

January 11, 2021

City of Newton, Massachusetts

**REQUEST FOR QUALIFICATION STATEMENTS/PROPOSALS
FOR**

ENGINEERING DESIGN SERVICES FOR

BULLOUGH’S POND DAM REHABILITATION

PRELIMINARY AND FINAL DESIGN

1. OVERVIEW OF REQUEST

In this Request for Qualifications Statements/Proposals (“RFQ/P”) the City of Newton (“City”) requests qualifications statements and Proposals (“Proposals”) from qualified firms (“Proposers”) interested in providing professional dam engineering design services for preliminary and final design of Bullough’s Pond Dam rehabilitation in compliance MA Office of Dam Safety regulatory requirements under 302 CMR 10:00. These services include preliminary and final design, and engineering services during construction, regulatory requirements and permitting, bid document production and associated engineering support services.

The engineering disciplines required include civil and geotechnical engineering, as well as where needed, hydraulics and structural as they relate to dam safety needs for earthen and masonry dams. The work is further described in Attachment A to the RFQ/P-Scope of Services (“Scope of Services”).

A time and expense contract, with a cost not to exceed, will be awarded under this contract, via the City’s Law Department, including all Allowable Reimbursable Expenses.

The Scope of Services provides a complete description of the services to be provided under this engagement. The Phase 2 dam inspection report is also included as an attachment. Further reference material is available upon request.

The City anticipates that the successful proposer will be awarded a contract with a target start date of April 1, 2021. The City anticipates that the successful proposal will provide deliverables and perform design services from the time of Notice to Proceed through December 31, 2021. The City proposes to construct the rehabilitation in 2022.

This city procurement will be an evaluative, one step process. Proposers will submit information, to be evaluated by the city, concerning their cost, qualifications/key personnel, experience, past performance, technical approach, and capacity/organization/management approach, as more fully described in Sections 4.3 of this RFQ/P.

1.1. RFQ/P Electronic Distribution

This RFQ/P is being distributed electronically. The City accepts no liability, and will provide no accommodation, to Proposers who submit a Proposal that does not incorporate all Addenda or modifications, if any, to the RFQ/P. Unauthorized modifications to the solicitation are expressly prohibited. Proposals submitted in response to this RFQ/P must be submitted to the city per the instructions in Section 5 of this RFQ/P.

1.2. Notice

Information contained in this RFQ/P is intended for the use of the Proposer and such other entities as necessary for the preparation of its Proposal and for the performance of its services, and this information should be treated accordingly. The Proposer, and others who are the intended recipients of this information, shall inform all persons or entities to which this information has been or will be disclosed, that the information is provided for the preparation of its Proposal only, and Proposer will make the minimum number of copies available to others as is necessary to prepare its Proposal.

2. SCHEDULE OF PROPOSAL SELECTION PROCESS

The following is a tentative schedule (“Schedule”) of the selection process, subject to change at the City’s discretion.

RFQ/P issued January 15, 2021
Deadline for Proposals is no later than close of business February 12, 2021
City council vote to award Contract, March 2021
Notice to Proceed, April 2021

Any questions, requests for information, clarification or interpretation of the meaning of the RFQ/P Documents must be sent via email to the City Engineer as indicated below. The City may, at its option, respond to any such question or request in the form of written "Questions and Answers."

Such response shall represent the City's interpretation of the matter questioned or requested, but shall not become part of the RFQ/P or be binding upon the city. Any modification to the RFQ/P arising out of any question or request shall only be made by written Addendum.

The City will receive paper copies of the Proposals no later than the date shown in the schedule above.

Questions concerning this RFQ/P must be submitted by e-mail to Louis M. Taverna, P.E., City Engineer at Ltaverna@newtonma.gov by close of business on the date noted in the Schedule.

3. EVALUATION AND RANKING OF PROPOSALS

The Selection Committee will appraise and compare each firm's Proposal using the following Evaluation Criteria and points.

3.1. Cost (25 points)

Evaluation under this criterion includes the appropriateness, reasonableness, and competitiveness of the cost proposal, including level of effort, and responsiveness to all cost information requirements.

3.2. Relevant Experience/Past Performance (25 points)

Evaluation under this criterion includes the Proposer's prior similar experience, including the work which best illustrates its most relevant experience, ability, and expertise to perform the services requested in this RFQ/P. The Proposer's past performance on similar public and private non-City of Newton projects ongoing and completed within the past seven (7) years. The Proposer's past performance as prime consultant on all projects for the City currently ongoing, and all completed within the last seven (7) years. The absence of city of Newton experience will not negatively impact the evaluation of the proposal.

3.3. Qualifications and Key Personnel (20 points)

Evaluation under this criterion includes the identity and qualifications of Key Personnel, team members and subconsultants available to work on this project, including their expected project assignments and the extent of their participation and the quality (i.e., appropriateness, capability, and relevant project experience) of Key Personnel and continuity of the project team, Key Personnel and subconsultants throughout the project.

3.4. Technical Approach (20 points)

Evaluation under this criterion includes the quality, completeness, and methodology of the technical approach envisioned for the project in response to the Scope of Services.

3.5. Capacity/ Organization and Management Approach (10 points)

Evaluation under this criterion includes the Proposer's capacity to apply and commit itself successfully to the project tasks and to complete the required services. The clarity, completeness, and effectiveness of the proposed organizational structure and staffing plan, and the proposed management approach needed to successfully manage this project. The demonstrated ability of the project team to work together effectively, to maintain schedule and cost control on this project, to resolve resource constraints, and to interact effectively with City engineering and operations and staff.

4. SUBMITTAL REQUIREMENTS

The Proposer's submission must include a cover letter (see Section 4.1); material establishing compliance with the Threshold Requirements for this project (see Section 4.2); and information (see Section 4.3) about the Proposer which the City will evaluate using the Evaluation Criteria listed above in Section 3.

4.1. Cover Letter

The Proposal should begin with a **cover letter** which confirms that the Proposer understands and agrees to the provisions of this RFQ/P and which furnishes the statements or information described below. In its cover letter the Proposer must:

- 4.1.1 State that it will meet the deliverables schedule due dates as proposed by the firm;
- 4.1.2 certify that all cost information, salaries, rates, policies, etc. are current, complete and accurate;
- 4.1.3 verify that all individuals listed in its Proposal are committed to performance on the project and are available to start on the date services are required in the contract;
- 4.1.4 declare that if selected, it will sign, without alteration, exception or limitation, the "City's Professional Engineering Services Agreement".
- 4.1.5 state that it will meet the insurance requirements for this project which are also described in the "City's Engineering Professional Services Agreement".
- 4.1.6 disclose if the Proposer or any member of its team is currently debarred from doing business with any governmental entity or is a party to any pending or current

litigation which might adversely affect performance on this project;

- 4.1.7 attest that it will comply with all local, state and federal requirements concerning the rights of and access for disabled persons;
- 4.1.8 state whether, in the last seven years, a petition was ever filed by the Proposer, or against the Proposer with or without its consent, under any federal or state law concerning bankruptcy, reorganization, insolvency or relief from creditors including, without limitation, a petition for protection of a Bankruptcy Court;
- 4.1.9 certify in its cover letter that it acknowledges and agrees to treat this RFQ/P and all documents related to it in accordance with the City's directions in Section 1.2 - Notice;
- 4.1.10 confirm that it has supplied the information necessary to meet the minimum Threshold Requirements found below in Section 4.2, including evidence of financial stability;
- 4.1.11 specify the legal entity name and address of the Proposer who, if selected for award will execute the "City's Engineering Professional Services Agreement"; and
- 4.1.12 specify which Addenda to this RFQ/P, if any, it has received and confirm that its Proposal incorporates said Addenda.

4.2. Threshold Requirement

- 1.1.1. The Proposer must make a showing of its financial stability. Failure to make this showing shall render the proposal ineligible for review by the selection committee.
- 1.1.2.

As a part of such a showing, include a statement in the cover letter as to whether, in the last seven years, a petition was ever filed by the Proposer, or against the Proposer with or without its consent, under any federal or state law concerning bankruptcy, reorganization, insolvency or relief from creditors including, without limitation, a petition for protection of a Bankruptcy Court. If this statement is in the affirmative, the Proposer must describe the circumstances that led to the filing, the ultimate disposition of the matter (e.g., a reorganization with a payment plan to creditors), the current financial situation and substantial, detailed evidence of the firm's financial ability to complete this Project, if selected. The Proposal should contain information that, in the Proposer's judgment, is sufficient to show its financial stability

- 1.1.2.1. If the Proposer has on file at the city audited financial statements for its most recently completed fiscal year, state in the cover letter that the City possesses the most recent audited financial statements of the firm. **(If said financial statements are not presently on file with the city; then the Proposer needs to submit them with the Proposal).**

NOTE: The Proposer is advised that no minimum required percentages of participation by Minority Business Enterprises (MBE's) and by Women Business Enterprises (WBE's) have been established for this project; however, the City encourages such participation. If MBE/WBE participation is proposed, please submit Form EEO/AA-95-002: MBE/WBE Consultant Utilization Analysis, included as Attachment F to this RFQ/P.

4.3. Detailed Evaluation Information

The following information will be used by the City's Selection Committee in evaluating Proposals which have met the Threshold Requirements. Proposals must include a Table of Contents and be divided and numbered into sections labeled with the same headings as appear underlined in the Evaluation Criteria listed in Section 3.

1.1.1. Cost

- 1.1.1.1. Key Project Personnel. Proposers must show education level and numbers of years of experience of such personnel, and the anticipated level of effort for such Key Project Personnel.

- 1.1.1.2. Consultant Owned Insurance: Proposers must maintain Professional

- 1.1.1.3.

Liability (errors and omissions) Insurance, Comprehensive General Liability Insurance, Automobile Liability Insurance, Umbrella Liability Insurance, Worker's Compensation and any other insurance required for the project at all times. See the city's Engineering Professional Services Agreement for coverage requirements.

1.1.1.4. The Proposer shall submit a cost not to exceed described in Scope of Services, resulting in a total amount for each task. The costs will include compensation for all direct labor costs, associated indirect costs, profit, and allowable other direct costs for the deliverable. The Proposer shall not be entitled to recover actual costs or additional profit in the event that its costs to complete a deliverable exceeds the Cost identified in its Price Submission Instructions, unless authorized and approved by the city.

1.1.1. Qualifications and Key Personnel

The Proposer shall provide the identity and describe the qualifications of Key Personnel, team members and subconsultants to be involved with this project, including their project assignments and the extent of their participation. The Proposer shall include resumes for all Key Personnel in an Appendix to the Proposal.

The Proposer must identify any Key Personnel who are proposed for this project and who were involved in a similar role for the projects described pursuant to Section 4.3.3 below. The Proposer shall describe its Key Personnel and project teams and those of its subconsultants, demonstrating their capability and relevant experience in response to the requirements in the Scope of Services. For each key person, indicate the firm for which the person shall work and summarize the qualifications justifying their assignment in the key role.

The Proposer shall identify by name the persons who will serve as Key Personnel in the following roles:

- 1) Project Manager;
- 2) Project Engineer,
- 3) Design Engineer,

For the key personnel involved in the project, the consultant shall provide personnel who are Massachusetts-licensed Civil Engineers with relevant experience in dam engineering design. The engineer responsible for affixing his/her seal and signature to the final reports and plans shall demonstrate at least seven (7) years of experience in performing engineering design of Significant and High Hazard size dams, and also demonstrate familiarity with MA Office of Dam Safety regulations under 302 CMR 10:00.

For each of the persons above, the Proposal shall provide **three (3) references**, and include the following information for each reference:

- 1) Name of contact person;
- 2) Title of contact person;
- 3) Contact person's recently verified telephone number and e-mail address;
- 4) Firm Name and address of contact person; and
- 5) Description of the role and responsibilities of Key Personnel in relation to that contact person.

1.1.1 Relevant Experience/Past Performance

The Proposer shall describe the most recent work, within the last seven (7) years, which best illustrates its team's most relevant experience, ability and expertise in performing the services in response to the requirements in the Scope of Services. The Proposal should describe three relevant client projects involving services similar in size and complexity to those envisioned in the Scope of Services. The description of the projects shall be for either City of Newton or non-City projects and shall include the project name and location, client name, a general project description, role of each team member and its general responsibilities, identification of Key Personnel who were involved in the project(s) and who are proposed for this project, the project schedule and the total dollar value of each phase of the project (design, engineering services during construction, construction).

The Proposer shall demonstrate that it and/or its team members have provided engineering services within the context of Massachusetts Public Construction Bidding Laws, Chapter 30 on similar projects. For the non-City projects described, submit a reference for each project listed with the name, title and recently verified telephone number and e-mail address of the contact person and the name and address of the firm, and describe the services provided.

The Proposer should describe, in an Appendix to the Proposal, its past performance on all projects for the City which are currently on-going, and those which were completed within the past (7) seven years. For these projects provide the name and contract number of the city's project, the City's Project Manager, the year of completion, and the name of the Proposer's Project Manager. The absence of City of Newton experience will not negatively impact the evaluation of the proposal.

1.1.2 Technical Approach

The Proposer shall present its technical approach envisioned to adequately complete the services. Sufficient detail on each Task shall be provided to demonstrate the Proposer's understanding of the required services, how the project will be structured, and how the work will be performed. The Proposal shall completely and clearly present all technical assumptions used in developing its cost proposal.

The Proposal should include an overall project plan and schedule that details work, activities, sequent of events, milestones, starting and completion dates, and personnel allocations for all work elements within the Scope of Services. Include in the work plan and schedule all services and deliverables in this Scope of Services. Within the work schedule, provide twenty-one (21) work days for the city to review of each submission of deliverables, unless otherwise specifically indicated herein. Include a draft and final deliverable submissions separated by City's draft document review time and time for document revision by Consultant.

1.1.3 Capacity/ Organization and Management Approach

1.1.4

The Proposer shall demonstrate its capacity to successfully apply and commit itself to the project's tasks, and to complete the required services on schedule. The Proposer shall identify all major on-going projects or anticipated projects which may conflict with the team's performance of services under this project. The Proposer shall provide, if needed, a detailed description of how it intends to mitigate these conflicts and establish service continuity for this project. The Proposer shall provide a description and chart of the project team organization including identification of all team members, reporting relationships, functional responsibilities and work location. The Proposer shall describe its management approach for this project; its plan to maintain schedule and cost control on this project, to resolve resource constraints, and to interact effectively with City engineering and operations and staff. The Proposer shall submit a detailed schedule for performance of the services under this project and shall identify the major work activities, the timeline for deliverables, review periods and critical path items.

5.

1 INSTRUCTIONS AND OTHER INFORMATION

- 1.1** The City reserves the right to seek additional information from any and all Proposers and to schedule interviews with finalists based on preliminary scores.
- 1.2** The City reserves the right to reject any and all Proposals, to waive any minor informalities in the Proposals, and to enter into any agreement deemed by the city to be in its best interest.
- 1.3** Except where this RFQ/P contains express instructions to the contrary, all requested information must be included in the Proposal document and attachments. Information submitted separately will not be considered by the Selection Committee in evaluating the proposal.
- 1.4** Proposers are further advised that upon signing a contract, the Consultant must certify that it has complied with any and all state and local tax laws designated in the Article covering
- 1.5**

statement of tax compliance in the contract. Consultant's failure to certify compliance with said laws will be cause for the City to not enter into a contract. The City further reserves the right to investigate, at any time prior to the City's execution of a contract or during the term of a contract, any information indicating that the Consultant has not complied with said laws. If the City determines that the Consultant has not complied with said laws, it shall decline to enter into a contract and may decline to extend the contract.

- 1.6** During the RFQ/P process, Proposers shall not seek or discuss any information directly relating to this procurement with any City employee, except in writing to those listed in this RFQ/P (or except as authorized by the listed employee). Violation of this provision may result in disqualification from eligibility for selection.

6. RFQ/P ATTACHMENTS

This RFQ/P includes the following Attachments, all of which are incorporated by reference:

Attachment A Scope of Services

Phase 2 Dam Inspection Report

Your interest in working with the City of Newton is appreciated.

James McGonagle, Commissioner of Public Works