

City of John Day
(Wastewater System Improvements – Engineering Services)

REQUEST FOR PROPOSALS

PROPOSALS DUE:

Friday, March 22, 2019

4:00 p.m.

at

John Day City Hall

450 E. Main Street, John Day, Oregon 97845

or

green@grantcounty-or.gov

Work under this project is funded in part with federal grant funds from the Oregon Community Development Block Grant program.

CITY OF JOHN DAY
Proposal Advertisement
Request for Proposals
Wastewater System Improvement Engineering Services

NOTICE IS HEREBY GIVEN that City of John Day ("City") is requesting sealed proposals from qualified firms or individuals to provide engineering services for design and construction management concerning City's wastewater system expansion and improvements. City's wastewater system improvements are described in Alternative B in the City's 2018 Wastewater Facilities Plan Update, and include construction of a new mechanical wastewater treatment facility with aerobic digestion and construction of a purple pipe network for distribution of class A reclaimed water. City is seeking qualified firms or individuals to provide professional engineering services, including, without limitation, (a) preliminary and design engineering, including plans and specifications, for certain wastewater system improvements, and (b) complete construction management services for the project.

Interested parties may obtain a copy of the Request for Proposals (the "RFP") (and related documents) by downloading a copy from City's website at <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 sealed in an opaque envelope or package and must be submitted to City Manager Nick Green by mail or hand delivery at 450 East Main Street, John Day, Oregon 97845 by **4:00 p.m., Friday, March 22, 2019**. Sealed proposals will be publicly opened at 12:00 p.m. on Tuesday, March 26, 2019. 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 "City of John Day Request for Proposal –Wastewater System Improvement Engineering Services."

CITY OF JOHN DAY
Request for Proposals
Wastewater System Improvement Engineering Services

OVERVIEW

City of John Day ("City") is a historic timber community located in the mountains of eastern Oregon. Construction of the City's original wastewater collection system began in 1949. Major additions were completed in 1970 and 1978. Since 1978, the collection system has been expanded several times to support the City's growth. The existing Waste Water Treatment Facility (WWTF) is located on the northwestern end of the City at the end of 7th Street. City's existing mechanical WWTF provides secondary treatment of the City's domestic wastewater.

Based upon a process evaluation completed in 2010 and updated in 2018, City's WWTF is in need of major improvements, regardless of whether any growth occurs in the John Day and Canyon City service areas. City is also in the process of developing an area plan for a portion of the City to be known as the Innovation Gateway. Formerly the site of the Oregon Pine Mill and City's existing WWTF, the Innovation Gateway area would potentially house City's new WWTF that would support commercial-scale hydroponic greenhouses through water reuse. Construction of the first greenhouses is underway with plans to add additional greenhouses in the future. A portion of the development will be dedicated commercial property for a farmers' market, restaurant/microbrewery, and the City's Public Works Department.

The purpose of this Request for Proposals ("RFP") is to select a consultant to provide engineering services for City concerning these wastewater system improvements. The selected firm or consultant will report directly to the city manager and/or his or her designee.

GENERAL BACKGROUND INFORMATION

A. Project.

1. City is planning to build a new wastewater treatment facility to replace City's mechanical treatment plant originally built in 1949. The mechanical treatment plant consists of an influent lift station, a headworks structure, primary clarifiers, trickling filters, secondary clarifiers, gas chlorination, chlorine contact basin, four percolation ponds, and an area to dispose of the solids. City is still using components and concrete from when it was originally constructed; most of the concrete is cracking or distressed and many of the components are failing. There was an upgrade in 1978, which was over 40 years ago. Modifications have been done over time to address collection, inflow and infiltration into the collection system. However, despite upgrades and modifications, the existing system is beyond its useful life and is currently under Administrative Review by the Oregon Department of Environmental Quality ("DEQ"). The permit to operate the plant expired in 2007 and will not be renewed until there is a configuration change. As a result, a new plant is needed.

2. City's city council has reviewed options for a new plant. The options include the following: (a) a facility that uses hydroponics technology to treat and reclaim wastewater for beneficial re-use; (b) a land application and irrigation option; and (c) a traditional mechanical plant. These three

options were the basis for a feasibility study that was conducted in 2017-18. The goal of the study was to determine the option that will create the highest economic benefit for City's taxpayers.

3. At the June 26, 2018 city council meeting, council approved the hydroponics facility as the option that provides our community with the best long-term value (described in Alternative B in the City's 2018 Wastewater Facilities Plan Update).

4. For purposes of this RFP, the term "Project" means the Wastewater System Improvements. Copies of the wastewater facilities plan (including Alternative B in City's 2018 Wastewater Facilities Plan Update) may be obtained on City's website and/or at City Hall.

B. Estimated Project Cost. The Project is estimated to cost approximately \$12,500,000.00.

C. Estimated Time Period. Work on the Project is estimated to begin in the spring of 2019 and to be completed in 2021. The estimated time period in which the Services (as defined below) will be performed will begin in the spring of 2019 and end in December 2021.

SCOPE OF SERVICES

The scope of services to be performed by the consultant pursuant to this RFP include, without limitation, the following engineering services concerning the Project (collectively, the "Services"):

A. Preliminary Engineering.

- Complete easement and land acquisition.
- Complete environmental and archaeological investigations and reports.
- Assist with permit acquisition.

B. Design Engineering.

- Complete design topographical surveys.
- Preparation of draft and final engineering design documents including plans, specifications, contract documents, and cost estimates.
- Submit final design plans, specifications, and other documents to City and applicable agencies for review and approval.
- Prepare all permit and approval applications for the project as required, including, without limitation, all applicable 1200-C, Oregon Department of Transportation, and/or Grant County permits.
- Assist environmental consultant with wetland delineation, cultural surveys and other environmental review support, as needed.

C. Construction Engineering.

- Complete advertisement for bids.
- Attend a pre-bid conference, respond to technical questions from potential bidders, and issue addenda, as required.

- Assist in bid opening, provide recommendations to the City Council for bid award, and assist in contract development.
- Attend a pre-construction meeting(s).
- Provide engineering support during construction including submittal reviews, contract administration, applications for payment, change order preparation, etc.
- Review the selected contractor's progress payment requests and certify quantities claimed accurately reflect work performed and materials supplied during the payment period.
- Provide services related to change orders such as preparation of change order proposal description and justification documentation, assistance with negotiation of change with contractor, making recommendations to City regarding any change orders, and processing the formal change order documents.
- Provide full-time construction observation.
- Complete contract closeout process including substantial completion walk-through, development of a "punch list," final completion walk-through, and recommendation of final payment.
- Advise City and the contractor of the dates for any warranty periods as established in contract documents.
- Maintain files and document tracking system throughout the entire project.
- Coordinate with the contractor and City for final testing and startup of facilities.
- Prepare and submit to City as-built drawings upon completion of construction.

D. Other Items. It is anticipated that other Project-related tasks could arise during the preliminary engineering and/or design engineering phases. These tasks may include, without limitation, geotechnical explorations, conditional use permits, site specific reports, and other evaluations. City's Innovation Gateway Project Manager and Public Works Director will perform the role of project managers (the "Project Managers"). The Project Managers will work closely with the consultant team and answer questions, make decisions, provide guidance, and assist in coordination as needed. All available information City has will be available to the consultant team selected to perform the Services. Information may include, without limitation, tax maps, aerial photos, and as-built drawings.

FUNDING SOURCES

Funding sources for the Project may include, without limitation, the following: Oregon Business Development Department – Infrastructure Finance Authority Community Development Block Grant Program ("IFA CDBG Program"); Oregon Water Resources Department (OWRD) Water System Improvement Grants; USDA Rural Development Water and Environmental Program (WEP) Funds; Oregon Clean Water State Revolving Loan Funds (CWSRF); and City funding. If awarded to City, Community Development Block Grant ("CDBG") funds will be used for the preliminary engineering and design services concerning the Wastewater System Improvements and for final engineering and construction management. Such portion of the Services will be performed subject to and in accordance with all applicable requirements including, without limitation, those contract clauses attached hereto as Exhibit A.

EVALUATION CRITERIA

The qualification-based selection process will be administered in accordance with the authority and procedures in ORS 279C.100 – ORS 279C.125 and OAR Chapter 137, Division 48. Proposals submitted before the deadline will first be evaluated for compliance with the minimum required qualifications

identified below. Proposals meeting these requirements will be forwarded to an evaluation committee that will independently score each proposal according to the scored criteria listed below.

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

1. At least one (1) copy of the submittal proposal must bear an original signature on the introductory letter. A duly authorized representative empowered to bind the consultant must sign the proposal.
2. The proposal must not include any cost sheets or fee-related information.
3. 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 Bar of Examiners for Engineering and Land Surveying.
4. The proposal must demonstrate the proposer's compliance with the insurance required in this RFP.
5. Each proposal must include a certificate of non-discrimination pursuant to ORS 279A.110, substantially in the form attached hereto as Exhibit B.

B. Scored Criteria. All proposals from qualified firms or consultants that meet the minimum required qualifications will be evaluated on the following criteria (a total of 100 points is available for the scored criteria):

1. Professional Qualifications of Project Team (20 points). Provide a firm overview and qualifications for providing the Services. List key team members who will be assigned to this project, their roles and responsibilities, and their qualifications and experience.
2. Experience (20 points). Provide at least three (3) examples of services rendered on projects completed in the last five (5) years that best characterizes and demonstrates the firm's experience providing services similar to the Services. Also demonstrate experience within the framework and requirements of grant funded projects, particularly CDBG.
3. Method of Approach (20 points). Demonstrate a clear approach to completing the Services and proposed benchmarks for Project and Services completion.
4. Availability; Familiarity with City's Systems (15 points). Demonstrate ability to provide responsive services to assist City during the Project, based on the amount and type of staff resources available in the Project vicinity to perform the Services. Also include your team's past performance history with City.
5. Understanding of Requested Services (15 points). Demonstrate a clear and concise understanding of the Services.
6. References (10 points). Provide references and recommendations from at least five current or former clients. References should establish the firm's or consultant's demonstrated ability to successfully and reliably complete similar projects.

C. The outcome of the independent evaluation may, at City's sole discretion, result in (a) notice to a proposer(s) of selection for tentative negotiation and possible award, or (b) further steps to gather more information for evaluation, which may include, without limitation, a notice of placement on an interview list with time and date of the interview.

PROPOSAL SUBMISSION REQUIREMENTS

A. No Pre-Proposal Meeting. City will not hold a pre-proposal meeting.

B. Submission. Five (5) copies of the proposal must be received by **4:00 p.m.**, Pacific Time on **March 22, 2019**. Sealed proposals will be publicly opened at 12:00 p.m. on Tuesday, March 26, 2019. At least one copy of the proposal must bear an original signature. A duly authorized representative empowered to bind the proposer must sign the proposal. All proposals must be sealed in an opaque envelope or package and must be delivered to City Manager Nick Green by mail or hand delivery at 450 East Main Street, John Day, Oregon 97845 by **4:00 p.m.**, Pacific Time on **March 22, 2019**. Mis-deliveries, late, and/or faxed submittals will be considered nonresponsive.

B. Format for Proposals. Please submit written proposals in compliance with the following page limitations (one page is considered to measure 8-1/2 x 11, with 11-point font size minimum):

<u>Contents</u>	<u>Maximum Number of Pages</u>
Introductory Letter	2
Professional Qualifications of Project Team	3
Experience	3
Method of Approach	3
Availability; Familiarity with City's Systems	3
Understanding of Requested Services	3
References	2
Total	19

The proposal should not exceed nineteen (19) pages, excluding the cover sheet, certificate of nondiscrimination, and any tabs or indexes.

C. Introductory Letter. The letter will name the person(s) authorized to represent the consultant in any negotiations and name of the person(s) authorized to sign any contract which may result. The letter will indicate insurance coverage carried by the consultant. The letter will be signed by an authorized representative of the consultant. The consultant must carry the following types and minimum coverages of insurance: (a) general liability insurance for all losses or claims arising out of or related to the selected consultant's performance of its obligations under the Agreement (defined below) (including, without limitation, damages as a result of death or injury to any person or destruction or damage to any property) with limits of not less than \$1,000,000 per occurrence, \$2,000,000 in the aggregate; (b) comprehensive automobile liability insurance for all owned, non-owned, and hired vehicles that are or may be used by the selected consultant in connection with the consultant's performance of the Services with limits of not less than \$1,000,000 per occurrence, \$2,000,000 in the aggregate; (c) errors and omissions insurance with limits of not less than \$1,000,000 per occurrence, \$2,000,000 in the aggregate; (d) employer liability insurance with limits of not less than \$500,000 per occurrence and in the aggregate; and (e) workers' compensation insurance in form and amount sufficient to satisfy the requirements of applicable Oregon law. Consultants who do not carry the required insurance may not be considered.

SELECTION PROCESS

- A. Proposals that do not meet the minimum required qualifications will be rejected. Proposals meeting the minimum required qualifications will be evaluated by an evaluation committee based upon the criteria and points assigned in this RFP.
- B. City will appoint an evaluation committee of no fewer than three individuals to review, score, and rank each proposal. The evaluation committee may contact references provided in each proposal.
- C. The evaluation committee may request interviews. Interviews will be scored on the same criteria and points as the initial submission of proposal. Upon completion of the interviews, if any, the evaluation committee will provide City the results of the scoring and ranking of each proposal. If City does not cancel the RFP after it receives the results of the scoring and ranking of each proposal, City will issue a notice of intent to award and after any protest period, begin negotiating a contract with the highest-ranked proposer.
- D. Contract negotiations with the highest ranked proposer will be directed toward obtaining written agreement on (a) the consultant's performance obligations and a performance schedule, and (b) the payment methodology and a maximum, not-to-exceed contract price that is fair and reasonable to City, as determined by City, taking into account the estimated value, scope, complexity and nature of the Services. City reserves the right to negotiate a final contract that is in the best interest of City.
- E. If negotiations with the highest-ranked proposer fail to result in a contract, City reserves the right, pursuant to OAR 137-048-0220(4)(e), to formally terminate negotiations and enter into negotiations with the second-ranked proposer and, if necessary, the third-ranked proposer and so on, until the negotiations result in a contract. If the subsequent rounds of negotiations fail to result in a contract within a reasonable amount of time, as determined by City, the RFP may be formally terminated.
- F. Any contract entered into by City and the selected consultant will contain terms and conditions required under applicable law, including, without limitation, certain state and federal requirements applicable to funding sources, as applicable, and will otherwise be in form and content satisfactory to City. Without otherwise limiting the generality of the immediately preceding sentence, the contract will include terms and conditions concerning, among other things, acceptable standards of performance, compensation, minimum insurance requirements, compliance with laws, federal and state contract clauses, indemnification, and representations and warranties, and will be substantially in the form attached hereto as Exhibit C (the "Agreement").

ANTICIPATED SCHEDULE

RFP Issued	February 27, 2019
Requests/RFP Protest Deadline	March 15, 2019
Proposal Due Date	March 22, 2019
Opening	March 26, 2019
Review and Scoring	March 26, 2019
Evaluation Interviews (if Needed)	March 26-28, 2019

Notice of Intent to Award (“NOI”) (apprx.)	March 29, 2019
Award Protest Deadline (apprx.)	April 7, 2019
Negotiations	April 1 – April 8, 2019
Notice of Award (apprx.)	April 9, 2019

ADDITIONAL INFORMATION

A. No cost or fee schedules will be submitted as a part of a proposal. Pursuant to Oregon public contracting law, cost and fee information will be presented during contract negotiations after the selection of the most qualified consultant with which to negotiate. It is understood that all submittals will become part of the public file on this matter, without obligation to City.

B. Notwithstanding anything contained in this RFP to the contrary, if in City’s best interest, City reserves the right to amend and/or revise this RFP in whole or in part, cancel this RFP, extend the submittal deadline for responses to this RFP, and/or reject any or all proposals for any reason and/or without indicating reasons for rejection. Further, City reserves the right to (a) seek clarification(s) from each proposer and/or require supplemental statement or information for any proposer, (b) waive and/or correct any irregularities in proposals after prior notice to the proposer, and/or (c) negotiate with alternate proposers, if initial contract negotiations are unsuccessful.

C. Proposers may submit to City questions and/or requests for additional information, including, without limitation, inquiries related to substantive portions of the RFP, questions regarding the intent of the work, and/or questions concerning technical aspects of the work. All questions and/or requests must be submitted in writing either by mail or email to:

City of John Day
Attn: Nick Green
450 East Main Street,
John Day, Oregon 97845
green@grantcounty-or.gov

All requests for additional information must clearly reference, “City of John Day Request for Proposal – Wastewater System Improvement Engineering Services.” All questions and/or requests to change any provision, specification, or contract term must be received not later than seven (7) calendar days prior the deadline to submit proposals. Substantive questions and all responses will be made available at city’s at <http://www.cityofjohnday.com/rfps>. When appropriate, revisions, substitutions, and/or clarifications will be issued as official addenda to this RFP.

D. The selected consultant will be required to obtain a City business license and maintain active business license status while conducting work within the City. The consultant and any subconsultant and/or subcontractor will need to be registered in SAM.gov.

E. The State of Oregon through the Oregon Business Development Department Block Grant program encourages grant recipients to take affirmative steps to use small firms, minority-owned firms and women-owned firms, and emerging small businesses in grant-funded projects.

F. City has or will adopt a policy to require its contractors to make good faith effort to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment. Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C 1701u) ("Section 3") requires City to ensure that employment and other economic and business opportunities generated by the Department of Housing and Urban Development ("HUD") financial assistance, to the greatest extent feasible, are directed to public housing residents and other low-income persons, particularly recipients of government housing assistance, and business concerns that provide economic opportunities to low- and very-low income persons. Eligible Section 3 residents are encouraged to respond to this RFP and complete the certificate attached as Exhibit D.

G. Notwithstanding anything contained in this RFP to the contrary, City will issue the NOI and make a decision to award the contract for the Services only after the IFA CDBG Program award announcement. This RFP does not obligate City to award a contract and/or to procure the Services described herein. Without otherwise limiting the generality of the immediately preceding sentence, City reserves the right to not award a contract (and/or procure the Services) if City is not awarded grant funding through the IFA CDBG Program. Consultants responding to this RFP do so at their own expense and City is not responsible for any costs and/or expenses associated with the preparation and/or submission of any proposal.

H. Prospective proposers may obtain a copy of this RFP as well as City's wastewater facilities plan (including Alternative B in City's 2018 Wastewater Facilities Plan Update) on City's website at <http://www.cityofjohnday.com/rfps> and/or at John Day City Hall at 450 East Main Street, John Day, Oregon 97845.

I. Confidential Information.

1. Any proposal submitted may be subject to public information requests as permitted by Oregon Public Records Law. City will attempt to maintain the confidentiality of materials marked "Confidential" to the extent required under Oregon Public Records Law. If it is necessary to submit trade secrets and/or other confidential information in order 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, but in no event will City 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 any trade secret and/or other confidential materials 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 harmless City each City officer, employee, representative, and agent from 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 may be disqualified.

PROTEST PROCEDURES

Proposers may submit to the city manager a written protest of the RFP, contractual terms or specifications, or award of protest. 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 proposers 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 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.

Exhibit A
CDBG Contract Clauses

(attached)

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 shall not discriminate against minority, women or emerging small business enterprises 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, the proposer hereby certifies to City of John Day that this proposer has not discriminated against minority, women, or emerging small business enterprises will not discriminate against minority, women or against a business enterprise that is owned or controlled by or that employs a disabled veteran in obtaining any subcontracts; and, further, that if awarded the contract for which this bid or proposal is submitted, will not so discriminate.

Date: _____

Signature: _____

Printed or Typed Name: _____

Name of Firm: _____

Exhibit C
Sample Agreement

(attached)

Exhibit D
Section 3 Certification

(attached)