

REQUEST FOR PROPOSALS
FOR
TOWN OF COLMA
FOR
2021 SEWER SERVICE RATE STUDY

TOWN OF COLMA
1198 El Camino Real
Colma, CA 94014

Telephone: (650) 997-8300
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TOWN OF COLMA

**NOTICE INVITING PROPOSALS, RFP NO. 21-01
2021 SEWER RATE STUDY**

PUBLIC NOTICE IS HEREBY GIVEN that proposals will be received until **3:00 p.m., Friday, August 20, 2021** at the office of the **Public Works Department**, located at 1198 El Camino Real, Colma, CA 94014, for the furnishing to the Town of Colma ("Town") of **Professional Engineering** services for the **2021 Sewer Service Rate Study**.

Interested parties may obtain copies of the above captioned Request for Proposals ("RFP") at 1198 El Camino Real, Colma, CA 94014

The Town has tentatively established **the week of August 23, 2021** to conduct interviews. All prospective proposers will be asked to keep this period available.

The award of this contract is subject to available budget adequate to carry out the provisions of the proposed agreement including the identified scope of services. The Town reserves the right to reject any or all proposals determined not to be in the best interest of the Town.

Pursuant to Labor Code Section 1773, the Town has obtained the prevailing rate of per diem wages and the prevailing wage rates for holiday and overtime work applicable in Santa Clara County from the Director of the Department of Industrial Relations for each craft, classification, or type of worker needed to execute the scope of services. A copy of these prevailing wage rates may be obtained via the internet at: www.dir.ca.gov/dlsr/. In addition, a copy of the prevailing rate of per diem wages is available at the Town's offices and shall be made available to interested parties upon request. It shall be mandatory upon the Proposer to whom the contract is awarded, and upon any subcontractors, to comply with all applicable Labor Code provisions, which include but are not limited to the payment of not less than the said specified prevailing wage rates to all workers employed by them in the execution of the contract, contractor registration, certified payroll records, employment of apprentices, hours of labor and debarment of contractors and subcontractors.

**TOWN OF COLMA
REQUEST FOR PROPOSALS**

**PROFESSIONAL ENGINEERING SERVICES
2021 SEWER SERVICE RATE STUDY**

I. BACKGROUND AND INTRODUCTION

The Town of Colma (“Town”) is requesting proposals from qualified firms¹ for professional engineering services (“Services”), which shall be provided under the general direction of the City Engineer or his designee.

The Town of Colma is soliciting proposals from qualified consultants to conduct a Sewer Service Rate Study to evaluate the existing sewer rates and to propose future rates starting FY 22/23.

II. REQUEST FOR PROPOSALS

A. Scope of Services

The Services sought under this RFP are set forth in more detail in **Exhibit “A,”** attached hereto and incorporated herein by this reference. Notwithstanding the inclusion of such Services in **Exhibit “A,”** the final scope of Services negotiated between Town and the successful Proposer shall be set forth in the Professional Services Agreement (“Agreement”) executed by and between Town and the successful Proposer. A copy of the Agreement is attached hereto as **Exhibit “B”** and incorporated herein by this reference.

B. Content and Format of Proposal

Proposals shall be concise, well organized and demonstrate qualifications and applicable experience. Proposals shall be in the following order and shall include:

1. Executive Summary: (limit: 2 pages) Summarize the content of your firm’s proposal in a clear and concise manner.
2. Table of Contents: (limit: 1 page)
3. Identification of Proposer: (limit: 1 pages)
 - a. Legal name and address of the company.
 - b. Legal form of company (partnership, corporation).

¹ Use of the term “firm” throughout this document shall mean individual proprietorship, partnership, limited liability company, corporation or joint venture.

- c. If company is a wholly owned subsidiary of a “parent company,” identify the “parent company.”
 - d. Name, title, address and telephone number of the proposed representative to contact concerning the Proposal Submittal.
 - e. California Business License Number
4. Staffing Resources: (limit: 3 pages)
- a. Firm Staffing and Key Personnel
 - (i) Provide the number of staff to be assigned to perform the Services and the names/discipline/job title of each as well as your firm’s capacity to provide additional personnel as needed.
 - (ii) Identify three (3) persons that will be principally responsible for working with the Town. Indicate the role and responsibility of each individual. If the Proposer is chosen as a finalist, these principal individuals must attend the interview and in-person presentation.
 - (iii) Describe proposed team organization, including identification and responsibilities of key personnel. Please include one-page resumes.
 - (iv) Provide brief biographies of individuals that will be working directly with the Town.
 - b. Subcontractors/Subconsultants
 - (i) The Proposer shall identify functions that are likely to be subcontracted and identify the subcontractor / sub-consultant that is anticipated to perform each function, if known at this time.
5. Fiscal Stability: (limit: 1 pages- not including supporting documentation)
- a. The Proposer should provide evidence of corporate stability including:
 - (i) A current report from any commercial credit rating service such as Dunn and Bradstreet or Experian; or
 - (ii) A letter from a financial institution stating a current line of credit; and

- (iii) Latest audited financial statement and/or annual report that has been certified by a CPA. This information will remain confidential and is not subject to public disclosure.

6. Experience and Technical Competence: (limit: 3 pages)

a. Experience

- (i) The Proposer shall provide a description of how the Proposer's experience, technical and professional skills will meet the goals and fulfill the general functions identified in this RFP.
- (ii) Describe the past experience of the staff to be assigned to perform the Services in performing similar services.
- (iii) The Proposer shall state the number of years the firm has conducted business. Proposer must have at least four (4) years' experience in providing the required scope of Services for public clients.
- (iv) Provide five (5) references regarding the Proposer's experience and performance performing similar services. Include the following information: (1) organization name, contact name, phone number, e-mail address; and (2) project size and description, if applicable, and description of services.
- (v) Describe the firm's local experience and knowledge of Town's operations.

b. Project Specific Experience

- (i) The Proposer shall provide a description of the three most relevant service contracts held by the firm within the last five years, one page per project, to include:
 - (a) Role of the firm
 - (b) Dollar value of the services
 - (c) Dollar value of the fee
 - (d) Description of services
 - (e) Staffing
 - (f) Duration of providing services

- (g) Relationship to client
 - (h) Contact name, position, entity name, telephone number, fax number and e-mail address for each project.
- (ii) If any of the following has occurred, please describe in detail:
- (a) Failure to enter into a contract or professional services agreement once selected or awarded the contract.
 - (b) Withdrawal of a proposal as a result of an error.
 - (c) Termination or failure to complete a contract prior to the expiration of the contract.
 - (d) Debarment by any municipal, county, state, federal or local agency.
 - (e) Involvement in litigation, arbitration or mediation. Conviction of the firm or its principals for violating a state or federal antitrust law by bid or proposal rigging, collusion, or restrictive competition between bidders or proposers, or conviction of violating any other federal or state law related to bidding or professional services performance. Knowing concealment of any deficiency in the performance of a prior contract.
 - (f) Falsification of information or submission of deceptive or fraudulent statements in connection with a contract.
 - (g) Willful disregard for applicable rules, laws or regulations.

Information regarding any of the above may, at the sole discretion of the Town, be deemed to indicate an unsatisfactory record of performance.

c. Technical Competence

- (i) Description of in-house resources (i.e., computer capabilities, software applications, security protocols, modeling programs, etc.)

- (ii) Ability to draw upon multi-disciplinary staff to address the Services requested in this RFP.

7. Proposed Method to Accomplish the Work: (limit: 2 pages) Describe the technical and management approach to providing the Services to the Town. Proposer should take into account the scope of the Services, goals of the Town, and general functions required. Include a draft schedule of tasks, milestones, and deliverables that will provide for timely provision of the Services. In reviewing the scope of Services and goals described in **Exhibit “A,”** the Proposer may identify additional necessary tasks and is invited to bring these to the Town’s attention within the discussion of its proposed method to accomplish the work.

8. Fee Proposal: (limit: 1 pages) Please provide a not-to-exceed fee proposal for the scope of Services. The fee proposal shall include hourly rates for all personnel for “Additional Services” (as such term is defined in the Agreement attached hereto as **Exhibit “B”**).

9. Insurance: (limit: 1 page - not including supporting documentation) See the Agreement, attached hereto as **Exhibit “B,”** for a description of the insurance requirements.

10. Litigation: (limit: 1 pages) Provide litigation history for any claims filed by your firm or against your firm related to the provision of any services in the last five (5) years.

11. Other Information: (limit: 1 pages) This section shall contain all other pertinent information regarding the following:

- a. Demonstration of record of staffing tasks efficiently and completing projects on time and within the allocated budget.
- b. Description of community involvement.
- c. Description of any previous involvement with the Town.

12. Appendices: (limit: 5 pages)

C. Selection Process

1. Town will evaluate proposals based on the following criteria:

- a. The firm is independent and properly licensed to practice and authorized to do business in the State of California.
- b. The firm has no conflict of interest with regard to any other work performed by the firm for the Town.
- c. Clarity and conformance of proposal to RFP.
- d. Content of the proposal.

- e. Proposer's experience and performance.
- f. Team members' experience and performance.
- g. Fee proposal.
- h. Reference's comments.

2. It is the Town's intent to select a firm evidencing demonstrated competence and professional qualification sufficient to perform the Services. The Town reserves the right to reject all proposals, select by proposal review only or interview as needed. Certain firms may be selected to make a brief presentation and oral interview after which a final selection will be made. The successful proposer will be selected on the basis of information provided in the RFP, in-person presentations, and the results of the Town's research and investigation. Upon selection of a firm, the Town will endeavor to negotiate a mutually agreeable professional services agreement with the selected firm. In the event that the Town is unable to reach agreement, the Town will proceed, at its sole discretion, to negotiate with the next firm selected by the Town. The Town reserves the right to contract for services in the manner that most benefits the Town including awarding more than one contract if desired.

3. After negotiating a proposed Agreement that is fair and reasonable, Town staff will make the final recommendation to the Town's governing body concerning the proposed Agreement. The Town's governing body has the final authority to approve or reject the Agreement.

D. Protests

1. Protest Contents: Proposer may protest a contract award if the Proposer believes that the award was inconsistent with Town policy or this RFP is not in compliance with law. A protest must be filed in writing with the Town (email is not acceptable) within five (5) business days after receipt of notification of the contract award. Any protest submitted after 3 p.m. of the fifth business day after notification of the contract award will be rejected by the Town as invalid and the Proposer's failure to timely file a protest will waive the Proposer's right to protest the contract award. The Proposer's protest must include supporting documentation, legal authorities in support of the grounds for the protest and the name, address and telephone number of the person representing the Proposer for purposes of the protest. Any matters not set forth in the protest shall be deemed waived.

2. Town Review: The Town will review and evaluate the basis of the protest provided the protest is filed in strict conformity with the foregoing. The Town shall provide the Proposer submitting the protest with a written statement concurring with or denying the protest. Action by the Town relative to the protest will be final and not subject to appeal or reconsideration. The procedure and time limits set forth in this Section are mandatory and are the Proposer's sole and exclusive remedy in the event of protest. Failure to comply with these procedures will constitute a waiver of any right to further pursue the protest, including filing a Government Code claim or legal proceedings.

E. Proposal Schedule

The tentative schedule is as follows:

ACTION	DATE
Release of Request for Proposal	July 29, 2021
Last Day to Submit Questions for Clarification received by the Town on or before 3 pm	August 11, 2021
Clarifications Issued by Town on or before 3 pm	August 17, 2021
Deadline for Receipt of Proposals submitted on or before 3 PM	August 20, 2021
Notification of Finalist(s)	August 23, 2021
Interview of Finalist(s)	Week of August 23, 2021
Notification of Intent to Award	September 2, 2021
Authorization to Negotiate Contract	September 2, 2021

The above scheduled dates are tentative and Town retains the sole discretion to adjust the above schedule. Nothing set forth herein shall be deemed to bind Town to award a contract for the above-described professional Services and Town retains the sole discretion to cancel or modify any part of or all of this RFP at any time.

F. Submittal Requirements

1. **Letter of Interest:** Proposer must submit a notification of its interest to the Town's contact person by the date given in Section F of this RFP (Proposal Schedule). Proposers that fail to submit a Letter of Interest will be removed from the Proposer's List. Removal from the Proposer's List will not preclude a Proposer from submitting a proposal; however, such firms must contact the Town prior to submission of a proposal to ensure responsiveness.

2. **General:** It is strongly recommended that the Proposer submit proposals in the format identified in Section B to allow the Town to fully evaluate and compare the proposals. All requirements and questions in the RFP should be addressed and all requested data should be supplied. The Town reserves the right to request additional information which, in the Town's opinion, is necessary to assure that the Proposer's competence, qualifications, number of qualified employees, business organization and financial resources are adequate to perform the Services according to the terms of the Agreement.

3. Preparation: Proposals should be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Responses should emphasize the Proposer's demonstrated capability to perform work of this type. Expensive bindings and promotional materials, etc., are not necessary or desired. However, technical literature that supports the approach to providing the Services and work plan should be forwarded as part of the proposal. Emphasis should be concentrated on completeness, approach to the work and clarity of the proposal.

4. Site Examination: Proposers are encouraged to visit Town and its physical facilities and determine the local conditions which may in any way affect the performance of the Services; familiarize themselves with all federal, state and local laws, ordinances, rules, regulations, and codes affecting the performance of the Services; make such investigations, as it may deem necessary for performance of the Services at its proposal price within the terms of the Agreement; and correlate its observations, investigations, and determinations with the requirements of the Agreement.

5. Number of Copies: One executed original and 3 copies of the proposal shall be submitted.

6. Authorization: The proposal shall be signed by an individual, partner, officer or officers authorized to execute legal documents on behalf of the Proposer.

7. Confidentiality of Proposal: Pursuant to *Michaelis, Montanari, & Johnson v. Superior Court* (2006) 38 Cal.4th 1065, proposals submitted in response to this RFP shall be held confidential by Town and shall not be subject to disclosure under the California Public Records Act (Cal. Government Code section 6250 *et seq.*) until after either Town and the successful proposer have completed negotiations and entered into an Agreement or Town has rejected all proposals. All correspondence with the Town including responses to this RFP will become the exclusive property of the Town and will become public records under the California Public Records Act. Furthermore, the Town will have no liability to the Proposer or any other party as a result of any public disclosure of any proposal or the Agreement.

If a Proposer desires to exclude a portion of its proposal from disclosure under the California Public Records Act, the Proposer must mark it as such and state the specific provision in the California Public Records Act which provides the exemption as well as the factual basis for claiming the exemption. For example, if a Proposer submits trade secret information, the Proposer must plainly mark the information as "Trade Secret" and refer to the appropriate section of the California Public Records Act which provides the exemption as well as the factual basis for claiming the exemption. Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the Town is not in a position to establish that the information that a Proposer submits is a trade secret. If a request is made for information marked "Confidential", "Trade Secret" or "Proprietary", the Town will provide Proposers who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.

8. Delivery: The electronic form of the proposal (email or through a flash drive) must be received no later than 3 p.m. on August 20, 2021. In addition, hard-copy

proposals must be received no later than 3 p.m. local time, on or before August 20, 2021 at the office of:

**Brad Donohue
Public Works Director
Town of Colma
1198 El Camino Real
Colma, CA 94014**

If you have any questions, contact Brad Donohue at (650) 757-8888.

G. Miscellaneous

1. Exceptions Certification to this RFP: In submitting a proposal in response to this RFP, Proposer is certifying that it takes no exceptions to this RFP including, but not limited to, the Agreement. If any exceptions are taken, such exceptions must be clearly noted in the proposal and may be reason for rejection of the proposal. As such, Proposer is directed to carefully review the attached Agreement and, in particular, the insurance and indemnification provisions therein.

2. Amendments to Proposals: No amendment, addendum or modification will be accepted after a proposal has been submitted to Town. If a change to a proposal that has been submitted is desired, the submitted proposal must be withdrawn and the replacement proposal submitted to Town prior to the proposal due date and time.

3. Cancellation of RFP: Town reserves the right to cancel this RFP at any time prior to contract award without obligation in any manner for proposal preparation, interview, fee negotiation or other marketing costs associated with this RFP.

4. Price Validity: Prices provided by Proposers in response to this RFP are valid for 90 days from the proposal due date. The Town intends to award the contract within this time but may request an extension from the Proposers to hold pricing, until negotiations are complete and the contract is awarded.

5. No Commitment to Award: Issuance of this RFP and receipt of proposals does not commit the Town to award a contract. Town expressly reserves the right to postpone the RFP process for its own convenience, to accept or reject any or all proposals received in response to this RFP, to negotiate with more than one Proposer concurrently, or to cancel all or any part of this RFP.

6. Requests for Clarification: All requests for information and/or clarification must be submitted to Brad Donohue at bdonohue@colma.ca.gov no later than 3 p.m., July 30, 2021. Answers to all questions will be issued to all prospective proposers via e-mail. Each Proposer is responsible for ensuring that it has received all addenda, clarifications, supplemental information and responses to questions prior to submitting a proposal.

7. Right to Negotiate and/or Reject Proposals: Town reserves the right to negotiate any price or provision, task order or service, accept any part or all of any proposals,

waive any irregularities, and to reject any and all, or parts of any and all proposals, whenever, in the sole opinion of Town, such action shall serve its best interests and those of the tax-paying public. The Proposers are encouraged to submit their best prices in their proposals, and Town intends to negotiate only with the Proposer(s) whose proposal most closely meets Town's requirements at the lowest estimated cost. The contract award, if any is awarded, will go to the Proposer whose proposal best meets Town's requirements.

8. Non-Discrimination: The Town does not discriminate on the basis of race, color, national origin, religion, age, ancestry, medical condition, disability or gender in consideration for an award of contract.

9. Prevailing Wage: Proposers shall take cognizance of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., as well as California Code of Regulations, Title 8, Section 16000 et seq. ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public work" and "maintenance" projects. The Proposer must agree to fully comply with and to require its subcontractors/subconsultants to fully comply with such Prevailing Wage Laws to the extent applicable.

Publication Date of RFP: July 29, 2021

EXHIBIT “A”

PROPOSED SCOPE OF SERVICES AND DELIVERABLES

Services will include, but not limited to the following:

- Review existing rate structures for SSF and NSMCSD (Daly City)
- Review revenue requirements for Administration, O&M and CIP
- Review data to develop Connection Fee
- Evaluate citywide versus per basin fee options
- Develop rate alternatives for single family, commercial, and industrial customers
- Develop multi-year implementation schedule options
- Compare rates with neighboring communities
- Conduct study sessions with City Council
- Participate in the development of Public Outreach Plan
- Assist in the Prop 218 process

Deliverables:

- Report that documents the current and proposer sewer service charge rates, include all methodology, supporting analysis, and rate comparisons to neighboring and similar jurisdictions.
- PowerPoint presentation on the results of the analysis,
- Present the PowerPoint presentation at one City Council Meeting and one Public Hearing Meeting with consultant staff present to answer any City Council or Public questions.

EXHIBIT "B"

**TOWN OF COLMA
PROFESSIONAL SERVICES AGREEMENT**