**CITY OF JOHN DAY – RECYCLED WASTEWATER DISTRIBUTION SYSTEM**

**REQUEST FOR PROPOSALS**

**ENGINEERING SERVICES**

**PROPOSALS DUE:**

**Thursday, January 5, 2023**

**4:00 p.m., Pacific Time**

**John Day City Hall**

**450 East Main Street, John Day, Oregon 97845**

**CITY OF JOHN DAY**

Proposal Advertisement

Request for Proposals

Recycled Wastewater Distribution “Purple Pipe” System

Engineering Services

NOTICE IS HEREBY GIVEN that City of John Day (“City”) is requesting proposals from qualified firms or individuals to provide certain professional engineering services concerning a recycled wastewater distribution “purple pipe” system, including, without limitation, certain design engineering.

Interested parties may obtain a copy of the Request for Proposals (the “RFP”) (and any related documents) by downloading a copy on City’s website at [www.cityofjohnday.com/rfps](http://www.cityofjohnday.com/rfps).

Interested parties may receive a hardcopy of the RFP (and related documents) at John Day City Hall, 450 East Main Street, John Day, Oregon 97845.

All proposals must be in a sealed envelope or package and must be submitted by mail or hand delivery to Corum Ketchum, City Manager, or his designee at John Day City Hall, 450 East Main Street, John Day, Oregon 97845 by **4:00 p.m. on Thursday, January 5, 2023**. City will not consider any proposal received after the stated date and time, that is incomplete, and/or that is not submitted in the proper manner and format. Proposals must be clearly marked “John Day Purple Pipe Engineering Services Proposal.”

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**CITY OF JOHN DAY**

Request for Proposals

Recycled Wastewater Distribution “Purple Pipe” System

November \_\_\_\_, 2022

City of John Day (“City”) is soliciting proposals (“Proposal(s)”) from qualified consultants interested in providing certain engineering design and related services for and on behalf of City, all as described in this Request for Proposals (this “RFP”). City is issuing this RFP in accordance with the formal selection procedures under OAR 137-048-0220. Pursuant to ORS 279C.110(5) and OAR 137-048-0220(4)(c), City intends to select a Consultant on the basis of both qualifications and pricing information; therefore, the consultant screening and selection process will be conducted in two phases: (Phase 1) up to three (3) Proposers will be selected based upon qualifications alone (the “Finalists”); and (Phase 2) the Consultant will be selected from the Finalists based upon both qualifications and pricing information.

**I. Project Description and Background**

City is planning to build a new wastewater treatment facility to replace its mechanical treatment plant originally built in 1949. City’s goal is to have the new plant completed and online by 2025. The current plant treats over 80 million gallons of wastewater annually. This water is stored after treatment in four percolation ponds and is eventually discharged indirectly into the John Day River and watershed. Those 80 million gallons of water represent a valuable asset to City’s community that can be reclaimed and put to use for industrial and agricultural applications. A recycled wastewater distribution “purple pipe” system will assist in delivering some of this recycled water to industrial and agricultural uses.

City is issuing this RFP to select a consultant to provide certain engineering design and related services concerning a recycled wastewater distribution “purple pipe” system (the “Project”). The estimated cost of the Project is $3,288,320. The estimated cost of the engineering services sought to be procured through this RFP is $385,000.

Project construction is anticipated to begin upon completion of the engineering design portion of the Services contemplated under this RFP. The Project is anticipated to be completed on or before (insert the date that construction will be complete).

**II. Scope of Services**

Subject to the terms and conditions contained in this RFP, the selected consultant (the “Consultant”) will provide all engineering, design, and related services necessary for the proper design of the Project, including, without limitation, the following tasks and services (collectively, the “Services”):

A. Design and preparation of construction plans concerning a mainline recycled water distribution system from City’s proposed new wastewater treatment plant.

B. Perform all engineering design and related services in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances.

C. Perform and complete the services and tasks described on the Scope of Services attached as Exhibit A.

D. Notwithstanding the foregoing, the Services will not include permitting and water rights analysis and dedication.

E. City anticipates that the Services will commence on or about February 8, 2023 and will be completed no later than \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_, 2023. The Consultant will work with, and report directly to, the City’s city manager.

The following requirements as to the form, content, and manner of submitting Proposals must be strictly observed; variance from these requirements may result in rejection of the Proposal as unresponsive. Proposals must not exceed ten (10) pages, excluding the cover letter (one page maximum) and insurance information (one page is considered to measure 8-1/2 x 11, with 11-point font size minimum).

A person or firm interested in performing the Services (the “Proposer”) must submit a signed and dated Proposal to City containing the information identified below. Proposals will first be evaluated for compliance with the minimum required qualifications identified below. Proposals meeting the minimum requirements will be forwarded to the John Day Public Works Committee for review and evaluation.

**III. Proposal Format**

A. Minimum Required Qualifications. Failure to comply with one or more of the following criteria may result in rejection of the Proposal:

1. At least one copy of the submitted Proposal must bear an original signature on the cover letter. A duly authorized representative empowered to bind the Proposer must sign the Proposal. The cover letter must include a statement specifically stipulating that the Proposer accepts the terms and conditions contained in this RFP. The letter must also name the person(s) authorized to represent the Proposer in any negotiations and the person(s) authorized sign any contract which may result.

2. The Proposal must demonstrate that the Proposer (a) has all valid applicable Oregon licenses, including, without limitation, all applicable licenses to practice engineering in the State of Oregon and City, and (b) is in good standing with the Oregon State Board of Examiners for Engineering and Land Surveying.

3. Sufficient evidence to demonstrate the Proposer’s compliance with the following minimum levels of insurance: (a) general liability insurance with limits of no less than $2,000,000 per occurrence, $4,000,000 in the aggregate; (b) comprehensive automobile liability insurance with limits of no less than $2,000,000 combined single limit; (c) professional liability insurance (errors and omissions insurance) with limits of no less than $3,000,000 per occurrence, $5,000,000 in the aggregate; (d) workers’ compensation insurance in form and amount sufficient to satisfy the requirements of applicable Oregon law.

4. Each Proposal must include a signed certificate of non-discrimination pursuant to ORS 279A.110, substantially in the form attached hereto as Exhibit B. The Proposal must indicate whether the Proposer is a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns, or an emerging small business.

B. Scored Criteria. Each Proposal that meets the minimum required qualifications will be evaluated and ranked based upon the following qualifications criteria (a total of 85 points is available for the scored qualifications criteria):

1. Professional Qualifications of Project Team (20 points). Provide an overview of the Proposer and qualifications for providing the Services. Describe the extent of principal’s involvement. List key team members who will be assigned to the Project (including the project manager), their roles and responsibilities, and their qualifications and experience. Provide a resume for each key team member. Describe your familiarity with applicable state, federal, and local laws and regulations that relate to the Project. Identify any subconsultants needed to complete the Services and their qualifications and relevant individual experience. An organizational chart (project team) may be included.

2. Experience/Capabilities (25 points). Provide at least three examples of services rendered on projects completed in the last five years that best characterizes and demonstrates the Proposer’s experience providing services similar to the Services. For each project included, provide information about the timeline and completion. Describe the Proposer’s engineering design experience with community facilities in small, rural Oregon communities. Describe the Proposer’s previous history working with, or in, City and your team’s past performance history with City. The project manager or principal must be a licensed Professional Engineer in Oregon.

3. Project Understanding, Management, and Approach (20 points). Demonstrate a clear approach to completing the Services. Provide a clear and concise explanation of the work required. Provide a typical project schedule showing major tasks and approvals required to complete the job. A draft, line-item scope of work for engineering services (not including hourly or cost estimates within the body of the proposal) should be included. Identify and discuss any potential problems during design and construction of discrete project components and/or how the discrete components interrelate. Identify and discuss methods to mitigate those problems. Describe the Proposer’s capability to conduct Value Engineering (VE) studies for projects that are particularly complex or have unique features. Describe the work you anticipate self-performing and the work performed by sub-consultants/subcontractors. Describe the Proposer’s approach to processing amendments and/or change orders. Describe the Proposer’s planning, scheduling, and estimating tools (if applicable). Describe the Proposer’s quality control plan, dispute resolution, and safety management (as applicable).

4. Availability (15 points). Indicate the amount and type of resources and number of experienced staff (including sub-contractors) available to perform the Services, including, without limitation, project workloads related to staff and resources for the duration of the Project. Demonstrate ability to provide responsive services to assist City based on the amount and type of staff resources available to perform the Services. The Proposer must identify a basic timeline to accomplish the tasks outlined in this RFP, including completion of major milestones.

5. References (5 points). Provide references and recommendations from at least five current or former clients. References should establish the Proposer’s demonstrated ability to successfully and reliably complete similar projects.

C. Interviews. City may, in its discretion, request interviews with Proposers provided there is more than one Proposer. Interviews will be scored on the same qualifications criteria and points as the initial Proposal (*see* Section III B “Scored Criteria” above) or on additional criteria developed by the committee (which additional criteria will be provided to each Proposer prior to any interview).

D. Pre-proposal meetings. City will not hold a pre-proposal meeting.

**IV. Proposal Submission**

To be considered, please submit six copies of the Proposal to Corum Ketchum, Interim City Manager, via email at [ketchumj@grantcounty-or.gov](mailto:ketchumj@grantcounty-or.gov), or by mail or hand delivery to City of John Day, 450 East Main Street, John Day, Oregon 97845. **Proposals must be received by 4:00 p.m., Pacific Time on Thursday, January 5, 2023.** Proposals received after the date and time deadline will not be considered. Mis-deliveries, late, and/or faxed submittals will be considered nonresponsive. Please clearly label the outside of the envelope “John Day Purple Pipe Engineering Services Proposal.”

**V. Special Contract Requirements**

City encourages the participation of small businesses, certified by the Oregon Certification Office for Business Inclusion and Diversity (“COBID”) in all contracting opportunities. This includes certified small businesses in the following categories: disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business. City also encourages joint ventures or subcontracting with certified small business enterprises.

**VI. Selection Process; Contract Award**

A. Phase I Selection – Qualifications. Proposals meeting the minimum required qualifications will be evaluated and scored by the John Day Public Works Committee based upon the qualifications criteria and points assigned in this RFP. City will rank all Proposals according to the total score calculated pursuant to the evaluation criteria set forth in Section III(B) and select as many as three (3) top-ranked Proposers eligible to provide Price Proposals.

B. Phase II Selection – Qualifications and Price Information. City will request Price Proposals from the top-ranked Proposers in Phase I. The scored criteria outlined in Section III(B) will be assigned an eighty-five percent (85%) weight and a Finalist’s Price Proposal (outlined below) will be assigned fifteen percent (15%) weight. If a Finalist does not wish to provide a Price Proposal, the Proposer may withdraw from consideration as a prospective consultant. All Finalists interested in consideration as a Consultant for the Project must submit a “Price Proposal” that includes the following:

1. Hourly Rates (4 Points/4% of total evaluation score). A schedule of hourly rates that the Proposer will charge for the work of each individual or each labor classification that would perform the Services in the form of an offer that is irrevocable for not less than 90 days after the date of the Proposal.

2. Time Estimate (4 Points/4% of total evaluation score). A reasonable estimate of hours that the Proposer will require to perform the Services.

3. Task Description (2 Points/2% of total evaluation score). A description of each task that the Proposer understands as comprising the Services.

4. Labor Classification and Hourly Rate (4 Points/6% of total evaluation score). A list of each individual or labor classification that would perform each task together with the hourly rate that applies to the individual or labor classification.

5. Expenses (1 Point/1% of total evaluation score). A list of expenses, including travel expenses, that the Proposer expects to incur in connection with providing the Services.

C. City will direct contract negotiations with the highest-ranked Finalist after Phase II toward obtaining written agreement on (a) the scope of the engineering services, (b) the selected Proposer’s performance obligations and performance schedule, (c) payment methodology, consultant rates and number of hours, and maximum amount payable to the selected Proposer under a contract that is fair and reasonable to City as determined solely by City, and (d) any other conditions or provisions City deems in City’s best interests. Notwithstanding anything contained in this RFP to the contrary, in accordance with ORS 279C.110(6), “[t]he [City] may not pay a compensation level that exceeds a level that the [City] alone determines is fair and reasonable to the [City].”

D. If negotiations with the highest-ranked Finalist after Phase II fail to result in a contract, City reserves the right, pursuant to OAR 137-048-0220(4)(f), to formally terminate negotiations and enter into negotiations with the second-ranked Finalist and, if necessary, the third-ranked Finalist and so on, until the negotiations result in a contract. If subsequent rounds of negotiations fail to result in a contract within a reasonable amount of time, as determined by City, City may terminate this RFP.

E. If a contract is awarded, City and Consultant will enter into City’s form professional services agreement substantially in the form attached hereto as Exhibit C (the “Agreement”). The Agreement will contain terms and conditions required under applicable law and will otherwise be in form and content satisfactory to City. Without otherwise limiting the generality of the immediately preceding sentence, the Agreement will include the scope of services, terms and conditions concerning, among other matters, acceptable standards of performance, compensation, minimum insurance requirements, compliance with laws, indemnification, representations and warranties, and City’s right to terminate the Agreement.

**VII. ANTICIPATED SCHEDULE**

RFP Issued November \_\_\_, 2022

Requests/RFP Protest Deadline December 7, 2022

Proposal Due Date January 5, 2023

Review and Scoring (approx.) January 6, 2023 – January 11, 2023

Evaluation Interviews (if needed) January 9–11, 2023

Notice to Finalists January 12, 2023

Price Proposals Due January 19, 2023

Notice of Intent to Award (approx.) January 24, 2023

Award Protest Deadline (approx.) January 31, 2023 (7 days after notice of intent to award)

Negotiations February 1, 2023 – February 6, 2023

Contract Award February 7, 2023

**VIII. Protest Procedures**

Proposers may submit to City’s city manager a written protest of the RFP, contractual terms or specifications, or consultant selection. To be considered, a protest must (a) identify the Proposer’s name and reference to this RFP, (b) contain evidence that supports the grounds on which the protest is based and specify the relief sought, including, without limitation, a statement of the proposed changes to the process or RFP provisions, requirements or terms, and/or conditions that the Proposer believes will remedy the conditions upon which the protest is based, (c) be signed by the Proposer’s authorized representative, and (d) be submitted, in writing, to the City’s city manager at the address(es) set forth in this RFP. Any protest of this RFP or any consultant selection must be submitted in accordance with OAR 137-048-0240. A timely submitted protest will be resolved within a reasonable time following City’s receipt of the protest.

**IX. Additional Information**

A. Certification of Compliance with Tax Laws. By submitting a Proposal, the signatory must certify that the Proposer is not, to the best of the Proposer’s knowledge, in violation of any Oregon tax law. For purposes of the certification, “Oregon tax law” means any tax laws of the state or a political subdivision of the state including, without limitation, ORS 305.620 and ORS chapters 316, 317 and 318.

B. Confidential Information.

1. Subject to ORS 279C.107, any Proposal submitted may be subject to public records requests as permitted by Oregon Public Records Law. City will attempt to maintain the confidentiality of materials marked “Confidential” if and to the extent required under Oregon Public Records Law. If it is necessary to submit trade secrets and/or other confidential information to comply with the terms and conditions of this RFP, each proposer must label any information that it desires to protect from disclosure to third parties as a trade secret under ORS 192.345(2) and/or confidential under ORS 192.355(4) with the following: "This material constitutes a trade secret under ORS 192.345(2) [and/or confidential information under ORS 192.355(4)] and is not to be disclosed except as required by law." Each page containing the trade secret and/or other confidential information must be so marked.

2. City will take reasonable measures to hold in confidence all such labeled information; provided, however, City will not be liable for release of any information when required by law or court order to do so, whether pursuant to the Oregon Public Records Law or otherwise, and will also be immune from liability for disclosure or release of information as provided under ORS 646.473(3).

3. In submitting a Proposal, each Proposer agrees that City may (a) reveal trade secret and/or other confidential materials and/or information contained in the Proposal to City staff and to any City consultant, and (b) post the Proposal on City’ s intranet or internal network for purposes related to its evaluation and ranking. By responding to this RFP, each Proposer agrees to defend, indemnify, and hold City and each City officer, employee, and representative harmless for, from, and against all costs, damages, and expenses incurred in connection with refusing to disclose any material that the Proposer has designated as a trade secret and/or as confidential information. Any Proposer that designates its entire Proposal as a trade secret and/or confidential information may be disqualified.

C. Expenses; City Rights. Proposers responding to this RFP do so at their own expense; City is not responsible for any costs and/or expenses associated with the preparation and/or submission of any Proposal. Notwithstanding anything contained in this RFP to the contrary, if in City’s best interest, City reserves the right to, in accordance with applicable law, (a) amend and/or revise this RFP in whole or in part, (b) cancel this RFP, (c) extend the submittal deadline for responses to this RFP, (d) waive minor informalities and/or errors in the Proposals, (e) reject any or all Proposals for any reason and/or without indicating reasons for rejection, (f) and/or negotiate a final contract that is in the best interest of City. Further, City reserves the right to seek clarification(s) from any Proposer and/or require supplemental information from any Proposer. This RFP does not obligate City to award a contract and/or to procure the Services. City reserves the right to enter one or more contracts concerning the Services.

D. Questions. Any general questions regarding this RFP may be directed, in writing, to Corum Ketchum, City Manager at:

Email: [ketchumj@grantcounty-or.gov](mailto:ketchumj@grantcounty-or.gov) (preferred method)

Mail: City of John Day

City Manager, Corum Ketchum

450 East Main Street

John Day, Oregon 97845

Exhibit A

Scope of Services

Exhibit B

**Certificate of Non-Discrimination**

Pursuant to ORS 279A.110, discrimination in subcontracting is prohibited. Any contractor who contracts with a public contracting agency will not discriminate against minorities, women, and/or emerging small business enterprises and/or a business enterprise that is owned or controlled by or that employs a disabled veteran in the awarding of contracts.

By signature of the authorized representative of the proposer below, the proposer hereby certifies to City of John Day that the proposer has not discriminated against minorities, women, and/or emerging small business enterprises and will not discriminate against a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns or an emerging small business in obtaining any subcontracts; and, further, that if awarded the contract for which this proposal is submitted, will not so discriminate.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed or Typed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Proposer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Exhibit C

Sample Professional Services Agreement

[attached]