

Town of Abingdon Virginia
REQUEST FOR PROPOSAL

**East Main Street Drainage Improvement
and Related Engineering Services**



Proposal Release: Thursday, May 12, 2022

Proposal Due Date: Friday, June 3, 2022 at 2:00 p.m.

Postal Return Address:

Kevin W. Worley
Public Works Project Manager
Town of Abingdon
P. O. Box 789
Abingdon, Virginia 24212-0789

Courier Delivery Address:

Kevin W. Worley
Public Works Project Manager
Town of Abingdon
299 Kings Mountain Drive
Abingdon, Virginia 24210

This public body does not discriminate against faith-based organizations in accordance with the Code of Virginia, § 11-35.1 or against a bidder because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by law relating to discrimination in employment.

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East Main Street Drainage Improvement and Related Engineering Services

PURPOSE

In accordance with the Virginia Public Procurement Act § 2.2-4303, the Town of Abingdon (Town) requests proposals to procure engineering services related to East Main Street Drainage Improvements. The Town reserves the right to utilize the selected firm from this RFP process to provide comprehensive services as well as any other engineering services needed to evaluate and improve the drainage and any recommendations or needs identified in the on-going flood mitigation.

SCOPE OF WORK

The Town seeks professional engineering services for the development of engineering design and construction documents for stormwater infrastructure improvements in response to frequent flooding along East Main Street near the crossing of Town Creek. Drainage Improvements will be designed per the proposed improvements for Alternative #2 in the Town Creek Flood Study, to include box culverts under East Main Street, Tanner Street and Park Street, repairing the large hole that has formed through stream daylighting at 341 East Main Street, and re-grading and lowering the channel for Town Creek to accommodate the new culverts (1,200 linear feet). Property acquisition of 341 East Main Street may be required to accommodate the construction work, in which case trees can be planted as public green space in that location. Further details will be determined during the engineering design phase.

Services may include but are not limited to field survey and base mapping, environmental studies (401/404 permitting), hydrologic and hydraulic calculations, preliminary design (30%), intermediate design (60%), property acquisition assistance for 8 plats, final engineering design (90%), Final plans and required approvals, bid assistance, construction administration and construction inspection.

FIRM SELECTION SCHEDULE

The Town would like to complete the selection process and have a contract with the selected firm in June 2022.

INSTRUCTION TO OFFERORS

Proposals must be submitted in accordance with the instructions and requirements contained in this RFP. Failure to do so may result in the proposal being considered non-responsive and it may be rejected. An Offeror must promptly notify the Town of any ambiguity, inconsistency or error which may be discovered upon examination of the RFP.

The Town reserves the right to make the final determination of responsible Offerors and to waive informalities and/or irregularities and to accept or reject any or all offers. Proposals should be as thorough and detailed as possible so that the Town may properly evaluate the capabilities of respective Offerors to provide the required services. It is not the intent of the specifications to be proprietary, or to exclude any individual, business or firm.

Offerors are required to submit the following items for a complete proposal:

The specialized experience and technical expertise of the firm is to be demonstrated, showing comparable experience with projects similar to the identified projects. Comprehensive statement detailing the firms understanding of the project as presented in the scope of service. List of previous clients that may be contacted as reference. The Offeror must have a minimum experience of three (3) projects of similar size and complexity that have been completed within the last five (5) years. Include customer name and contact information with telephone number and email addresses.

Any other special experience and qualifications relative to this project including current staffing workload to be responsive to the immediate needs of the project. A listing of specific requirements, if any, which the Town will need to provide or meet prior to starting the work. The Offeror shall submit a method and plan outlining how the requirements contained in this proposal will be met. Detailed timeline including milestones for key action items based on Offerors understanding of the scope of work. Attachments A, B and C included at the end of this RFP.

SUBMITTAL REQUIREMENTS

Submissions shall be made in writing; to include one version with proprietary information redacted, if applicable.

As it is expected that each Offeror may have different needs for information, it is incumbent on each Offeror to make whatever inquiries it deems necessary in order to respond to the RFP. The Town assumes no responsibility for oral instructions, suggestions or interpretations.

No bid may be withdrawn after opening except for clerical errors, as set forth in section 2.2-4330 of the Virginia Code. Bidder must give the Town a notice in writing of the request to withdraw a bid within two (2) business days after bid opening.

The Town is not responsible for any costs incurred with the development and delivery of the proposal. It is the sole responsibility of the Offeror.

SELECTION PROCESS

In accordance with Virginia Public Procurement Act, Chapter 43, Article 2, Section 2.2-4302.2 of the Code of Virginia, and Chapter 2, Article V, Section 2-176 of the Abingdon Municipal Code, the Town will choose a firm through competitive negotiation. In order of preference, two or more offerors whose professional qualification and proposed services are deemed most in line with the Town's needs. Negotiations shall then be conducted beginning with the offeror ranked first. If a contract satisfactory and advantageous to the Town can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations with the offeror ranked second, and so on, shall be undertaken until a fair and reasonable price is agreed upon. Should the Town determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

The Town will utilize a selection committee to review all proposals. Members of that committee may check references as appropriate in evaluating qualification of responding firms. The selection committee will make its recommendation to the Town Council for final approval.

EVALUATION CRITERIA

The Town will utilize a selection committee to review all proposals for services including checking references as appropriate in evaluating qualifications of responding firms.

The following criteria will be used to evaluate proposals, not necessarily listed in the order of importance, will be used to evaluate the response to this RFP:

<u>Experience</u>	Demonstrated qualifications and capacity of the Offeror. This will include: Years in business, service capabilities and experience of the firm in providing the requested services for public governmental entities. Verification of positive references with other clients will be considered in the evaluation process.	20 pts
<u>Familiarity</u>	Demonstrated understanding, approach and explanation of the services offered as it relates to the desired outcomes as outlined in the scope of services and the experience to perform.	20 pts
<u>Resources</u>	Demonstrated capabilities of the Offeror. This will include proactive business practices and philosophies of Offeror to ensure the Offeror has the ability to perform, and that the Offeror can complete the tasks within a reasonable timeframe.	20 pts
<u>Workload</u>	Describe the current workload of the key personnel proposed for the project. Explain the use of personnel, time, meetings and reports.	10 pts
<u>Execution</u>	Method and plan outlining how the requirements contained in this proposal will be met.	15 pts
<u>Completion</u>	Projected time frame, from beginning to a prompt completion date	10 pts
<u>Intangibles</u>		5 pts

PRE-PROPOSAL CONFERENCE

N/A

SUBMISSIONS AND DEADLINES

For consideration, one (1) hard copy and one (1) PDF file of the **PROPOSALS must be received no later than 2:00 p.m., Friday, June 3, 2022.** The submittals are to be marked on the outside **“BID PROPOSAL – East Main Street Drainage Improvement and Related Engineering Services”**.

Mailed submissions must be received by the deadline and addressed to:

Kevin W. Worley
Public Works Project Manager
Town of Abingdon
P. O. Box 789
Abingdon, Virginia 24212-0789

Courier delivered must be received by the deadline and addressed to:

Kevin W. Worley
Public Works Project Manager
Town of Abingdon
299 Kings Mountain Drive
Abingdon, Virginia 24210

Questions concerning the proposal can be directed, **in writing**, to Kevin Worley and/or Tyler Vencill by using the contact information below, and shall be received no later than Wednesday, May 25, 2022. Any questions received after Wednesday, May 25, 2022 may not be answered in fairness to other bidders.

Email: kworley@abingdon-va.gov
tvencill@abingdon-va.gov

Proposals received after the stated deadline will not be accepted. After the PROPOSALS are reviewed, the Town may meet with the firm or firms they deem best qualified for a more detailed discussion of the project. The Town reserves the right to reject any and all proposals for any reason.

This Request for Proposal does not commit the Town to pay any costs incurred by the individuals or firms in the preparation and submission of the proposal. The Town of Abingdon reserves the right to reject any or all proposals at any time without penalty.

CIVIL RIGHTS

The Town of Abingdon assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all sub-consultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) within 10

work days of notification of selection when requested by the Department. This requirement applies to all consulting firms when the contract amount equals or exceeds \$10,000.

ANTI-DISCRIMINATION: By submitting their proposals, offers certify to the Town that they will conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians with Disabilities Act, the Americans with Disabilities Act and Code of Virginia 2.2-4311, 2.2-4311.2, and 2.2-4312 of the Virginia Public Procurement Act (VPPA). If the award is made to a faith-based organization, the organization shall not discriminate against any recipient of goods, services, or disbursements made pursuant to the contract on the basis of the recipients religion, religious belief, refusal to participate in a religious practice, or on the race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, status as a veteran, or disability, and shall be subject to the same rules as other organizations that contract with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body. (Code of Virginia 2.2.4343.1E).

Contract amount equals or exceeds \$10,000.

1. During the performance of this contract, the contractor agrees as follows:
 - a. During the performance of this contract, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, status as a veteran, or disability, or any other basis prohibited by law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - b. The Contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, shall state that it is an equal opportunity employer.
 - c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting these requirements.
 - d. The requirements of these provisions 1. and 2. are a material part of the contract. If the Contractor violates one of these provisions, the Town may terminate the affected part of this contract for breach, or at its option, the whole contract. Violation of one of these provisions may also result in debarment from City contracting regardless of whether the specific contract is terminated.
2. The contractor will include the provisions of Paragraph a.1, preceding above, in every subcontract or purchase order equals or exceeds \$10,000, so that the provision will be binding upon each subcontractor or vendor.

ANTI-DISCRIMINATION OF CONTRACTORS: A bidder, offeror, or contractor shall not be discriminated against in the solicitation or award of this contract because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, status as a veteran, or disability, or any other basis prohibited by state law relating to discrimination in employment or because the offeror employs ex-offenders unless the Town has made a written determination that employing ex-offenders on the specific contract is not in its best

interest. If the award of this contract is made to a faith-based organization and an individual, who applies for or receives goods, services, or disbursements provided pursuant to this contract objects to the religious character of the faith-based organization from which the individual receives or would receive the goods, services, or disbursements, the public body shall offer the individual, within a reasonable period of time after the date of his objection, access to equivalent goods, services, or disbursements from an alternative provider.

PROPRIETARY AND CONFIDENTIAL INFORMATION

The Town promises to keep confidential, subject to the terms of this paragraph and to the extent permitted by law, Proprietary Information submitted in response to this Request for Proposal. For purposes of this paragraph, "Proprietary Information" means all confidential and/or proprietary knowledge, data or information in which the Offeror has a protectable interest, including: (a) trade secrets, inventions, ideas, know-how, improvements, discoveries, developments, designs and techniques; (b) information regarding research and development, new products marketing and selling, business plans, licenses, records, facility locations, documentation, software programs, price lists, contract prices for purchase and sale of the Offeror's services, customer lists, prospect lists, pricing on business proposals to new and existing customers, supplier pricing, equipment configurations, ledgers and general information, employee records, mailing lists, accounts receivable and payable ledgers, budgets, financial and other records of the Offeror; and (c) information regarding the skills and compensation of other employees of the Offeror. "Proprietary Information" does not include, however, information that is publicly available or readily ascertainable by independent investigation. To qualify Proprietary Information for protection from disclosure, the Offeror must: 1) request protection of the Proprietary Information before, or contemporaneously with, submission of the Proposal; 2) identify the Proprietary Information to be protected; and 3) state the reasons why the information is proprietary. The Offeror cannot designate as Proprietary Information a) an entire proposal; b) any portion of a proposal that does not contain Proprietary Information; c) line item prices; or d) the total proposal price. The Town may decline to defend against a lawsuit filed against it to compel release of information designated as proprietary, but in that event the Town will provide reasonable notice to the Offeror regarding its decision to defend pending lawsuits.

ATTACHMENT A. PROPRIETARY/CONFIDENTIAL INFORMATION IDENTIFICATION FORM

Code of Virginia 2.2-4342F (updated 07/01/18): "Trade secrets or proprietary information submitted by a bidder, offeror, or contractor in connection with a procurement transaction or prequalification application submitted pursuant to subsection B of § 2.2-4317 shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, the bidder, offeror, or contractor shall (i) invoke the protections of this section prior to or upon submission of

the data or other materials, (ii) identify the data or other materials to be protected, and (iii) state the reasons why protection is necessary. A bidder, offeror, or contractor shall not designate as trade secrets or proprietary information (a) an entire bid, proposal, or prequalification application; (b) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (c) line item prices or total bid, proposal, or prequalification application prices.”

Trade secrets or proprietary information shall be identified in writing on this form, either before or at the time the data or other material is submitted. Note: If proprietary/confidential information is identified, Bidder/Offeror must submit a redacted copy (in electronic PDF format) of their bid/proposal in addition to the required number of copies requested. The proprietary or trade secret material must be clearly identified in the redacted bid/proposal copy by a distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute a trade secret or proprietary information. The designation of an entire proposal document, line item prices, and/or total proposal prices as proprietary or trade secrets is not acceptable. If, after being given reasonable time, the offeror refuses to withdraw such a classification designation, the proposal will be rejected.

Name of Bidder/Offeror: _____

SECTION/TITLE	PAGE NUMBER(S)	REASON(S) FOR WITHHOLDING FROM DISCLOSURE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Bidder/Offeror may attach additional sheets if necessary

Check this box if there are none.

ATTACHMENT B. STATE CORPORATION COMMISSION (SCC) FORM

STATE CORPORATION COMMISSION IDENTIFICATION NUMBER:

Pursuant to Code of Virginia 2.2-4311.2 subsection B, a bidder/offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 is required to include in its bid/proposal the identification number issued to it by the State Corporation Commission (SCC) and shall not allow the identification number to lapse, be revoked or cancelled at any time during the term of the contract. Any bidder/offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50 or as otherwise required by law is required to include in its bid/proposal a statement describing why the bidder/offeror is not required to be so authorized. A link to the SCC site is at <http://www.scc.virginia.gov>.

Select one of the following boxes. The undersigned Offeror:

- is a corporation or other business entity with the following SCC identification number: _____
- is not a corporation, limited liability company, limited partnership, registered limited liability partnership, or business trust.
- is an out-of-state business entity that does not regularly and continuously maintain as part of its ordinary and customary business any employees, agents, offices, facilities, or inventories in Virginia (not counting any employees or agents in Virginia who merely solicit orders that require acceptance outside Virginia before they become contracts, and not counting any incidental presence of the Offeror in Virginia that is needed in order to assemble, maintain, and repair goods in accordance with the contracts by which such goods were sold and shipped into Virginia from bidder's out-of-state location).
- is an out-of-state business entity that is including with this bid an opinion of legal counsel which accurately and completely discloses the undersigned Offeror's current contacts with Virginia and describes why those contacts do not constitute the transaction of business in Virginia within the meaning of § 13.1-757 or other similar provisions in Titles 13.1 or 50 of the Code of Virginia. Attach opinion of legal counsel to this form.
- has not completed any of the foregoing options but currently has pending before the SCC an application for authority to transact business in the Commonwealth of Virginia and wishes to be considered for a waiver to allow them to submit the SCC identification number after the due date for bids/proposals. The Town reserves the right to determine in its sole discretion whether to allow such waiver.

Signature: _____

Date: _____

Name: _____

(Print)

Name of Firm: _____

Title: _____

ATTACHMENT C. NON-COLLUSION AFFIDAVIT

Under oath, I hereby affirm under penalty of perjury:

- (1) That I am the offeror or a partner of the offeror, or an officer or employee of the offeror's corporation with authority to sign on its behalf;
- (2) That the attached proposal or proposals have been arrived at by the offeror and have been arrived at and submitted without collusion or any design to limit bidding or competition;
- (3) That the contents of the proposal or proposals have not been communicated to any person not an employee or agent of the offeror on any bid furnished with the proposal or proposals, and will not be communicated to any such person prior to the official opening of the proposal or proposals; and
- (4) That I have fully informed myself regarding the accuracy of the statements made in this affidavit.

Signature: _____

Date: _____

Name: _____

(Print)

Name of Firm: _____

Title: _____

TOWN OF _____,

STATE OF _____, to wit:

I, _____, a Notary Public, do certify that _____ whose name is signed to the foregoing has this date acknowledged the same before me in my Town foresaid.

Given under my hand this _____ day of _____, 20_____.

My Commission expires _____.

Notary Public _____.

Supporting Documents
Town Creek Flood Mitigation Study
“Available Upon Request”