

City of John Day
(Wastewater System Improvements – Final Design & Construction Engineering)

REQUEST FOR PROPOSALS

PROPOSALS DUE:

Friday, May 31, 2024

4:00 p.m.

at

John Day City Hall

450 East Main Street, John Day, Oregon 97845

or

bethelm@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

Request for Proposals

Wastewater System Improvement – Final Design & Construction Engineering

NOTICE IS HEREBY GIVEN that City of John Day (“City”) is requesting sealed proposals from qualified firms or individuals to provide design and construction management engineering services concerning City’s wastewater system expansion and improvements. City’s wastewater system improvements are described in *Addendum 1 to the 2019 Preliminary Engineering Report* and include construction of a new mechanical wastewater treatment plant. City is seeking qualified firms or individuals to provide professional engineering services, including, without limitation, the following: (a) design engineering, including plans and specifications, for certain wastewater system improvements; (b) package treatment plant solicitation management; and (c) construction management services.

Interested parties may obtain a copy of the Request for Proposals (this “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 Melissa Bethel by mail or hand delivery at 450 East Main Street, John Day, Oregon 97845 by **4:00 p.m., Friday, May 31, 2024**. Sealed proposals will be publicly opened at 4:30 pm on Friday, May 31, 2024. City will not consider any proposal (a) received after the stated date and time, (b) that is incomplete, and/or (c) that is not submitted in the proper manner and format. Proposals must be clearly marked “City of John Day Request for Proposals – Wastewater System Improvement – Final Design & Construction Engineering.”

Date: May 1, 2024

CITY OF JOHN DAY

Request for Proposals

Wastewater System Improvement – Final Design & Construction Engineering

I. BACKGROUND

City of John Day (“City”) is a historic timber community located in the mountains of eastern Oregon. Construction of 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 City's growth. The existing Wastewater Treatment Facility (“WWTF”) is located on the northwestern side of City at the end of 7th Street and provides secondary treatment of City's domestic wastewater.

The WWTF 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 solids. City is still using components and concrete from the WWTF’s original construction. Most of the concrete is cracking or distressed and many of the components are failing.

The WWTF was upgraded more than 40 years ago in 1978. Modifications have been made over time to address collection, inflow, and infiltration into the collection system. City completed a process evaluation in 2010, which was updated in 2018. The evaluations indicated that the WWTF requires major improvements.

II. GENERAL PROJECT INFORMATION

1. The Project

Due to the age of the WWTF, its degradation over time, and a more than 15-year process to update the City’s WPCF permit, City intends to design and construct a new WWTF (the “Project”). The guiding, and most recent, engineering feasibility document for the Project is Addendum 1 to the *2019 Preliminary Engineering Report* (the “PER”) developed by Flagline Engineering, LLC (“Flagline”) and Kennedy/Jenks Consultants, Inc. (“KJ”). City contracted with Flagline and KJ to assist with the analysis and selection of new pipeline alignment and treatment technology for the Project.

The purpose of Addendum 1 to the PER was to provide additional alternatives analysis for both the new wastewater treatment facility and the collection system. This addendum provides a more robust and comprehensive analysis of available treatment technologies and was intended to address United States Department of Agriculture’s (“USDA”) review comments associated with the PER. Flagline and KJ produced Addendum 1 to the PER with three revisions pursuant USDA comments.

City’s city council (the “Council”) reviewed options for a new wastewater treatment plant several times since 2018 with the latest revisions occurring during a January 2024 Council meeting. Addendum 1 to the PER discusses the treatment plant alternatives, distribution system improvements, and all other improvements to complete the Project. At the January 2024 Council meeting, the Council decided to postpone demolition of the existing treatment plant until a later date and to consolidate the treatment plant facility into as few buildings as possible.

The Project will include, without limitation, a treatment plant (headworks, sequencing batch reactor, blower building, tertiary filters and backwash pumps, UV and effluent pumps, and dewatering building), operations building, effluent pipeline, necessary access roads, new utilities connecting to the plant, and other associated necessary buildings as described in Addenda 1 to the PER. Because the Council approved several Project cost-saving measures that necessitate further revisions to the PER, the PER currently on file with the USDA will need to be revised to reflect those changes in addition to an updated cost estimate.

The purpose of this Request for Proposals (“RFP”) is to select a consultant to provide engineering services for City concerning the Project as outlined in the proposed draft scope of work attached hereto as Attachment A (the “Scope of Work”). The selected firm or consultant will report directly to City’s city manager and/or his or her designee(s).

2. Estimated Project Cost: The Project is estimated to cost approximately \$21,000,000.00.

3. Estimated Time Period: The selected consultant’s services for the Project are estimated to begin in the summer of 2024 and will continue until Project construction is complete, which is estimated to be before the end of 2027.

III. RFP ATTACHMENTS

- Attachment A: Draft Engineering Scope of Work
- Attachment B: Community Development Block Grant (“CDBG”) Contract Clauses
- Attachment C: Certificate of Non-Discrimination
- Attachment D: Sample Agreement
- Attachment by Reference: 2019 Preliminary Engineering Report and associated addenda. Available at: <http://www.cityofjohnday.com/rfps>

IV. FUNDING SOURCES

Funding sources for the Project may include, without limitation, the following: (a) Oregon Business Development Department (“OBDD”) – Infrastructure Finance Authority CDBG Program (“IFA CDBG Program”); (b) OBDD Water/Wastewater Financing Program; (c) USDA Rural Development Water and Environmental Program (“WEP”) Funds; and (d) City funding. If awarded to City, IFA CDBG Program funds will be used for design and construction engineering services. USDA Rural Development WEP funds will be used to acquire a package treatment plant and construct the treatment facility. The selected consultant must follow the standards of all funding agencies. The Services (defined below) will be performed subject to and in accordance with all applicable requirements including, without limitation, those contract clauses attached hereto as Attachment B and Attachment D.

V. SCOPE OF SERVICES

The services to be performed by the selected consultant pursuant to this RFP include, without limitation, those services described in the Scope of Work (collectively, the “Services”). City may be willing to discuss and negotiate the specific tasks included in the Scope of Work. Ultimately, City wants to construct a functional wastewater treatment plant and expects the selected engineer to properly scope the Project to accomplish that goal.

It is anticipated that other Project-related tasks could arise during the design engineering and/or construction engineering phases. City's project manager will work closely with the selected consultant's team and answer questions, make decisions, provide guidance, and assist in coordination, as needed. City may have information available to assist the selected consultant's performance of the Services, including, without limitation, tax maps, aerial photos, and as-built drawings.

VI. EVALUATION CRITERIA

The qualifications-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.

1. Minimum Required Qualifications. Failure to comply with one or more of the following criteria will result in rejection of the proposal:
 - i. The proposal must include an introductory letter. At least one copy of the proposal must bear an original signature from a duly authorized representative empowered to bind the proposer on the introductory letter.
 - ii. The proposal must not include any cost sheets or fee-related information.
 - iii. 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.
 - iv. The proposal must demonstrate the proposer's compliance with the insurance required in this RFP.
 - v. Each proposal must include a certificate of non-discrimination pursuant to ORS 279A.110, substantially in the form attached hereto as Attachment C.
2. Scored Criteria. All proposals from qualified firms or individuals that meet the minimum required qualifications will be evaluated on the following criteria (a total of **100 points** are available for proposal scored criteria):
 - i. Professional Qualifications of Project Team (20 points). Provide an overview of the proposer's firm and qualifications for providing the Services. List key team members who would be assigned to the Project, their roles and responsibilities, and their qualifications and experience.
 - ii. Experience (20 points). Provide at least three examples of services rendered on projects completed in the last five years that best characterize and demonstrate the firm's experience providing services similar to the Services. Demonstrate experience within the framework and requirements of grant funded projects, particularly CDBG funding.

- iii. Method of Approach (20 points). Demonstrate a clear approach to completing the Services and proposed benchmarks for Project and Services completion.
- iv. Availability; Past Performance with City (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. This must include the proposer’s past performance history with City.
- v. Understanding of Requested Services (15 points). Demonstrate a clear and concise understanding of the Services.
- vi. References (10 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.

The outcome of proposal evaluations 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 the time and date of the interview.

VII. PROPOSAL SUBMISSION REQUIREMENTS

1. Mandatory Pre-Proposal Meeting. City will hold a mandatory pre-proposal meeting on May 10, 2024 at 11:00 a.m. Pacific Time. The meeting will commence at John Day City Hall, 450 East Main Street, John Day, Oregon 97845, and all meeting attendees will then travel to the Project site for a walkthrough.

2. Submission. Five copies of the proposal must be received by City no later than 4:00 p.m., Pacific Time on Friday, May 31, 2024. All proposals must be sealed in an opaque envelope or package and must be delivered to City Manager Melissa Bethel by mail or hand delivery at 450 East Main Street, John Day, Oregon 97845. Mis-deliveries, late, and/or faxed submittals will be considered nonresponsive. Sealed proposals will be publicly opened at 4:30 p.m. on Friday, May 31, 2024.

3. 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; Past Performance with City	3
Understanding of Requested Services	3
References	2
Total	19

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

4. Introductory Letter. The introductory letter must name the person(s) authorized to represent the proposer in any contract negotiations and name of the person(s) authorized to sign any contract which may result. The letter must indicate insurance coverage carried by the proposer. The letter must be signed by an authorized representative of the proposer.

VIII. INSURANCE REQUIREMENTS

The selected consultant must carry the following types and minimum coverages of insurance: (a) general liability insurance for all losses and/or claims arising out of or related to the selected consultant's performance of its obligations under an agreement with City to perform the Services, including, without limitation, damages as a result of death or injury to any person or destruction or damage to any property, with limits of no less than \$2,000,000.00 per occurrence, \$4,000,000.00 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 selected consultant's performance of the Services with limits of no less than \$2,000,000.00 combined single limit; (c) professional liability insurance (errors and omissions insurance) with limits of no less than \$3,000,000.00 per occurrence, \$5,000,000.00 in the aggregate; and (e) workers' compensation insurance in form and amount sufficient to satisfy the requirements of applicable Oregon law. Proposers who do not carry the required insurance may not be considered.

IX. SELECTION PROCESS

1. 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.

2. The Scoring Committee will consist of Public Works Director, City Manager, and Grant Administrator. The Scoring Committee will recommend award of the highest scoring proposer to the City Council June 11, 2024.

3. The Scoring Committee may request interviews. If interviews are undertaken, they will be evaluated and scored pursuant to the criteria identified in Section VI(2)(i)-(v) above (a total of 80 additional points will be available if City undertakes proposer interviews). Upon completion of scoring and ranking each qualified proposal and interview (if applicable), the evaluation committee will provide City the results of the scoring and ranking of each proposal and interview (if applicable). If City does not cancel the RFP after it receives the scoring and ranking of each proposal and interview (if applicable), City will issue a notice of intent to award, and after the protest period, begin negotiating a contract with the highest-ranked proposer.

4. 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 not-to-exceed maximum 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 interests of City.

5. If negotiations with the highest-ranked proposer 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 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.

6. 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 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 required contract clauses, indemnification, and representations and warranties, and will be in form and content (subject to revisions or amendments City may require) to the Engineers Joint Contract Documents Committee standard agreement attached hereto as Attachment D (the “Sample Agreement”).

X. ANTICIPATED SCHEDULE

RFP Issued	May 1, 2024
Mandatory Pre-Proposal Meeting	May 10, 2024
Requests/RFP Questions Deadline	May 17, 2024
Proposal Due Date (Closing)	May 31, 2024
Opening	May 31 2024
Scoring	June 4, 2024
Evaluation Interviews (if needed)	June 3, 2024
Notice of Intent to Award (“NOI”) (approx.)	June 12, 2024
Award Protest Deadline (approx.)	June 20, 2024
Notice of Award (approx.)	June 21, 2024
Negotiations	June 21 - July 1, 2024
Contract approval (at Council)	July 9, 2024
Notice to Proceed	July 10, 2024

XI. ADDITIONAL INFORMATION

1. Cost and/or fee schedules must not be submitted as part of a proposal. Cost and fee information will be presented during contract negotiations after the selection of the highest-ranked proposer with which to negotiate. Proposals and any associated submittals provided pursuant to this RFP will become part of the public file on this matter.

2. 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 proposal deadline for responses to this RFP, and/or reject any or all proposals for any reason and without indicating reasons for rejection. Further, City reserves the right to (a) seek clarification(s) of

each proposal and/or require supplemental statement(s) or information from 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.

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

City of John Day
Attn: Melissa Bethel, City Manager
450 East Main Street,
John Day, Oregon 97845
bethelm@grantcounty-or.gov

All requests for additional information must clearly reference “City of John Day Request for Proposals – Wastewater System Improvements – Final Design and Construction Engineering.” All questions and/or requests to change any provision, specification, or contract term must be received no later than fourteen (14) calendar days prior the deadline to submit proposals. Substantive questions and all responses will be made available at <http://www.cityofjohnday.com/rfps>. When appropriate, revisions, substitutions, and/or clarifications will be issued as official addenda to this RFP.

4. The selected consultant will be required to obtain a City business license and maintain an active business license status while conducting any work within City. The selected consultant and any subconsultant and/or subcontractor must be registered at <https://sam.gov>.

5. The State of Oregon, through the OBDD CDBG program, encourages grant recipients to take affirmative steps to contract with small firms, minority-owned firms, women-owned firms, and emerging small businesses in grant-funded projects.

6. City has or will adopt a policy to require its contractors to make good faith efforts to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran 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 appropriate certificate available at: https://www.hud.gov/program_offices/field_policy_mgt/section3/publications_and_regulations.

7. Notwithstanding anything contained in this RFP to the contrary, City will issue the NOI and make a decision to award a contract for the Services only after an IFA CDBG Program award to City is announced. 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. Proposers responding to this RFP do so solely 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.

8. Prospective proposers may obtain a copy of this RFP, the PER and Addendum 1 to the PER, as well as City's wastewater facilities plan 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.

XII. 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 and each City officer, official, employee, representative, and agent from all lawsuits, claims, liabilities damages, costs, 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 may be disqualified.

XIII. PROTEST PROCEDURES

For purposes of any protest, proposers are directed to the protest procedures in OAR 137-048-0240. Proposers may submit to the city manager a written protest of the RFP, contractual terms or specifications, or award of a contract. 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 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.

Attachment A:
Scope of Work

(attached)

Attachment B:
CDBG Contract Clauses

(attached)

Attachment C
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 a subcontractor in awarding a subcontract because the subcontractor is a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a veteran-owned business, or an emerging small business that is certified under ORS 200.055.

By signature of the authorized representative of the proposer, the proposer hereby certifies to City of John Day that this proposer has not discriminated, and will not discriminate, against a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a veteran-owned business, or an emerging small business in awarding a subcontract, 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 D
Sample Agreement
(attached)