during the bidding process.

6. PROPOSAL RATING AND SELECTION PROCESS

- a. Technical proposals will be reviewed and scored using the responses to the criteria in the "Proposer Information" section below.
- b. This is a qualifications-based selection process, meaning that technical proposals alone will be used to select the successful Proposer. Upon selecting the successful Proposer, the City will open that Proposer's price proposal and begin negotiations. *Price proposals from all other Proposers will remain sealed during negotiations and returned unopened upon contract award.*

7. PROPOSER INFORMATION

- a. **Proposer's Experience (20 points)**: Describe the Proposer's experience providing services similar to those requested for this project, involving federal requirements and MaineDOT design standards. Identify at least 5 projects on which your company has performed work comparable to that required in this RFP in the last 5 years. Include points of contact (company name, contact name, address, and phone number), a description of the project, dates of the project and results.
- b. **Proposer's Qualifications (20 points)**: Identify the **key** staff who will be assigned to fulfill the contract requirements (project managers, engineers, technicians). Provide resumes describing their educational and work experiences.
- c. **Proposer's ability to stay on schedule (20 points)**:

- i. Provide a schedule of deliverables and any other relevant milestones;
 - ii. Describe how the firm will manage its overall workload to meet deadlines for the deliverables and other relevant milestones listed above.
- d. **Proposer’s ability to control costs and ensure quality (20 points):**
- i. Describe how the firm will control and monitor its costs;
 - ii. Describe how the firm will control quality and ensure the constructability of design plans;
 - iii. Describe how your firm intends to maintain communication with the City.
- e. **Proposer’s References (20 points):** Provide at least 3 professional references with points of contact (person’s name, company name, address and phone number), and a description of the projects with dates. The results of reference checks will be used in scoring the technical proposal.
- f. **Contact Information:** Provide the name, address, phone number, FAX number, and email address of Proposer.
- g. **Signature Page:** Signature pages must be included with the technical and price proposals stating that “I certify that all of the information in this technical/price proposal is true and accurate.”
- h. **Acknowledgement of Amendments:** The Proposer will include reference to all amendments in its response to this RFP.

8. PACKAGING AND SUBMITTING YOUR TECHNICAL AND PRICE PROPOSALS

Organization and Format: Your technical proposal, which should be organized in the format and sequence indicated in these proposal instructions, must be submitted as outlined below.

- a. **RFP Title.** The Proposer’s full business name and address as well as the RFP title must be written on your proposal package, with reference to Project WIN 24357.00.
- b. **Hard Copy.** Technical proposals must be submitted as follows: three (3) copies of the technical proposal must be submitted in hard copy format accompanied by an electronic copy in .pdf format.
- c. **A completed “Proposer’s General Information Form” (Appendix B) must be included.**
- d. **Price proposal:** The price proposal (**Appendix A**) must be provided in a separate, sealed envelope that will be opened only if the initial scoring of technical proposals results in a Proposer being ranked as best qualified. **NO MENTION OF PRICE WILL BE INCLUDED IN THE TECHNICAL PROPOSAL; OTHERWISE THAT PROPOSAL WILL BE REJECTED.**
- e. **Proposal Package Submittal:** Proposal packages must be mailed/delivered as follows:

Regular Mail Delivery	Hand Carried Delivery	Federal Express/UPS Delivery
Address to: Ross L. Argir, Esq. 22 Washington Street Eastport, Maine 04631	Address to: Ross L. Argir, Esq. 22 Washington Street Eastport, Maine 04631	Address to: Ross L. Argir, Esq. 22 Washington Street Eastport, Maine 04631

9. TERMS & CONDITIONS / GENERAL INFORMATION

- a. The contract type used for this project will be a stand-alone project contract, and the method of payment will be adjustable burdened hourly rate.
- b. The initial contract term will be for three (3) years, commencing upon execution of the contract documentation. The City reserves the right to modify the initial contract term at its discretion, as well as to award additional phases of the Project.
- c. The contract resulting from this RFP will be governed by the terms and conditions found in **Appendix C** to this RFP – Project Contract.
- d. This RFP does not commit the City to pay costs incurred in preparing and submitting your proposal.

10. PROPOSAL PRICING

Price proposal and supporting data must be submitted on the standard Cost Proposal Form (Appendix A), which is available on the MaineDOT's Local Project Administration website under the heading labeled *Consultants*: <http://www.maine.gov/mdot/lpa/lpadocuments/>.

The price proposal must include the following:

- Project WIN, location, firm name and address, contact name, and email address.
- **Employee Classifications and Direct Labor Rates:**
The Proposal must include each employee's classification and rate of pay. *Note: A cap on direct labor of \$62.00 per hour for the project manager / quality control engineer, and \$50.00 per hour for all other personnel, will apply to new projects starting in July 2019.*
- **Overhead Rate:**
The price proposal will reflect the Consultant's latest Audited Overhead Rate approved by the MaineDOT's Office of Audit. *(Note: Use of a fixed commercial rate will be accepted for small firms without an Audited Overhead Report.)*
- **Fixed Fee/Profit:**
The proposed fixed fee/profit is based on factors such as degree of risk, relative difficulty of work, and the size of the job. It must fall within the range of 6 percent to 15 percent.
- **Direct Expenses:**
This will consist of project expenses such as mileage (44 cents per mile), tolls, printing, postage, and subconsultant costs that are not included in direct labor, overhead and profit. *Note: Markup on direct costs is prohibited.*
- **Total Proposed Cost:**
This is the maximum amount proposed.

Section B: Proposal Pricing Attachments

- **Certified payroll:**
Lists employees and the actual rates paid to them. When increased hourly rates are requested for non-fixed rate contracts, the consultant will provide certified payroll, including the effective date of the increase, to the City before billing at the new rates.

Note: The Appendix A-1 Form may be used as certified payroll, if an authorized financial or payroll representative of the consultant firm signs at the bottom of the form.

- **Wage Rate Waiver Form (if applicable):**

Firms with employee direct-labor rates above the hourly caps of \$62 for the project manager / quality control engineer, and \$50 for all other personnel, must submit an Appendix A-1 Form and a Wage Rate Waiver Form for review and approval by the MaineDOT.

- **Appendix A-1 Form:**

If submitted for use as a certified payroll, the Appendix A-1 Form must list the names and classifications of employees who potentially will work on the project and must use the overhead and profit rates in the Proposer's Cost Proposal Form. The rates listed must be the actual rates paid and must be supported by certified payroll.

If the Appendix A-1 Form is signed by an authorized financial or payroll representative of the consultant firm, it may be used instead of a certified payroll.

- **Disadvantaged Business Enterprise (DBE) Form:**

The DBE Form must show all subconsultants, identify if they are DBE, WBE or Non-DBE, and show the subconsultant work as a percentage of the total contract value. The DBE Form also should reflect whether the prime consultant is a DBE.

- **Insurance Certificates:**

Insurance certificates for the coverages listed below must be included with the Consultant's Cost Proposal Form:

- Professional Liability;
- Commercial General Liability, listing the City as additional insured;
- Automobile Liability;
- Worker's Compensation;
- Excess/Umbrella Liability (if applicable).

Consultants must provide current insurance certificates by email to ragrir@eastport-me.gov.

Section C: Subconsultant Proposal

If a subconsultant will work on the project, the prime consultant must submit the subconsultant's proposal as supporting documentation. If a subconsultant will perform 25 percent or more of the value of the contract, the prime consultant also must submit the subconsultant's A-1 Form, certified payroll, and Audited Overhead Report.

11. DISADVANTAGED BUSINESS ENTERPRISES

Certified Disadvantaged Business Enterprise (DBE) consultants are encouraged to apply as the prime consultant. Non-DBE consultants will ensure that DBEs have the maximum opportunity to participate in the performance of any project contract as subconsultants. Consultants certified by another state's transportation agency must be certified by the MaineDOT.

Requirements may be found on the MaineDOT website for Disadvantaged Business Enterprises: <http://www.maine.gov/mdot/civilrights/dbe/>

12. DEBARMENT CERTIFICATION

The signature pages required in Section 7, “Proposer Information,” must have the following statement:

“By submitting to this RFP, I certify to the best of my knowledge and belief that the organization, its principals, and any subconsultants named in this proposal:

- a. Are not debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.
- b. Have not within three (3) years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:
 - i. fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.
 - ii. violating federal or state antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - iii. are not currently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
 - iv. have not within a three (3) year period preceding this proposal had one or more federal, state or local government transactions terminated for cause or default.”

Failure to provide this certification may result in the disqualification of the proposal.

13. FREEDOM OF ACCESS ACT: CONFIDENTIALITY.

Under Maine’s Freedom of Access Act, 1 M.R.S.A. §401, et seq., “public records” are available for public inspection and copying once an award notification has been made.

Information submitted in response to this RFP will be considered “public records” available for inspection and copying once an award notification is made. If a Proposer contends that parts of its Proposal fall under an exception set forth in 1 M.R.S.A. §402(3), the Proposer may submit those parts of its Proposal in a separate envelope marked “Confidential,” with each page marked “Confidential.” Included in the envelope should be a non-confidential statement of the basis for the Proposer’s claim that those parts of its Proposal fall within one or more exceptions to the definition of “public records.” Designating parts of a Proposal “Confidential” does not by itself ensure that they will stay confidential.

If the City receives a request to inspect or copy parts of a Proposal marked confidential, the City will notify the Proposer. Within 14 days of receiving the City’s notice, any Proposer claiming documents are confidential must send the City a list identifying each document that it claims is confidential. The City will notify the party requesting disclosure that the documents will be withheld. If the party seeking disclosure files a legal action to gain access to the confidential information, the Proposer must retain counsel and join the legal action to defend its position that the release of information should be denied. Proposer’s failure to join the action and defend its position will constitute a waiver of its claim that the information is confidential. The City will comply with the order issued by the court reviewing the case.