

**MUNICIPALITY OF BATH**  
**REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES**  
**WIN: 025487.00, TITLE: LEEMAN HIGHWAY (ROUTE 1) SIDEWALKS**

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The Municipality of Bath (Municipality) is soliciting Technical Proposals for engineering services for a federal-aid project consisting of design of sidewalks and associated improvements [drainage, curb, utility coordination, etc.], reference WIN 025487.00. *Price shall not be mentioned in the Technical Proposal; otherwise, that proposal shall be rejected.*

The Municipality has been awarded federal funding from the Maine Department of Transportation (MaineDOT). All work performed on the project, therefore, is subject to federal and state requirements, as well as the policies and procedures in MaineDOT's Local Project Administration Manual: [www.maine.gov/mdot/lpa/manual/](http://www.maine.gov/mdot/lpa/manual/)

**1. APPENDIX:**

Proposer's General Information Form

**2. TECHNICAL PROPOSALS MUST BE SUBMITTED BY EMAIL, AS FOLLOWS:**

Date Due: October 22, 2021

Local Time: 2:00 PM

RFP Coordinator: Lee Leiner

Title: Public Works Director

Email address: lleiner@cityofbath.com

**Late proposals:** Any proposal, portion of a proposal, or unrequested proposal revision received at the Municipality after the time and date specified above will be rejected.

**3. REQUESTS FOR CLARIFICATION / RFP AMENDMENTS**

Requests for clarification and additional information must be emailed to the RFP Coordinator listed in Section 2 above by 4:30 PM on October 8, 2021. Such correspondence must reference the WIN and Project Title in the subject line.

Responses will be posted to the Municipality's website – [www.cityofbath.com/departments/PublicWorks/LeemanRte1Sidewalks](http://www.cityofbath.com/departments/PublicWorks/LeemanRte1Sidewalks) – by the close of business on October 15, 2021. *Late requests for clarification will not be accepted.*

**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 / PROPOSAL REQUIREMENTS**

**A. Project Background and Location Map**

The purpose of the project is to fill gaps in the City's sidewalk network and respond to a demonstrated need for pedestrian access to businesses and side streets along Route 1 in Bath.

The new sidewalk sections must coordinate with existing portions of sidewalk in the corridor. A location map is in Appendix B.

## **B. Project Scope of Work**

An Existing Conditions Plan with existing right-of-way will be provided by MaineDOT.

The successful Proposer will:

1. Develop both draft and final project-specific preliminary design report (PDR) with the following:
  - Scope of work, project background, and purpose and need.
  - Location map and summary of physical characteristics of the project location.
  - A summary of impacts – right-of-way, utilities, environmental – and identification of the required permitting.
  - Preliminary design plans (50%) and a preliminary estimate of construction cost prepared in accordance with standards in MaineDOT’s Highway Design Guide, Standard Specifications (March 2020) and Standard Details (March 2020). Design plans shall include plan views, profiles, and typical and critical sections.
2. Coordinate one (1) public meeting to obtain feedback on the project.
3. Coordinate the project with all utilities, as applicable.
4. Prepare a set of Design Plan Impacts (75% design complete) with all design features, topographical details and impacts associated with the project.
5. If necessary, develop preliminary and final right-of-way maps in MicroStation format to standards established in the MaineDOT *Right of Way Manual* (August 2018). MaineDOT will perform ROW acquisition.
6. Develop both draft and final plans, specifications and estimate package (PS&E) in accordance with the latest versions of the MaineDOT *Highway Design Guide*, *Standard Specifications*(March 2020), and *Standard Details* (March 2020).
7. Conduct and document quality-control design checks at 50% and 95% plans complete.
8. Inform the Municipality in writing in advance of any issues that may cause the firm’s design costs to exceed the budget for the project or otherwise to cause additional expense.
9. Keep the Municipality informed of the engineer’s estimate of probable construction cost throughout the design phase, so that the Municipality may make decisions about the project according to its funding limitations.
10. Provide engineering support during the bidding process.
11. Additional services upon request of the Municipality.

The approximate schedule of project milestones is:

MILESTONE	DUE DATE
Contract Signing/NTP	11/5/21
Survey Complete	5/1/22
Concept Plan	7/1/22
Draft PDR	9/1/22
Public Meeting #1	11/15/22
Final PDR	1/15/23
PIC	3/1/23
Draft PSE	11/1/23
Final PSE	1/15/24

### C. Technical Proposal Requirements

Proposers will describe in detail how they will complete the defined tasks and deliverables, as follows:

1. Firm’s Qualifications: Please identify the staff the firm will assign to fulfill the contract requirements, including but not limited to the Project Manager, project engineers, technicians, and any sub-contractors. Provide résumés describing the education and experience of those staff. Please identify the staff members with Local Project Administration Certification from MaineDOT.
2. Firm’s Experience: Please describe the firm’s experience and capabilities in providing engineering support to municipalities leading to the successful delivery of locally administered federal-aid projects. Identify projects, clients, dates, and results.
3. Firm’s ability to control Schedule and Costs on this project:
  - a. *Quality control*. Describe the methods the firm will use to control and monitor client costs, control quality, and ensure constructability of the design plans in accordance with MaineDOT’s standards for locally administered projects.
  - b. *Communications and schedule*. Discuss how the firm will coordinate its work on the project with the Municipality; describe how the firm will manage its role and how it intends to stay on schedule while maintaining effective communication; and state how the firm will communicate to the Municipality any anticipated changes in the design budget for this project, as well as any changes in the engineer’s estimate of probable cost for the construction stage of the project.
4. Firm’s References: Provide a list of 3 to 5 municipalities with which the firm has done business similar to that required in this solicitation in the last 5 years. Include points of contact and a brief description of each project. The Municipality will determine which if any references are contacted. The results of any reference checks will be used to help score the proposal.
5. Contact Information: Please provide the name, address, phone number, FAX number and e-mail address of the proposer. A signature page shall be included with the technical and price proposals stating that “I certify that all of the information contained in this technical/price

proposal to be true and accurate.”

6. Schedule: Please include a schedule outlining project deliverables in Section B.

## 5. PREQUALIFICATION

The successful Proposer must be pre-qualified by MaineDOT under Service Number 209.10 – Pedestrian/Bicycle Facilities Design.

## 6. SCORING CRITERIA FOR TECHNICAL PROPOSAL

- a. **Experience (25 points)**: Describe the Proposer’s experience providing services similar to those requested for this project, involving state requirements and MaineDOT design standards. Identify at least 5 projects on which your company has performed work comparable to that required in this RFP in the last 5 years. Include company name, contact name, address, and phone number, as well as a description of the project, dates of the project and results.
- b. **Qualifications (25 points)**: Identify the **key** staff who will be assigned to fulfill the contract requirements (project managers, engineers, technicians). Provide resumes describing their educational and work experiences.
- c. **Ability to stay on schedule (20 points)**:
  - i. Provide a schedule of deliverables and any other relevant milestones;
  - ii. Describe how the firm will manage its overall workload to meet deadlines for the deliverables and other relevant milestones listed above.
- d. **Ability to control costs and ensure quality (20 points)**:
  - i. Describe how the firm will control and monitor its costs;
  - ii. Describe how the firm will control quality and ensure the constructability of design plans;
  - iii. Describe how your firm intends to maintain communication with the Municipality.
- e. **References (10 points)**: Provide at least 3 work references with contact information and descriptions of the resulting projects, with dates. The results of reference checks will be used in scoring the Technical Proposal.
- f. **Contact Information**: Provide the name, address, phone number and email address of Proposer.

## 7. TECHNICAL PROPOSAL RATING AND SELECTION PROCESS

- a. Technical Proposals will be reviewed and rated using the scoring criteria in Section 6 above.
- b. The Municipality will select for contract award the Proposer determined to provide the best value to the Municipality, based on the scoring criteria.

## 8. PROPOSAL ATTACHMENTS

- **Proposer’s General Information Form (Appendix A)**:  
This must be completed and accompany the Proposal.
- **Acknowledgement of Amendments**:  
The Proposer must include reference to all amendments in its response to this RFP.

**9. PRICE PROPOSAL:** *Your Technical Proposal must avoid any mention of the price of the proposed services. The Municipality will request a Price Proposal and supporting documents from the Successful Proposer following the selection process.*

Upon completion of the initial selection process, the successful Proposer will be asked to submit its Price Proposal within five (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 Municipality will compare the Price Proposal against its independent estimate of the price of the requested services and begin negotiating a contract with the Successful Proposer.

The Price Proposal must include project location, WIN and phase(s) of work, as well as firm name, address, contact and email address. Additionally, the following documents must be submitted by the successful Proposer:

- **Completed Consultant’s Detailed Price Proposal Form**

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

- **Direct Labor Expenses / Employee Classifications:**

The Price Proposal must include each employee’s classification and direct labor rate, based on the actual rate of pay. *A cap on direct labor of \$62.00 per hour for the project manager and quality control engineer, and \$50.00 per hour for all other personnel, applies to this project. Otherwise, a completed Wage Rate Waiver Form shall be submitted for the consideration of the Municipality, in consultation with MaineDOT.*

- **Overhead Rate:**

The Price Proposal must show a 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, for small firms with no Audited Overhead Report.*

- **Profit:**

Proposed profit is based on factors such as degree of risk, relative difficulty of work and size of a job. It must fall within the range of 6% to 15%. *Note: Justification must accompany proposed profit rates exceeding 10%.*

- **Itemized Direct Expenses:**

Project specific non-salary expenses such as printing, tolls, mileage (45 cents/mile) and subconsultant costs that are not included in the Direct Labor, Profit and Overhead rates.

- **Total Proposed Cost:**

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

## 10. CONTRACT REQUIREMENTS

***The following documents will be requested from the Successful Proposer upon completion of the selection process. They must NOT be submitted with your Technical Proposal.***

- **Appendix A-1 Form:** *ctrl + [\(click to open form\)](#)*

Appendix A-1 shall be completed using the proposed Overhead and Profit Rates from the Consultant's Detailed Price Proposal Form. The Consultant must list names and classifications of employees who will – or potentially will – work on the specified project. Employee rates listed must be actual rates paid, as supported by certified payroll. Form A-1 must be signed by an authorized financial or payroll representative of the Consultant firm.

- **Insurance Certificates:**

Insurance Certificates (Accord Form) must show proof of the following minimum coverages:

- Professional Liability or Negligent Acts, Errors and Omissions Policy - \$1,000,000 per claim and annual aggregate
- Commercial General Liability, listing the Municipality as additional insured - \$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).

- **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 Municipality for review.

- **Disadvantaged Business Enterprise (DBE) Form:** *ctrl + [\(click to open form\)](#)*

The DBE Form must list all Subconsultants to be used on the project and identify whether they are DBE, WBE or Non-DBE. The DBE Form also must show the percentage of Subconsultant work that makes up the total contract value and must reflect whether the Prime Consultant itself is a DBE.

- **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 at least 25% of the value of the original contract or a subsequent modification, the Subconsultant's completed A-1 Form and Audited Overhead Report must be submitted.

## **11. PACKAGING AND SUBMITTING YOUR TECHNICAL PROPOSAL**

- a. **Organization and Format:** Your Technical Proposal, which must be organized as closely as possible to the format and sequence indicated in these Proposal instructions, must be submitted as set out below.
- b. **WIN and Project Title:** The Proposer's full business name and address, as well as the project WIN and Project Title, must be included on the cover page of your Technical Proposal.
- c. **Proposal Package Submittal:** The Technical Proposal must be submitted electronically to the RFP Coordinator listed on the first page of this RFP, with the WIN and Project Title in the email subject line.

- **ANY TECHNICAL PROPOSAL THAT MENTIONS PRICE SHALL BE REJECTED.**
- **A COMPLETED “PROPOSER’S GENERAL INFORMATION FORM” (ATTACHMENT A) MUST BE INCLUDED WITH YOUR TECHNICAL PROPOSAL.**

## **12. TERMS & CONDITIONS / FUNDING SOURCE**

- 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 Municipality to pay costs incurred in submitting your Proposal.

## **13. CONTRACT TERM, TYPE AND PAYMENT METHOD**

The initial contract term shall be for a period of 2 years, commencing upon full execution of the contract awarded pursuant to this RFP. The Municipality 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. 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 project 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 found on the website for MaineDOT’s Civil Rights Office:  
<https://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](mailto:Sherry.Tompkins@maine.gov)**

## **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 M.R.S.A. Chapter 13 §402(3)) are available for public inspection and copying once an award notification has been made.

Information submitted in response to this RFP will be considered to be “Public Records” available for public inspection and copying once a contract has been awarded. If, however, a Proposer believes that parts of its 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 Proposal, with each page marked “Confidential” in a separate envelope marked “Confidential”. The envelope must include a non-confidential statement of the basis for Proposer’s claim that those parts of its Proposal fall within one or more of the exceptions to the definition of “Public Records”. Designating part of a Proposal “Confidential” does not by itself ensure that those parts of the Proposal will remain confidential.

If the Municipality receives a request to inspect or copy those parts of the Proposer’s Proposal marked confidential, the Municipality will notify Proposer that such a request has been received. Any Proposer claiming documents are confidential shall, within 14 days of receiving the Municipality’s notice, send the Municipality a list identifying each document that it claims is confidential. If the Municipality agrees that the documents so identified fall within one of the exceptions to the definition of “Public Records”, the Municipality will notify the party requesting disclosure that the documents will be withheld. If the party seeking disclosure files a legal action to gain access to the confidential information, 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 Municipality will comply with the order issued by the reviewing court.

## **16. DEBARMENT CERTIFICATION**

A duly authorized representative of the Proposer must complete the statements on the attached Proposer’s General Information Form certifying that the organization, its principals, and any subcontractors named in a Proposal submitted in response to this RFP:

- a. Are not debarred, suspended, proposed for debarment, 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 complete the certification may result in the disqualification of a firm’s proposal.*



## Proposer's General Information Form

### 1. CONTACT INFORMATION\*:

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

### 2. 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 DUNS Number:  c. Firm's Federal EIN:  d. Firm's State of Maine Vendor/Customer No.: <input type="checkbox"/> VC                      OR <input type="checkbox"/> VS	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?
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		
g. Is your firm's Corporate Headquarters located in Maine? <input type="checkbox"/> Yes <input type="checkbox"/> No What is the address of your Corporate Headquarters:		

### 3. AFFIRMATIVE ACTION\*:

a. Does your firm have a current Equal Employment Opportunity policy and plan? <input type="checkbox"/> Yes <input type="checkbox"/> No	b. Is your firm aware of Equal Employment Opportunity (EEO) responsibilities? <input type="checkbox"/> Yes <input type="checkbox"/> No	c. Is your firm aware of MaineDOT's goals for utilization of DBE firms? <input type="checkbox"/> Yes <input type="checkbox"/> No
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#### 4. 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 presently 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 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 presently 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, at the discretion of MaineDOT.

#### 5. 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 Proposal (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 (a) is intended to have the same force as a manual signature, (b) is unique to myself, (c) is capable of verification, (d) is under the sole control of myself, (e) is linked to data in such a manner that it is invalidated if the data are changed. (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

a. Typed Name of Submitting Authorized Officer:

b. Title:

c. Date: