



TOWN OF THOMASTON
13 VALLEY STREET
THOMASTON, MAINE 04861
TEL: (207) 354-6107

TOWN OF THOMASTON
REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES
WIN: 28470.00, TITLE: VALLEY ST.-WATTS LN. SIDEWALK

The Town of Thomaston (Town) is soliciting Technical Proposals for engineering services for a federal-aid project consisting of sidewalks to two schools, reference WIN 28470.00. *Price shall not be mentioned in the Technical Proposal; otherwise, that proposal shall be disqualified from consideration for award.*

The Town was awarded funding for the project from the Maine Department of Transportation (MaineDOT). All work is subject to federal and state requirements, set out in MaineDOT's Local Project Administration Manual & Resource Guide: www.maine.gov/mdot/lpa/manual/

The Town of Thomaston, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively assure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

1. RFP COORDINATOR

All contact regarding this RFP must be made through the RFP Coordinator listed below, by email. The contact includes questions, requests for clarification, and Technical Proposal submissions.

RFP Coordinator: John Fancy
Title: Project Manager
Email address: jfancy@thomastonmaine.gov

2. TECHNICAL PROPOSAL DUE DATE

Technical Proposals must be submitted to the RFP Coordinator listed above as follows:

- Date Due: September 18, 2024
- Local Time: 2:00 pm

Late proposals: Any proposal, portion of a proposal, or unrequested proposal revision received at the Town after the date and time specified above will not be considered.

3. REQUESTS FOR CLARIFICATION / RFP AMENDMENTS

During the Technical Proposal preparation period, questions and requests for clarification must be emailed to the RFP Coordinator listed above. The subject line must reference the WIN and Project Title.

The deadline to submit questions or requests is 2:00 p.m. on September 11, 2024. Requests received after this deadline will not be accepted.

Responses will be posted to the Town's website – Town of Thomaston – by 2:00 on September 12, 2024.

It will be the Proposer's responsibility to check the referenced website for clarifications and amendments to this RFP. The Proposer must reference all amendments in its response to this RFP.

4. PROJECT BACKGROUND / SCOPE OF WORK

A. Project Background

This project will construct asphalt sidewalks with granite curbs and make general improvements to the sidewalk area including replacement of a 24 inch culvert, storm drains and catch basins, on two streets: Valley Street (approximately 1,200 linear feet of new sidewalk), and Watts Lane (approximately 1,100 linear feet of new sidewalk), leading to the Thomaston Grammar School and the Oceanside Middle School. These streets have become crowded with traffic, more parents are transporting their children to and from school, a practice that increased during the pandemic and has not slowed down. The sidewalks will provide a separation in elevation between the street traffic and the pedestrians increasing safety.

B. Project Scope of Work

The successful Proposer will: Meet with Town officials to review project and coordinate activities. Survey the site of the project for topography and property lines. Prepare base plans indicating any property that needs to have an easement or needs to be acquired for the project. Develop 80% plans of project for review by Town. Participate in public and/or neighborhood meetings to keep citizens aware of project activities. Complete plans and specifications such that any needed approvals and permits can be applied for and help securing these. Prepare final plans and specifications suitable for bidding and construction. Advertise project, review bids received and help in selection of contractor. Coordinate construction so that the majority is accomplished when schools are not in session, i.e. summer vacation or other vacations. Provide construction inspection whenever work is ongoing. Attend monthly construction meetings. Provide "As-Built" plans.

C. Technical Proposal Requirements

Proposers will describe in detail how they will complete the defined tasks and deliverables: Include timing of survey work and when property survey will be completed

as Town needs to start any easement or acquired property early in process. 80% plans should be in paper and electronic form for best distribution as will be the case for the final design. Provide presentation material (paper, electronic, Power Point, etc.) to make public meetings more understandable.
Include a project timeline.

5. PREQUALIFICATION

The successful Proposer does not need to be pre-qualified by MaineDOT under Service Number 209.10 – Pedestrian-Bicycle Facilities Design.

6. TECHNICAL PROPOSAL SUBMISSION PACKAGE

Technical Proposals submitted in response to this RFP must be formatted to provide all of the information requested below, in the order presented, in one PDF file:

A. Appendix A - Proposer's General Information Form

Proposers shall complete all sections in **Appendix A**, which is included with this RFP.

B. Staff Qualifications

Proposers shall identify all staff who will be assigned to fulfill the contract requirements, as well as any subcontractors, if applicable. Proposers shall describe each person's role. Résumés for each assigned staff person must be included and must describe the person's educational and work experiences, specifically their role on projects similar in nature to the services in this RFP.

C. Experience

Proposers shall provide 5 similar projects involving federal or state funds completed with their current staffs in the last 5 years. Proposers shall include a brief description of each project, dates of the project, results, and points of contact (client's firm name, physical address, contact name, contact e-mail, and contact telephone number). Points of contact may be contacted to verify results and to inquire as to the client's general level of satisfaction with the Proposer's services.

D. Understanding of, and Proposed Approach to, the Project

- 1) Proposers shall demonstrate their understanding of the work required by the Town for this project.
- 2) Proposers shall demonstrate their capacity to be successful in performing the work required for this project to MaineDOT standards.
- 3) Proposers shall present their approach to delivering each project task, milestone, deliverable, etc. as well as the completion of the overall Project. In addition to describing their approach, Proposers shall include a timeline covering from initiation to finalization of the Project.

E. Proposer’s Ability to Control Project Schedule and Costs

- 1) Schedule/Workload/Communication:
Proposers shall briefly describe their firm’s methods of schedule control and ability to handle projected workload. Proposers are to discuss their approach to project coordination with the Town. Proposers should describe how the firm will manage its role and how it intends to maintain effective communication.
- 2) Methods for controlling costs/quality control and assuring constructability:
Proposers shall briefly describe how they control and monitor client costs, control quality, and, if applicable, assure constructability of design plans.

7. TECHNICAL PROPOSAL RATING AND SELECTION PROCESS

Technical Proposals will be reviewed and rated using the scoring criteria and weights in Section 8 of this RFP, below. This is a Qualifications Based Selection (QBS) process. Technical Proposals submitted in response to this RFP shall not to include any information regarding costs.

*Inclusion of price information will result in the **disqualification** of that Technical Proposal from award consideration.*

8. TECHNICAL PROPOSAL SCORING CRITERIA AND WEIGHTS

Technical Proposals will be scored on the criteria below, using a 100-point scale, as follows:

- A. Proposer’s Staff Qualifications – 30 Points**
- B. Proposer’s Experience – 20 Points**
- C. Proposer’s Understanding of, and Proposed Approach to, the Project – 30 Points**
- D. Proposer’s Ability to Control Project Schedule and Costs – 20 Points**

9. AWARD

The Town intends to make one award, to the Highest Qualified Proposer, as a result of this RFP process. The “Highest Qualified Proposer” is defined as the Proposer whose Technical Proposal received the highest overall score based on the evaluation criteria stated above.

The Town will enter negotiations with the Highest Qualified Proposer to finalize the contract for this project. If the Town cannot negotiate a satisfactory contract with that Proposer, the Town reserves the right to terminate negotiations and to enter negotiations with the next most qualified Proposer, and so forth, until a contract is finalized.

10. PRICE PROPOSAL

After the ranking of Technical Proposals, the Highest Qualified Proposer will be invited to submit a Price Proposal within 5 business days from the date of the request using a standard form found in the “Consultants” section of MaineDOT’s Local Project Administration website: <https://www.maine.gov/mdot/lpa/lpadocuments/>

Upon receipt, the Town will compare the Price Proposal submitted by the #1 ranked firm against its independent estimate and begin negotiations with that firm.

The Price Proposal must include the following:

A. Completed Consultant's Detailed Price Proposal Form:

<https://www.maine.gov/mdot/lpa/lpadocuments/>

B. Direct Labor Expenses / Employee Classifications:

The Price Proposal must show each employee's classification and direct labor rate, based on the actual rate of pay. **A cap on direct labor of \$85.00 per hour applies to this project, based on actual rates as documented in the Appendix A-1 Form.** *The Town must approve a wage-rate waiver, in consultation with MaineDOT, for any rate exceeding this maximum.*

C. Overhead Rate:

The Price Proposal must include a Proposer's current overhead rate approved by MaineDOT's Office of Audit. If a current Audited Overhead Report (AOR) is not on file with MaineDOT, one must be provided. If there are changes to an approved overhead rate following contract execution, the Consultant must submit an updated AOR to MaineDOT's Office of Audit for approval. **Note:** *A fixed commercial rate may be used, with permission from the Town, in consultation with MaineDOT, for small firms without an Audited Overhead Report.*

D. Profit:

Proposed profit is based on factors such as the degree of risk, the relative difficulty of work and the size of a job. Profit on this project shall be limited to 10 percent, unless a waiver is granted. **Note:** *Justification must accompany a proposed profit rate exceeding this maximum, subject to approval by the Town in consultation with MaineDOT.*

E. Itemized Direct Non-Salary Expenses:

Project specific non-salary expenses such as printing, tolls, mileage (at State of Maine rate) and subconsultant costs that are not included in the Direct Labor, Profit and Overhead rates.

F. Total Proposed Cost:

The sum of all Direct Labor, Overhead, Direct Expenses and Profit.

11. DISADVANTAGED BUSINESS ENTERPRISES

Certified Disadvantaged Business Enterprise (DBE) consultants are encouraged to apply as the prime Consultant for this work. Non-DBE consultants shall ensure that DBEs have the maximum opportunity to participate in the performance of any contract in accordance with MaineDOT's current requirements for DBE utilization when using subconsultants. Consultants certified by another state's transportation agency must be certified by MaineDOT.

DBE requirements are available online: www.maine.gov/mdot/civilrights/dbe/.

Information also may be obtained by contacting:

Sherry Tompkins, Director
MaineDOT Civil Rights Office
16 State House Station
Augusta, ME 04333
Office Phone: 207-624-3066
Email: Sherry.Tompkins@maine.gov

12. CONTRACT REQUIREMENTS

The following documents will be requested only from the Highest Qualified Proposer.

A. **Appendix A-1 Form**

Appendix A-1 shall be completed using the proposed overhead and profit rates from the Consultant's Price Proposal Form. The Consultant must list names and classifications of employees who will – or potentially will – work on the project. Employee pay rates listed on the form must be actual rates, supportable by certified payroll. For an Adjustable Burdened Rate payment method, any changes to the Appendix A-1 Form after contract execution shall be sent to the Town with supporting documentation prior to any changes in billing. This form must be signed by an authorized financial or payroll representative of the Consultant firm.

B. **Disadvantaged Business Enterprise (DBE) Form**

The DBE Form must show all subconsultants, indicate whether they are DBE, WBE or Non-DBE, and show the percentage of the subconsultant work out of the total contract value. The DBE Form must also show whether the Prime Consultant itself is a DBE.

C. **Insurance Certificates:**

Insurance Certificates (Accord Form) must accompany the Price Proposal. Insurance coverage shall not reference a specific project. Minimum required coverages include the following:

- Professional Liability or Negligent Acts, Errors and Omissions Policy – \$1,000,000 per claim and annual aggregate
- Commercial General Liability, listing the Town and MaineDOT as additional insureds – \$1,000,000 per occurrence and \$2,000,000 in the aggregate.
- Automobile Liability – \$1,000,000 per occurrence
- Worker's Compensation – in accordance with the laws of the State of Maine.
- Excess/Umbrella Liability (if applicable).

D. Insurance Waiver Form (if applicable):

Consultants not meeting the minimum insurance requirements set out above must submit an Insurance Waiver Request Form and their insurance certificates to the Town for review.

E. Subconsultant Proposal (if applicable):

If a subconsultant will work on the project, the Prime Consultant must submit the Subconsultant's Proposal with an itemized cost breakdown as supporting documentation. Additionally, if a subconsultant will perform work estimated to cost \$250,000 or greater, the subconsultant's completed A-1 Form and Audited Overhead Report must be submitted.

13. CONTRACT TERM, TYPE AND PAYMENT METHOD

The anticipated initial contract term shall be for a period of 3 years, commencing upon full execution of the contract awarded pursuant to this RFP. The Town reserves the right to modify the initial contract term and to award additional phases of the Project. The contract type and payment method for this Project shall be determined following the selection of a successful Proposer.

14. TERMS & CONDITIONS / FUNDING SOURCE / GENERAL INFORMATION

- A. Since this project involves funding from MaineDOT, the contract resulting from this RFP will be governed by applicable provisions of MaineDOT's Consultant General Conditions:
<https://www.maine.gov/mdot/cpo/docs/general/2020/ConsultantGeneralConditions4212020.pdf>
- B. The primary funding source for the Project is the Federal Highway Administration (FHWA), making any contract awarded pursuant to this RFP subject to applicable sections of the Federal Contracting Provisions, also known as Form FHWA-1273.
- C. This RFP does not commit the Town to pay costs incurred in submitting or preparing your Technical Proposal.

15. FREEDOM OF ACCESS ACT - CONFIDENTIALITY.

Under Maine's Freedom of Access Act, Title 1 M.R.S.A. Chapter 13 §402 (3), et seq., "Public Records" (as that term is defined in Title 1, §402: Definitions) are available for public inspection and copying once an award notification has been made.

As a general matter, information submitted in response to this RFP will be considered to be "Public Records" available for public inspection and copying, once an award notification has been made. If a Proposer believes that parts of its Technical Proposal fall within one or more of the exceptions to the definition of "Public Records" set forth in Title 1 M.R.S.A. Chapter 13 §402(3), that Proposer may submit those parts of its Technical Proposal, with each page marked "Confidential". Proposers must include a non-confidential statement of the basis for Proposer's claim that those parts of its Technical Proposal fall within one or more of the exceptions. Designating part of a Technical Proposal "Confidential" does not, by itself,

ensure that those parts of the Technical Proposal will remain confidential. Technical Proposals with no sections designated as “Confidential” will be considered public information after award notification and will be released as such when requested.

If the Town receives a request to inspect or copy those parts of the Proposer’s Technical Proposal marked confidential, the Town will notify the Proposer that such a request has been received. If the Town agrees that the documents so identified fall within one of the exceptions to the definition of “Public Records”, the Town will notify the party requesting disclosure (“Requestor”) that the documents will be withheld. If the Town determines that the confidential designation submitted is overbroad, the Town will contact the Proposer in an effort to narrow the confidential designation. If the Proposer disagrees with the Town’s determination of what constitutes public records available for disclosure, the Proposer can seek a protective order or other legal remedy under Title 1, § 409. If the Requestor files a legal action to gain access to confidential information withheld under this section, the Proposer must retain counsel and file for a protective order. Proposer’s failure to join the action and secure a protective order shall constitute a waiver of its claim that the information is confidential. The Town will comply with the order issued by the reviewing court.

1. PROPOSER CONTACT INFORMATION:

a. Firm Name: _____	b. Office Phone No.: _____	c. Cell Phone No.: _____
d. Contact First & Last Name: <input type="checkbox"/> Mr. <input type="checkbox"/> Ms. _____	e. Title: _____	f. Contact email Address: _____
g. Firm's Web Address: _____		h. Name of Firm's President/Managing Officer: _____

2. PROPOSER CORPORATE INFORMATION:

a. Type (select one): <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Minority Owned <input type="checkbox"/> Woman Owned <input type="checkbox"/> Small Business <input type="checkbox"/> S Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation (State of origin): _____ <input type="checkbox"/> Other: _____	b. Firm's UEID: _____	e. Does your firm have an Audited Overhead Report dated within the last two (2) years? <input type="checkbox"/> Yes <input type="checkbox"/> No What is the date of your most recent Audited Overhead Report? _____ <input type="checkbox"/> N/A
	c. Firm's Federal EIN: _____	
	d. Firm's State of Maine Vendor No.: <input type="checkbox"/> VC _____ OR <input type="checkbox"/> VS _____	
f. Is your firm a Disadvantaged Business Enterprise (DBE)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, are you certified as such by MaineDOT's Civil Rights Office? <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Address of your Corporate Headquarters: _____		

3. DEBARMENT, SUSPENSION, INELIGIBILITY, OR EXCLUSION:

By submitting to this RFP, I certify to the best of my knowledge and belief that the aforementioned organization, its principals, and any subcontractors named in this Proposal:

- a. Are not debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.
- b. Have not within three (3) years of submitting the Proposal for this contract been convicted of or had a civil judgment rendered against them for:
 - i. fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.
 - ii. violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - iii. are not indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
 - iv. have not within a three (3) year period preceding this Proposal had one or more federal, state or local government transactions terminated for cause or default.

Failure to provide this certification may result in the disqualification of the firm's Proposal.

4. AFFIRMATIVE ACTION:

<p>a. Does your firm have an Equal Employment Opportunity (EEO) policy and plan? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>b. Is your firm aware of EEO responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>c. Is your firm aware of MaineDOT's goals for utilization of DBE firms? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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5. PROPOSER CERTIFICATION:

By submittal of this form, I certify that this firm has not been debarred, suspended, declared ineligible or voluntarily excluded from contracts by the Federal Government or any State Agency within the last 3 years.
 Check Here to Agree

By submittal of this form, I certify that I have thoroughly read and understand all of the information contained in this RFP.
 Check Here to Agree

By submittal of this form, I certify that I have reviewed the Firm's Submittal Package to ensure that all of the required documents are included in the Firm's submittal.
 Check Here to Agree

By submittal of this form, I certify that all of the information contained in the Firm's Submittal Package are true and accurate and that I am an Authorized Signatory Officer of the Firm.
 Check Here to Agree

By submittal of this form, I certify that the typed name below (a) is intended to have the same force as a manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my control, and (e) is linked to data in such a manner that it is invalidated if the data are changed, per 10 M.R.S.A. §9501, et seq.
 Check Here to Agree

By submittal of this form, I certify that I acknowledge any and all amendments in response to this RFP.
 Check Here to Agree

<p>a. Typed Name of Submitting Authorized Officer: _____</p>	<p>b. Title: _____</p>	<p>c. Date: _____</p>
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