



RFP No. WTR087

PROFESSIONAL, TECHNICAL AND EXPERT SERVICES

City of Portland, Oregon
March 4, 2010

REQUEST FOR PROPOSALS

**ON-CALL SERVICES FOR
WATER MAIN PROJECTS**

PROPOSALS DUE: April 2, 2010 by 4:00 p.m.

Envelope(s) shall be sealed and marked with RFP # and Project Title.

Submit one (1) unbound print-ready original, five (5) bound copies, and one CD of the Proposal to:

City of Portland
Water Bureau
Attn: Corrina Rodriguez
1120 SW 5th Avenue, 5th Floor
Portland, OR 97204

Refer questions to:

City of Portland
Water Bureau
Attn: Corrina Rodriguez
Phone: (503) 823-7550
Email: corrina.rodriquez@ci.portland.or.us

GENERAL INSTRUCTIONS AND CONDITIONS

DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS – The City of Portland seeks to extend contracting opportunities to Minority Business Enterprises, Women Business Enterprises and Emerging Small Businesses (M/W/ESBs) in order to promote their economic growth and to provide additional competition for City contracts. Therefore, the City has established an overall 20% utilization goal in awarding PTE contracts to ESBs. No goal is set for the use of M/WBE firms, but the City is committed to ensuring that such firms receive opportunities and equal consideration to be awarded City PTE contracts.

ENVIRONMENTALLY PREFERABLE PROCUREMENT – In accordance with the City's Sustainable City Principles and the City's Sustainable Procurement Policy, the City of Portland values the use of products and services that minimize the negative human health and environmental impacts of City operations. Therefore, proposers are encouraged to incorporate environmentally preferable products or services into their responses wherever possible. "Environmentally preferable" means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. To view the above City policies go to www.portlandonline.com and navigate to "Charter, Code & Policies Documents".

INVESTIGATION – The proposer shall make all investigations necessary to inform itself regarding the service(s) to be performed under this request for proposal.

SPECIAL CONDITIONS – Where special conditions are written in the Request for Proposal, these special conditions shall take precedence over any conditions listed under the Professional, Technical and Expert Service "General Instructions and Conditions".

CLARIFICATION OF REQUEST FOR PROPOSAL – Proposers who request a clarification of the RFP requirements must submit questions in writing to the person(s) shown in the REFER QUESTIONS TO section on the cover of this RFP, or present them verbally at a scheduled pre-submittal conference, if one has been scheduled. The City must receive written questions no later than the date stated herein. The City will issue a response in the form of an addendum to the RFP if a substantive clarification is in order.

Oral instructions or information concerning the Request for Proposal given out by Bureau or Office managers, employees or agents to prospective proposers shall not bind the City.

ADDENDUM – Any change to this RFP shall be made by written addendum issued no later than 72 hours prior to the proposal due date. The City is not responsible for any explanation, clarification or approval made or given in any manner except by addendum.

COST OF PROPOSAL – This Request for Proposal does not commit the City to pay any costs incurred by any proposer in the submission of a proposal or in making necessary studies or designs for the preparation thereof, or for procuring or contracting for the services to be furnished under the Request for Proposal.

CANCELLATION – The City reserves the right to modify, revise or cancel this RFP. Receipt and evaluation of proposals or the completion of interviews do not obligate the City to award a contract.

LATE PROPOSALS – Proposals received after the scheduled closing time for filing will be returned to the proposer unopened.

REJECTION OF PROPOSALS – The City reserves the right to reject any or all responses to the Request for Proposal if found in the City's best interest to do so. In the City's discretion, litigation between the City and a proposer shall be cause for proposal rejection, regardless of when that litigation comes to the City's attention and regardless how the proposer's proposal may have been scored. Proposals may also be

rejected if they use subcontractors or subconsultants who are involved in litigation with the City. Proposers concerned about possible rejection on this basis should contact the City before submission of a proposal for a preliminary determination of whether its proposal will be rejected.

CITY OF PORTLAND BUSINESS LICENSE – Successful consultant shall obtain a current City of Portland Business License prior to initiation of contract and commencement of the work.

WORKERS' COMPENSATION INSURANCE – The successful proposer shall be covered by Workers' Compensation Insurance or shall provide evidence that State law does not require such coverage.

CERTIFICATION AS AN EEO AFFIRMATIVE ACTION EMPLOYER – Proposers must be certified as Equal Employment Opportunity Affirmative Action Employers as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with Procurement Services, City of Portland, prior to contract execution.

EQUAL BENEFITS PROGRAM – Proposers must provide benefits to their employees with domestic partners equivalent to those provided to employees with spouses as prescribed by Chapter 3.100 of the Code of the City of Portland. The required documentation must be filed with Procurement Services, City of Portland, prior to contract execution.

CONFLICT OF INTEREST – A proposer filing a proposal thereby certifies that no officer, agent or employee of the City who has a pecuniary interest in this Request for Proposal has participated in the contract negotiations on the part of the City, that the proposal is made in good faith without fraud, collusion or connection of any kind with any other proposer of the same call for proposals, and that the proposer is competing solely in its own behalf without connection with or obligation to, any undisclosed person or firm.

CONFIDENTIALITY – All information submitted by proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act (ORS 192.410 et seq.), except such portions of the proposals for which proposer requests exception from disclosure consistent with Oregon Law. Any portion of a proposal that the proposer claims constitutes a "trade secret" or is "confidential" must meet the requirements of ORS 192.501, ORS 192.502 and/or ORS 646.461 et seq. If the entire proposal is marked as constituting a "trade secret" or being "confidential," at the City's sole discretion, such a proposal may be rejected as non-responsive.

If a request to inspect the proposal is made, the City will notify the proposer of the request. If the City refuses to release the records, the proposer agrees to provide information sufficient to sustain its position to the District Attorney of Multnomah County, who currently considers such appeals. If the District Attorney orders that the records be disclosed, the City will notify the proposer in order for the proposer to take all appropriate legal action. The proposer further agrees to hold harmless, defend and indemnify the City for all costs, expenses and attorney fees that may be imposed on the City as a result of appealing any decision regarding the proposer's records.

The Chief Procurement Officer has the authority to waive minor irregularities and discrepancies that will not affect the competitiveness or fairness of the solicitation and selection process.

These Professional, Technical and Expert Services Request for Proposal "General Terms and Conditions" are not to be construed as exclusive remedies or as a limitation upon rights or remedies that may be or may become available under ORS Chapter 279.

PART I

CONTRACT REQUIREMENTS

SECTION A

GENERAL INFORMATION

1. INTRODUCTION

The City of Portland (City) Water Bureau (PWB) strives to provide high quality water to enhance the public health and safety and contribute to the economic viability and livability of the Portland metropolitan region. We are a recognized leader among water service agencies across the country. For more information about PWB, see www.portlandonline.com/water.

2. BACKGROUND

PWB intends to award five contracts; three contracts for Type I water main projects and two contracts for type II water main projects for the provision of water main services on an as-needed basis. The services to be provided are to support planning, design and/or construction activities in the following two water main project types: (1) Type I water main projects, and (2) Type II water main projects.

Proposers may propose on one or both of these project types listed and are required to submit separate proposals for each project type. PWB requires that each project type is awarded to a separate Proposer. No Proposer will be awarded more than one (1) contract. If one Proposer is successful in multiple project types, the City, at its sole discretion, shall select the project type for that successful Proposer.

3. SCOPE OF WORK

PWB is seeking proposals from qualified firms, teams or consultants, hereafter called "Proposer(s)," to provide planning, design and/or construction services on an "as-needed" basis for water main projects. The City refers to these as-needed services as "on-call services". They generally include work with short deadlines, scopes that may need to be developed quickly, and/or requiring expertise currently unavailable within the Bureau.

PWB is seeking proposals from qualified Proposer(s) who can provide planning, design and/or construction services for the following water main project types:

- A. Project Type I: Water Main Projects, small 16 inches and less.
- B. Project Type II: Water Main Projects, large greater than 16 inches.

Proposers must state in the cover letter of their proposal submittal they have the capacity and capability to perform all services: planning, design, and construction management in support of water main projects. The City, at its sole discretion, may reject any proposals which fail to meet this requirement as nonresponsive. Nonresponsive proposals will not be evaluated and will not be eligible for contract award.

Successful Proposers will enter into a 3-year contract. The PWB may choose to extend the contract in as many as two one-year extensions.

4. PROJECT FUNDING

Up to five individual contracts will be awarded under this RFP. The anticipated cost for the services described herein may vary dependent upon the amount of work estimated for a particular project. In no case shall the individual contract for the Type I water main exceed \$300,000, with individual task orders not exceeding \$100,000; and in no case shall the individual contract for the Type II water main contract exceed \$500,000 with individual task orders not exceeding \$250,000. The total of all contracts awarded shall not exceed \$1.9 Million.

The task order amount may vary dependent upon the amount of work estimated for a particular project and as services are requested. There is no guarantee that any work will be awarded under any contract or that the total dollar limit of any contract will be reached.

5. TASK ORDERS

Services required by the PWB under the successful Proposer's contract will be authorized via task orders issued by the PWB's Contract Administration Branch (CAB). For reference, the task order form is attached as Exhibit B to this RFP.

Work will be assigned as project needs are identified under these on-call contracts. The scope of work, schedule, deliverables and compensation for each project will be established in writing via a task order prior to commencement of the work. Any changes must be agreed to by the successful Proposer and the City in writing as an amendment to the task order.

Following the Notice to Proceed issued by the PWB Contract Administration Branch, the PWB Project Manager will work directly with the successful Proposer for the duration of the task order unless otherwise noted in the task order. All invoices will be submitted to PWB's Finance Department. All work progress reports will be submitted to the PWB Project Manager.

SECTION B

WORK REQUIREMENTS

1. TECHNICAL OR REQUIRED SERVICES

The successful Proposers will provide planning, design and/or construction services as needed to complete the water main projects or project tasks as requested within limited time frames. The PWB will determine the scope of work for each project and the successful Proposers shall be expected to work closely with designated PWB personnel.

Each assigned project will have a maximum monetary limit established in the task order by PWB through negotiation with the successful Proposers prior to commencement of work. Such maximum amount may not be exceeded unless written approval of the PWB via an amendment to the task order has been received, and only for documented circumstances unforeseen at the time the project was accepted or for a necessary change in the scope of work as originally requested by PWB.

The successful Proposers will be required to:

- A. Coordinate with other City departments and public and private utilities under the direction of the PWB Project Manager;
- B. Assist in securing land use and construction approvals (including work in environmental zones and conditional use approvals);
- C. Assist in securing other permits from other agencies;
- D. Design each project in accordance with the following:
 1. PWB Design Manual
 2. PWB CAD Standards
 3. Standard Construction Specifications for the City of Portland
 4. Portland Water Bureaus Developers Manual
 5. American Water Works Association
 6. American Association of Testing Materials
 7. City Erosion Control Manual
 8. Occupational Safety and Health Administration
 9. Oregon Administration Rules
 10. Uniform Plumbing Code
 11. All other applicable PWB manuals, policies and conditions included within the scope of each project.
- E. Design and Construction Phase Engineering Projects related to the replacement installation of **Type I (small 16-inch and less) Water mains** are at various locations

throughout the City. **Examples of the types of services to be provided for water main projects Type I are as follows:**

1. Design services which include but are not limited to civil, structural, CAD, electrical, survey, scheduling, report preparation, utility coordination, Quality Assurance/Quality Control (QA/QC), preparation and submission of biddable plans and contract documents, technical writing coordinating with City and other agencies on joint project, and permitting assistance.
2. Project Management/Coordination
3. Work Plans
4. Design Milestone reports
5. Vicinity maps
6. Potholing
7. Erosion and Traffic Control Plans
8. Services during construction including on-site visits, submittal review, review and respond to construction contractor Requests for Information (RFI's), and construction oversight.
9. Environmental assessment
10. Geotechnical investigation and reports
11. Arranging for survey work
12. Construction management which includes but is not limited to review of construction materials; response to PWB's construction contractor's requests for information, assistance in preparation of responses to construction claims, change orders, and other miscellaneous documents; construction oversight; prepare Requests for Proposals directed to CM/GC for work considered beyond the Guaranteed Maximum Price (GMP) that may result in change orders issued by PWB; make periodic visits to the site to observe, as an experienced and qualified design engineer of record, the progress and quality of the assigned aspects of the work; provide a written response or report to the PWB of observations and recommendations based on site visits; review shop drawings and submittals for contract compliance; and provide qualified inspection services to support construction.

F. Design and Construction Phase Engineering Projects related to the replacement of Type II (those larger than Type I) Water mains, are at various locations throughout the City. Examples of the types of services to be provided in water main projects Type II are as follows:

1. Design services which include but are not limited to civil, structural, CAD, electrical, survey, scheduling, report preparation, utility coordination, Quality Assurance/Quality Control (QA/QC), preparation and submission of biddable plans and contract documents, technical writing coordinating with City and other agencies on joint project, and permitting assistance.
2. Project Management/Coordination
3. Work Plans

4. Design Milestone reports
5. Vicinity maps
6. Potholing
7. Erosion and Traffic Control Plans
8. Services during construction including on-site visits, submittal review, review and respond to construction contractor RFI's, and construction oversight.
9. Environmental assessment
10. Geotechnical investigation and reports
11. Arranging for survey work
12. Construction management which includes but is not limited to Review of construction materials; response to PWB's construction contractor's requests for information, assistance in preparation of responses to construction claims, change orders, and other miscellaneous documents; construction oversight; prepare Requests for Proposals directed to CM/GC for work considered beyond the Guaranteed Maximum Price (GMP) that may result in change orders issued by PWB; make periodic visits to the site to observe, as an experienced and qualified design engineer of record, the progress and quality of the assigned aspects of the work; provide a written response or report to the PWB of observations and recommendations based on site visits; review shop drawings and submittals for contract compliance; and provide qualified inspection services to support construction.

2. WORK PERFORMED BY THE CITY

The City will assign a project manager to oversee the successful Proposer's work and provide support as needed. The City will provide the successful Proposer with direction and access to City records as needed. Any specific duties the City will perform for each project will be identified in the individual task orders.

3. DELIVERABLES AND SCHEDULE

Deliverables shall be considered those tangible resulting work products that are to be delivered to the City such as reports, draft documents, data, interim findings, drawings, schematics, training, meeting presentations, final drawings and reports. The successful Proposers are encouraged to provide any deliverables in accordance with the City's Sustainable Paper Use Policy. The policy can be viewed at: <http://www.portlandonline.com/omf/index.cfm?c=37732> .

Deliverables and schedule for task orders shall include:

- a. Work plan based on the description of work in each task order.
- b. Budget detail that includes the estimate of total hours, staff resources, and total costs. If direct charges are included they must be specifically be identified in the work plan.
- c. Project lead person and staff by assignment. Include identification of subcontractors, their percent total, project cost, and their minority, women and/or emerging small business enterprise (M/W/ESB) certification if applicable.
- d. Usual and/or special coordination, communication, or progress reporting conditions.
- e. Schedule of work including major milestones on recommended intermediate

products (reports, meetings etc.) and estimated time of completion.

- f. Additional City services required.
- g. Submission of a Monthly Subconsultant Payment and Utilization Report by the 15th of each month (reference Part II, Section C.5 of the RFP).

Any additional deliverables and schedule for individual projects shall be defined via negotiated task orders prior to commencement of work.

All deliverables and resulting work products from this contract will become the property of the City of Portland.

4. PLACE OF PERFORMANCE

Contract performance will take place primarily at the Proposer's facility. On occasion and as appropriate, work will be performed at City facilities, a third-party location or any combination thereof.

5. PERIOD OF PERFORMANCE

The City anticipates having the successful Proposer be available to work immediately upon contract execution. The successful Proposer will perform no work under this contract until a task order has been approved by the PWB's authorized approving authority.

6. PUBLIC SAFETY

Public safety may require limiting access to public work sites, public facilities, and public offices, sometimes without advance notice. The Proposer shall anticipate delays in such places and include the cost of delay in the proposed cost. The successful Proposers' employees and agents shall carry sufficient identification to show by which they are employed and display it upon request to security personnel.

The successful Proposer(s) and their Subcontractor's employees shall each be required to fill out a PWB Facility Access Form prior to any work on the site. Access will be denied if this form has not been completed and submitted to the City in advance. The expected procedure during the project will be that, at the Bureau's option, all Contractor and Subcontractor employees will wear a PWB issued badge, turned in to superintendent at the end of each day; or provide a list of employees working on the job to be updated with each change.

A limited background check may be required at PWB discretion, to be conducted by PWB background check vendor (NOTE: this is NOT a Federal Security Clearance and reviews more limited information). Only those passing the PWB background checks, if required, will be authorized to work on the project.

The successful Proposer(s) shall impose these same requirements on all employees, agents and Subcontractors in the subcontracts unless otherwise agreed with the PWB.

PWB project managers have discretion to require the successful Proposers' employees and agents to be escorted to and from any public office, facility or work site if national or local security appears to require it.

7. INSURANCE

The successful Proposer(s) shall agree to maintain continuous, uninterrupted coverage of all insurance as required by the City. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without a 30-day written notice, or ten (10) days written notice for non-payment, from the successful Proposers or its insurer(s) to the City.

Workers' Compensation Insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers (firms with one or more employees, unless exempt under ORS 656.027).

General Liability Insurance with a combined single limit of not less than \$1,000,000 per

occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall provide that the City of Portland, and its agents, officers, and employees are Additional Insureds but only with respect to the successful Proposers' services to be provided under this Contract.

Automobile Liability Insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired, or non-owned vehicles, as applicable.

Professional Liability Insurance limit will be the same as the successful Proposer(s)' contract amount and in no event less than a minimum of \$1,000,000 per claim, incident, or occurrence. This is to cover damages caused by negligent acts, errors or omissions related to the professional services to be provided under this contract. If insurance coverage is provided on a "claims made" basis, the successful Proposers shall acquire a "tail" coverage or continue the same coverage for three years after completion of the contract, provided coverage is available and economically feasible. If such coverage is not available or economically feasible, contractor shall notify City immediately.

Certificates of Insurance: As evidence of the insurance coverages, the successful Proposers shall furnish acceptable insurance certificates to the City at the time signed contracts are returned to the City. The certificate will specify all of the parties who are Additional Insureds and will include the 30-day cancellation clause and 10-day non-payment clause as identified above. Insuring companies or entities are subject to City acceptance. If requested, complete policy copies shall be provided to the City. The successful Proposer(s) shall be financially responsible for all pertinent deductibles, self-insured retentions, and/or self-insurance.

SECTION C

1. INDEX

2. SAMPLE CONTRACT

ATTACHMENTS

Exhibit A	First Tier Subconsultant Disclosure Form (submit with proposal)
Exhibit B	Task Order form

The Professional, Technical and Expert Services Contract is the City's standard contract and will be used as a result of this selection process. A sample contract can be viewed at: <http://www.portlandonline.com/shared/cfm/image.cfm?id=27067> .

PART II

PROPOSAL PREPARATION AND SUBMITTAL

SECTION A

PRE-SUBMITTAL MEETING/CLARIFICATION

1. PRE-SUBMITTAL MEETING

There will be no pre-submittal meeting or site visit scheduled for this project.

2. RFP CLARIFICATION

Questions and requests for clarification regarding this Request for Proposal must be directed in writing via email to the person listed below. **The deadline for submitting such questions/clarifications is March 26, 2010.** An addendum will be issued no later than 72 hours prior to the proposal due date to all recorded holders of the RFP if a substantive clarification is in order.

Corrina Rodriguez
City of Portland Water Bureau
1120 SW 5th Avenue, Room 600
Portland, OR 97204
E-mail: corrina.rodriguez@ci.portland.or.us

SECTION B

PROPOSAL SUBMISSION

1. PROPOSALS DUE

Sealed proposals must be received no later than the date and time, and at the location, specified on the cover of this solicitation. The outside of the envelope shall plainly identify the subject of the proposal (including the Water Main Project Type for which the Proposal is intended), the RFP number and the name and address of the Proposer. A Proposer wishing to submit in more than one Water Main Project Type must submit separate Proposals for each Water Main Project Type in separate envelopes for each Water Main Project Type in which the Proposer is interested. The project that is being proposed on must be clearly identified on the outside of the envelope and in the Cover Letter. Each proposal submitted must meet the RFP evaluation criteria as a stand alone response and cannot rely on information included in other proposals submitted by the same Proposer. It is the Proposer's responsibility to ensure that proposals are received prior to the specified closing date and time, and at the location specified. Proposals received after the specified closing date and/or time shall not be considered and will be returned to the Proposer unopened.

The City shall not be responsible for the proper identification and handling of any proposals submitted to an incorrect location.

2. PROPOSAL

Proposals must be clear, succinct and not exceed **25** pages. Section dividers, title page, and table of contents do not count in the overall page count of the proposal. Proposers who submit more than the pages indicated may not have the additional pages of the proposal read or considered. Resumes are excluded from the page limitation count.

For purposes of review and in the interest of the City's Sustainable Paper Use Policy and sustainable business practices in general, the City encourages the use of submittal materials (i.e. paper, dividers, binders, brochures, etc.) that contain post-consumer recycled content and are readily recyclable. The City discourages the use of materials that cannot be readily recycled such as PVC (vinyl) binders, spiral bindings, and plastic or glossy covers or dividers. Alternative bindings such as reusable/recyclable binding posts, reusable binder clips or binder rings, and recyclable cardboard/paperboard binders are examples of preferable submittal materials. Proposers are encouraged to print/copy on both sides of a single sheet of paper wherever applicable; if sheets are printed on both sides, it is considered to be two pages. Color is acceptable, but content should not be lost by black-and-white printing or copying.

All submittals will be evaluated on the completeness and quality of the content. Only those Proposers providing complete information as required in Part 1, Section B.1. of this RFP will be considered for evaluation. The ability to follow these instructions demonstrates attention to detail.

3. ORGANIZATION OF PROPOSAL

Proposers must provide all information as requested in this Request for Proposal (RFP). Responses must follow the format outlined in this RFP. Additional materials in other formats, or pages beyond the stated page limit(s), may not be considered. The City may reject the proposal as non-responsive, at its sole discretion, any proposal or any part thereof, which is incomplete, inadequate in its response, or departs in any substantive way from the required format. Proposal responses shall be organized in the following manner:

1. Cover Letter
2. Project Team
3. Proposer's Capabilities
4. Project Approach and Understanding
5. Diversity in Employment and Contracting Requirements
6. Proposed Cost
7. Supporting Information
8. Completed First Tier Subconsultant Disclosure Form (refer to Part II.C.5)

SECTION C

EVALUATION CRITERIA

1. COVER LETTER

By submitting a response, the Proposer is accepting the General Instructions and Conditions of this Request for Proposal (reference second page of the RFP) and the Standard Contract Provisions of the Professional, Technical and Expert Services contract.

The Cover Letter must include the following:

- RFP number and project title
- **identify the Water Main Project Type number for this proposal packet**
- name(s) of the person(s) authorized to represent the Proposer in any negotiations
- name(s) of the person(s) authorized to sign any contract that may result
- contact person's name, mailing or street addresses, phone and fax numbers and email addresses
- **Proposers must state they have the capacity and capability to perform all services: planning, design, and construction management in support of water main projects. The City, at its sole discretion, may reject any proposals which fail to meet this requirement as nonresponsive. Nonresponsive proposals will not be evaluated and will not be eligible for contract award.**

A legal representative of the Proposer, authorized to bind the Proposer in contractual matters must sign the Cover Letter.

BUSINESS COMPLIANCE

The successful Proposer(s) must be in compliance with the laws regarding conducting business in the City of Portland before an award may be made. The Proposer shall be responsible for the following:

Certification as an EEO Affirmative Action Employer

The successful Proposer(s) must be certified as Equal Employment Opportunity Employers as prescribed by Chapter 3.100 of the Code of the City of Portland prior to contract award. Details of certification requirements are available from Procurement Services, 1120 SW Fifth Avenue, Room 750, Portland, Oregon 97204, (503) 823-6855, website: <http://www.portlandonline.com/omf/purchasing>

Non-Discrimination in Employee Benefits (Equal Benefits)

Proposers are encouraged to submit the Equal Benefits Compliance

Worksheet/Declaration Form with their response. If not submitted, you will be contacted and required to provide this form prior to contract award; otherwise your proposal may be rejected. If your company does not comply with Equal Benefits and does not intend to do so, you must still submit the Form. The Equal Benefits Compliance Worksheet/Declaration Form can be obtained from the following web site: <http://www.portlandonline.com/omf/purchasing>

- Fill out the form properly. You may call Procurement Services at 503-823-6855 to ensure you correctly complete the form. You may also call the contact listed on the front page of this solicitation document for assistance.
- There are five options on the Worksheet/Declaration Form ranging from full compliance (Options A, B, C), to one that requires advance authorization by the City (Option D – Delayed Compliance), to Non Compliance. Select the option that is true of your company's standing at the time you submit your proposal. You cannot change your answer after you submit the Worksheet/Declaration Form.
- Option D is only used if you have an official waiver from the City. Waivers are only issued by Procurement Services.
- The Form provides the City with your declared Equal Benefit status. However, the City issues the final determination of your Equal Benefit status for purposes of contract award.

If information on your form is conflicting or not clearly supported by the documentation that the City receives, the City may seek clarification to ensure we properly classify your compliance.

Business License

The successful Proposer(s) must be in compliance with the City of Portland Business License requirements as prescribed by Chapter 7.02 of the Code of the City of Portland prior to contract award. Details of compliance requirements are available from the Revenue Bureau License and Tax Division, 111 SW Columbia Street, Suite 600, Portland, Oregon 97201, (503) 823-5157, website: <http://www.portlandonline.com/omf/index.cfm?c=29320>

If your firm currently has a business license and is EEO certified, include in the Cover Letter your firm's City of Portland Business License number as well as the Equal Employment Opportunity (EEO) expiration date

2. PROJECT TEAM

1. Management Approach

Describe or provide a detailed description of your firm's approach to overall management and integration of all activities required by the scope of work, including the management objectives and techniques that demonstrate how the work requirements will be met.

2. Key Personnel

Describe the education background, directly related work experience, professional development, and demonstrated performance record of the proposed key personnel: project principal, project manager and key project team members, including any sub consultants. PWB is particularly interested in:

- a. How well does the Proposer's qualifications and experience relate to this specific project?
- b. Does the expertise of the Proposer cover all potential phases of the project area?

- c. Extent of company's principal member's involvement.
- d. Team qualifications and experience on similar or related projects:
 - qualifications and relevant experience of prime consultant
 - qualifications and relevant experience of sub-consultants, if any
 - project manager's experience with similar projects
- e. Names of key members who will be performing the work on projects, and:
 - their responsibilities on past projects
 - current assignments and location
 - experience on similar or related projects
 - unique qualifications

Proposers must include resumes of key staff members and sub-consultants that will be working on this project. Resumes must include past work experience that is similar in nature to the scope of work described in this RFP.

3. PROPOSER'S CAPABILITIES

This relates to the Proposer's capabilities and resources in relation to providing the required services. This section should describe such things as:

- Similar work and projects performed within the last three years, which best characterize capabilities, work quality and cost control.
- Similar projects with other government agencies.
- Resources available to perform the work for the duration of the project and other on-going projects.
- Internal procedures and/or policies associated or related to work quality and cost control.
- Management and organizational capabilities.

4. PROJECT APPROACH AND UNDERSTANDING

The Proposer's understanding and approach to the project is an important aspect of the RFP process. Please provide a clear and concise understanding of the project by describing and clarifying information based upon project information provided in this RFP. This section must describe the Proposer's approach to performing work on an as-needed basis under an on-call service contract. At a minimum, this section should address:

- Contract Management.
- Assignment of project staff.
- Scheduling of projects.
- Methodology to be used to accomplish proposed work tasks and activities.
- Identify points of input and review with City staff

5. DIVERSITY IN EMPLOYMENT AND CONTRACTING REQUIREMENTS

The City is committed to increasing contracting opportunities for State of Oregon certified minority, women and emerging small business (M/W/ESB) enterprises. The City values, supports and nurtures diversity, and encourages any firm contracting with the City to do the same, maximizing M/W/ESB business participation with regard to all City contracts. As such, the City has established an overall 20% utilization goal in awarding PTE contracts to State of Oregon certified emerging small business (ESB) enterprises. The City has

assigned at least 15% of the total points available on this solicitation to determine the award of this contract. No goal is set for the use of minority (MBE) and women business (WBE) enterprises, but the City is committed to ensuring that such firms receive opportunities and equal consideration to be awarded City PTE contracts.

All Proposers shall address the following in their proposals:

- a. Indicate if your firm is currently certified in the State of Oregon as an MBE, WBE and/or ESB, or if your firm has applied for certification with the State of Oregon's Office of Minority, Women and Emerging Small Business (OMWESB). Provide a copy of the State of Oregon certification letter confirming receipt of application or copy of the approval letter certifying your firm.
- b. Identify your current diversity of workforce and describe your firm's commitments to providing equal employment opportunities. Include in your response:
 - Number of total employees and description of type of work performed.
 - Number of minorities and women within your current workforce, broken out by ethnicity and positions held.
 - Any underutilization of minorities or women within your workforce and your firm's efforts to remedy such underutilization.
 - Any plans to provide innovative mentoring, technical training or professional development opportunities to minorities and women in your workforce in relation to this project, or plans to employ minorities and women to work on this project.
 - Description of the process your firm uses to recruit minorities and women.
- c. Have you subcontracted or partnered with State of Oregon certified M/W/ESB firms on any project within the last 12 months? If so, please describe the history of the firm's subcontracting and partnering with certified M/W/ESB firms. Include in your response:
 - List of State of Oregon certified M/W/ESB firms with which your firm has had a contractual relationship during the last 12 months.
 - Any innovative or successful measures that your firm has undertaken to work with M/W/ESB firms on previous projects.
 - Any mentoring, technical or other business development services your firm has provided to previous or current M/W/ESB subconsultants or partners, or will provide in relation to this project.
- d. Are you subcontracting any element of your proposal? Describe your firm's plan for obtaining maximum utilization of State of Oregon certified M/W/ESB firms on this project. Include in your response:
 - Subcontracting opportunities your firm has identified in the scope of this project.
 - Efforts made relating to outreach and recruitment of certified M/W/ESB firms. Did your firm advertise contracting opportunities in the *Daily Journal of Commerce*, *Skanner*, *Oregonian*, *Observer*, *El Hispanic News*, *Asian Reporter*, and/or other trade publications? Did your firm conduct any outreach meetings? Did your firm use the State's OMWESB certification list, or other source, as a basis for direct outreach? What were the actual results of any of the above efforts?
 - Any proposals received from certified M/W/ESB firms. If any such proposals were rejected, provide reasons for rejection.
 - Other efforts your firm used or proposes to use in relation to this project.
- e. If your firm will be utilizing State of Oregon certified M/W/ESB firms on this project, please list those firms and detail their role within your proposal. In addition, **all Proposers must submit Exhibit A - First Tier Subconsultant Disclosure Form 1** in their proposal, which requires Proposers to identify the following:
 - The names of **all** subconsultants to be used on this project with subcontracts greater than or equal to \$10,000.
 - The names of all State of Oregon certified MBE, WBE and ESB firms. If firms have more than one certification (i.e., ESB and MBE, and/or ESB and WBE) note

that on the form so that proper credit can be given for the ESB goal and for tracking MBE and WBE utilization.

- The proposed scope or category of work for each subconsultant.

If Proposers will not be using any subconsultants that are subject to the above disclosure requirements, Proposers are required to indicate “**NONE**” on the First Tier Subconsultant Disclosure Form 1.

The City expects thoughtful consideration of all of the above Diversity in Employment and Contracting criteria in the preparation of proposals. The City will enforce all diversity in workforce and M/W/ESB commitments submitted by the successful Proposer, and the successful Proposer will be required to submit a completed Monthly Subconsultant Payment and Utilization Report to ensure that subconsultants are utilized to the extent originally proposed and submitted in its proposal. The successful Proposer will not be permitted at any time to substitute or add a subconsultant without the prior written approval of the Chief Procurement Officer. ALL subconsultants, including M/W/ESB firms, and first tier subconsultants shall be reported on the Monthly Subconsultant Payment and Utilization Report as well as contract amounts and payments. For reference, a copy of this form may be obtained at: <http://www.portlandonline.com/shared/cfm/image.cfm?id=119851>.

6. PROPOSED COST

The proposal shall include the Proposer’s true cost for the proposed work. This cost shall include the hourly rates of each person associated with the project as well as other associated costs. It is understood that the number of hours and associated costs will vary based on the effort required for each Work Order to be specified in the future. This cost is to be irrespective of the City’s anticipated cost.

In this section, list billing rates by classification for all staff (including subconsultants) that may be assigned project tasks. Salary ranges by classification are acceptable. Multipliers for all firms must be listed. Any specific costs such as subconsultant mark-up must be listed. Describe how costs will be managed to the benefit of the City of Portland. Refer to the Multiplier Policy below. An example of how these costs could be displayed is as follows:

Hourly Wage Paid (by class OK) x Multiplier = Hourly Billing Rate

Multiplier Information

The multiplier applied to salaries shall not exceed 3.1. The multiplier shall include the following non-reimbursable expenses: fringe benefits, payroll bonuses, autos and other defined perquisites, telecommunications, facsimile services, overhead expenses including but not limited to local and long distance telephone, parking, delivery/courier, general business and professional liability insurance, advertising costs, postage, internal copying, lease of office equipment, mileage and other local travel costs, information technology (including computer time and CAD equipment and other related highly specialized equipment), all other direct costs not identified as reimbursable, other indirect costs and profit.

Standard Reimbursable Costs

The following costs will be reimbursed without mark-up:

- Out-of-Town Travel. Travel (transportation, lodging and per diem) of Consultant and/or experts when specified in the contract or requested by PWB, directly attributed to specific tasks and when to a location outside a 100 mile radius of Consultant’s project office. Travel costs will be reimbursed in accordance with the City’s Travel Expense Guidelines, which are based on the General Services Administration (GSA) per diem rates. These costs will be reimbursed without mark-up.

- Photocopying/Reproduction Costs. Reproduction of required drawings, reports, specifications, bidding documents, in excess of the number required as part of the contract excluding the cost of reproduction for Consultant's or sub's own use.

Subconsultant Costs

Compensation for sub consultants shall be limited to the same restrictions imposed on the Consultant. The maximum markup on Subconsultant services shall not exceed 5%. Consultants are not guaranteed the maximum mark-up will be allowed, it may be less or none at all. The actual rate will be determined during contract negotiations.

Adjustment of Hourly Rates Due to Inflation

Annual adjustment of hourly rates will be considered upon written request from the Consultant. Approval of a request for rate increases is solely within the City's discretion and under no circumstances is the City obligated to approve such a request. Rate increases are subject to the following limitations:

- No increases will be granted before the one-year anniversary of the contract;
- No more than one increase shall be granted per contract year;
- Rate increases may not exceed the then-current average inflation rate for the Portland Metropolitan Area (as determined from the US Department of Labor statistics and certified by the City of Portland Auditor);
- Rate increases shall not be retroactive.

Other than the impact of inflation as described above, hourly rates may not be increased.

7. SUPPORTING INFORMATION

Supporting information may include graphs, charts, URLs, and photos. Supporting material must include a minimum of 3 references, and may include other information pertinent to the project or work to be performed. References must include the contact person's name, agency, address, and phone number, their role in the project (e.g., project manager, etc.), name of the project and when the work was done.

PART III

PROPOSAL EVALUATION

SECTION A

PROPOSAL REVIEW AND SELECTION

1. EVALUATION CRITERIA SCORING

Each proposal shall be evaluated on the following evaluation criteria, weighting and maximum points, as follows:

Criteria		Maximum Score
a.	Cover Letter	0
b.	Project Team	20
c.	Proposer's Capabilities	25
d.	Project Approach and Understanding	20
e.	Diversity in Employment and Contracting	20
f.	Proposed Cost	15
g.	Supporting Information	0
Total Points Available		100

2. PROPOSAL REVIEW

An evaluation review committee will be appointed to evaluate the proposals received. For the purpose of scoring proposals each of the committee members will evaluate each proposal in accordance with the criteria and point factors listed above. The evaluation committee may seek outside expertise, including but not limited to input from technical advisors, to assist in the evaluation process.

The successful Proposer(s) shall be selected by the following process:

- a. An evaluation committee will be appointed to evaluate submitted written proposals.
- b. The committee will score the written proposals based on the information submitted according to the evaluation criteria and point factors.
- c. The committee will require a minimum of ten (10) working days to evaluate and score the written proposals.
- d. A short list of Proposers, based on the highest scores, may be selected for oral interviews if deemed necessary. The City reserves the right to increase or decrease the number of Proposers on the short list depending on the scoring and whether the Proposers have a reasonable chance of being awarded a contract.
- e. If oral interviews are determined to be necessary, the scores from the written proposals will be considered preliminary. Final scores, based on the same evaluation criteria, will be determined following the interviews.

All communications shall be through the contact(s) referenced in Part II, Section A.2 of the RFP. At the City's sole discretion, communications with members of the evaluation committee, other City staff or elected City officials for the purpose of unfairly influencing the outcome of this RFP may be cause for the Proposer's proposal to be rejected and disqualified from further consideration.

For contracts over \$100,000, the evaluation committee's recommendation for contract award will be submitted to the Portland City Council for approval. The City has the right to reject any or all proposals for good cause, in the public interest.

NOTE: In the City's discretion, litigation between the City and a Proposer shall be cause for proposal rejection, regardless of when that litigation comes to the City's attention and regardless how the Proposer's proposal may have been scored. Proposals may also be rejected if they use subcontractors or subconsultants who are involved in litigation with the City.

Proposers concerned about possible rejection on this basis should contact the City before submission of a proposal for a preliminary determination of whether its

3. CLARIFYING PROPOSAL DURING EVALUATION

proposal will be rejected.

During the evaluation process, the City has the right to require any clarification or change it needs in order to understand the Proposer's view and approach to the project and scope of the work. While clarification is being requested, no other changes or substitutions will be allowed to proposals.

SECTION B

CONTRACT AWARD

1. CONSULTANT SELECTION

The City will negotiate and, if successful, award a contract to the highest scoring Proposer(s) in each project type. Should the City not reach a favorable agreement with the highest scoring Proposer(s) in that project type, at the City's sole discretion, the City shall terminate negotiations and commence negotiations with the second highest scoring Proposer in that project type, and so on until a favorable agreement is reached. A consultant selection process will be carried out under Portland City Code Chapter 5.68.

2. CONTRACT DEVELOPMENT

The proposal and all responses provided by the successful Proposer may become a part of the final contract. The form of contract shall be the City's Contract for PTE Services.

3. AWARD REVIEW AND PROTESTS

REVIEW:

Following the Notice of Intent to Award, the public may view proposal documents. However, any proprietary information so designated by the Proposer as a trade secret or confidential and meeting the requirements of ORS 192.501, 192.502 and/or ORS 646.461 et seq., will not be disclosed unless the Multnomah County District Attorney determines that disclosure is required. At this time, Proposers not awarded the contract may seek additional clarification or debriefing, request time to review the selection procedures or discuss the scoring methods utilized by the evaluation committee.

PROTESTS OF CONTRACT AWARDS:

Protests may be submitted to the Chief Procurement Officer only for contracts in excess of the formal limit established by the City Auditor (reference <http://www.portlandonline.com/omf/index.cfm?a=74585&c=27353>), and only from those Proposers who would receive the contract if their protest were successful.

Protests must be received by the Chief Procurement Officer within seven (7) calendar days UNLESS OTHERWISE NOTED IN THE SOLICITATION DOCUMENT following the date the City's Notice of Intent to Award was issued. The protest must specifically state the reason for the protest and show how its proposal or the winning proposal was mis-scored or show how the selection process deviated from that described in the solicitation document. No contract will be awarded until the protest has been resolved.

Timely protests must include all legal and factual information regarding the protest, and a statement of the form of relief requested. Protests received later than specified or from other than the Proposer who would receive the contract if the protest was successful will not be considered. The exercise of judgment used by the evaluators in scoring the written proposals and interviews, including the use of outside expertise, is not grounds for appeal.

The Chief Procurement Officer may waive any procedural irregularities that had no material affect on the selection of the proposed contractor, invalidate the proposed award, amend the award decision, request the evaluation committee re-evaluate any proposal or require the bureau to cancel the solicitation and begin again to solicit new proposals. In the event the matter is returned to the evaluation committee, the Chief Procurement Officer shall issue a notice canceling the Notice of Intent to Award.

Decisions of the Chief Procurement Officer are final and conclude the administrative appeals process.

EXHIBIT A

CITY OF PORTLAND PROFESSIONAL TECHNICAL & EXPERT (PTE) SERVICES FIRST TIER SUBCONSULTANT DISCLOSURE FORM

CITY PTE DISCLOSURE REQUIREMENTS

The City's disclosure program was adopted to document the use of subconsultants on City projects over \$100,000; particularly Oregon certified Minority, Women and Emerging Small Businesses (M/W/ESBs).

This Request for Proposal requires submission by the Proposer(s) of the First Tier Subconsultant Disclosure Form.

When the contract amount of a first-tier subconsultant furnishing services, labor or labor and materials would be greater than or equal to \$10,000, the Proposer(s) must disclose the following information about such subconsultants:

- 1) The subconsultant's contact information
- 2) State of Oregon M/W/ESB designation
(Verify certification status with the Office of Minority, Women and Emerging Small Business at <http://egov.oregon.gov/DCBS/OMWESB/index.shtml>)
- 3) The proposed scope or category of work that the subconsultant will be performing
- 4) The amount of the subconsultant's contract

If the Proposer(s) will not be using any subconsultants that are subject to the above disclosure requirements, the Proposer(s) is required to indicate "**NONE**" on the accompanying form.

ATTACHMENTS: Form 1: City of Portland PTE First Tier Subconsultant Disclosure Form

**CITY OF PORTLAND
PTE FIRST TIER SUBCONSULTANT DISCLOSURE FORM
(FORM 1)**

This Request for Proposal requires submission by the Proposer of the First Tier Subconsultant Disclosure Form. When the contract amount of a first tier subconsultant furnishing services, labor or labor and materials would be greater than or equal to \$10,000, the Proposer must disclose the following information about that subconsultant.

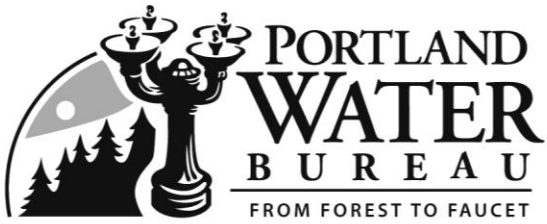
Proposer Name: _____ **Proposed Cost:** _____

RFP Number: _____ **Project Name:** _____

SUBCONSULTANT INFORMATION (Please Print)	M/W/ESB	SCOPE/TYPE OF WORK	SUBCONTRACT AMOUNT
Firm Name: Phone #: Fax #:			\$
Firm Name: Phone #: Fax #:			\$
Firm Name: Phone #: Fax #:			\$
Firm Name: Phone #: Fax #:			\$
Firm Name: Phone #: Fax #:			\$
Firm Name: Phone #: Fax #:			\$

NOTE:

- 1) If the Proposer will not be using any subconsultants that are subject to the above disclosure requirements, the Proposer is required to indicate "NONE" on this form.
- 2) All subconsultants with contracts \$10,000 or over must be listed on this form. Leave M/W/ESB column blank if firm is not confirmed certified through the *State of Oregon Office of Minority, Women and Emerging Small Business*: <http://egov.oregon.gov/DCBS/OMWESB/index.shtml>.



Randy Leonard, Commissioner
David G. Shaff, Administrator
1120 SW 5th Avenue, Room 600
Portland, Oregon 97204-1926
Information: 503-823-7404
www.portlandonline.com/water



An Equal Opportunity Employer

EXHIBIT B

Sample City of Portland (City) Water Bureau (PWB) On Call PTE services Task Order Form

{ date }

Contract Number: _____

Project: _____

Task Order #: _____

SAP Cost Object: _____

PWB Project Manager: _____

Phone Number: _____

Contractor's Project Manager: _____

Phone Number: _____

Effective Date of Task Order: Last signature Cost (not to exceed): \$ _____

Expiration Date of Task Order: _____

Project Synopsis of Statement of Work (Statement of Work is attached and incorporated by this reference). The Contractor shall submit invoices to the City of Portland Finance Department for work performed by the Contractor on or before the 15th day of each month. The Contractor shall include the following information on all invoices submitted: PWB's Contract Number, Project Title, Task Order Number, describe all Work performed with particularity and by whom it was performed and shall itemize and explain all expenses. Each invoice also shall include the total amount invoiced to date by Contractor prior to the current invoice.

Approved By:

Michael Stuhr, P.E.
Chief Engineer, Engineering Services Group
Portland Water Bureau

Date: _____

Acceptance of Terms by Contractor:

By signing below, Contractor shall complete the work under this task order on time and for a not-to-exceed price reflected above, under the terms of the Contract, the attached Statement of Work, and this task order. The Contractor understands all deliverables and resulting work products from this task order will become the property of the City. All materials developed under the task order, including any and all copyright rights associated with those materials, will be owned by the City.

Sign

Date

Print Name and Title