



County of Stettler No. 6

Engineering Services

REQUEST FOR PROPOSAL

FOR

WEST SIDE STORM WATER INFRASTRUCTURE
IMPROVEMENTS

DETAILED DESIGN

HAMLET OF BOTHA

Request for Proposal #: 2019-18

Issued: July 19, 2019

Submission Deadline: August 22, 2019 at 14:00:00 MST

SUBMISSION INSTRUCTIONS

Proposals will be received at:

County of Stettler No.6
PO Box 1270
6602 – 44 Avenue
Stettler, AB T0C 2L0

Proposals will be received up to **2:00:00 PM on August 22, 2019**

Proposals must be submitted in sealed envelopes, and must be clearly marked with name and address of proponent, RFP name and the RFP number.

Proposals must be received prior to the submission deadline noted above. Proposals received after the submission deadline will be returned unopened and will not be considered. The official time of receipt will be determined by the County central telephone system clock. Proposals will be time stamped and initialed upon receipt by the County.

Two hard copies and one unsecured PDF version on CD/Flash Drive required for submission.

The County reserves the right to accept or reject any and all proposals and to waive irregularities and informalities at its sole discretion.

SUBMISSION INQUIRIES

Rick Green, R.E.T., P.L.(Eng.)
Director of Engineering & Public Works
Phone: 403-742-4441
Fax: 403-742-0746
Email: rgreen@stettlercounty.ca

Contents

Section 1 - Instructions to Proponents	4
1. Applicable Trade Treaties.....	4
2. Procurement Process Non-Binding	4
3. RFP Communications and Confidential Information.....	4
4. Addenda	5
5. Evaluation and Selection	5
6. Past Performance, References and Misrepresentation	6
7. Proponent Cost.....	6
8. Debriefing.....	6
9. Governing Law.....	6
Section 2 – Terms of Reference.....	8
1. Introduction.....	8
2. Background.....	8
3. Project Purpose and Project Deliverables.....	8
4. Available Project Information	10
5. Proposal Requirements.....	10
6. Pre-proposal Meeting	12
7. Evaluation.....	12
8. Selection Process, General Process Guidelines.....	13
9. Additional Information for Successful Proponent	13
Section 3 – Submission Form	15
1. Proponent Information	15
2. Acknowledgment of Non-binding Procurement Process.....	16
3. Non-binding Price Estimates	16
4. Conflict of Interest.....	16
5. Disclosure of Information.....	17

Section 1 - Instructions to Proponents

1. Applicable Trade Treaties

Proponents should note that procurements falling within the scope of Chapter 5 of the Agreement on Internal Trade, the Trade, Investment and Labour Mobility Agreement and the New West Partnership Trade Agreement are subject to those trade treaties, but rights and obligations of the parties shall be governed by the specific terms of each particular proposal call.

2. Procurement Process Non-Binding

- a. The procurement process is not intended to create and shall not create a formal legally binding bidding process and shall instead be governed by the law applicable to direct commercial negotiations. For greater certainty and without limitation:
 - (1) the RFP shall not give rise to any Contract A-based tendering law duties or any other legal obligations arising out of any process contract or collateral contract; and
 - (2) neither the proponent nor the County shall have the right to make any claims (in contract, tort or otherwise) against the other with respect to the award of a contract, failure to award a contract or failure to honour a response to the RFP.
- b. The RFP process is intended to identify prospective vendors for the purpose of negotiating potential agreements. No legal relationship or obligation regarding the procurement of any good or service shall be created between the proponent and the County by the RFP process until the successful negotiation and execution of a written agreement for the acquisition of such goods and/or services.
- c. While the pricing information provided in responses will be non-binding prior to the execution of a written agreement, such information will be assessed during the evaluation of the responses and the ranking of the proponents. Any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact such evaluation, ranking or contract award.

3. RFP Communications and Confidential Information

- a. Proponents are advised that any inquiries about this RFP must be in email form and directed only to:

Rick Green, R.E.T., P.L.(Eng.)
Director of Engineering & Public Works
Email: rgreen@stettlercounty.ca

- b. A proponent may not at any time directly or indirectly communicate with the media in relation to the RFP or any contract awarded pursuant to the RFP without first obtaining the written permission of the County contact.
- c. All information provided by or obtained from the County in any form in connection with the RFP either before or after the issuance of the RFP is the sole property of the County and must be treated as confidential; is not to be used for any purpose other than replying to the RFP and the performance of and subsequent Contract; must not be disclosed without prior written authorization from the County; and shall be returned by the proponents to the County immediately upon request of the County.
- d. A proponent should identify any information in its proposal or any accompanying documentation supplied in confidence for which confidentiality is to be maintained by the County. The confidentiality of such information will be maintained by the County, except as otherwise required by law or by order of a court or tribunal. Proponents are advised that their proposals will, as necessary, be disclosed on a confidential basis to the County advisors retained for the purpose of evaluating or participating in the evaluation of their proposals. If a proponent has any questions about the collection and use of personal information pursuant to the RFP, questions are to be submitted to the above noted contact. Any proposal submitted is subject to the *Freedom of Information and Protection of Privacy Act*.
- e. Proposals will be retained by the County and will not be returned to proponents.
- f. The County may prohibit a supplier from participating in a procurement based on past performance or based on inappropriate conduct in a prior procurement process, and such inappropriate conduct shall include but not be limited to the following: (a) submissions containing misrepresentations or any other inaccurate, misleading or incomplete information; (b) the refusal of the supplier to honor its pricing or other commitments made in its proposal; or (c) any other conduct, situation or circumstance, as solely determined by the County that constitutes a Conflict of Interest.

4. Addenda

The RFP may be amended only by an addendum in accordance with this section. If the County, for any reason, determines that it is necessary to provide additional information relating to the RFP, such information will be communicated to all proponents by addenda. Each addendum forms an integral part of the RFP. Such addenda may contain important information, including significant changes to the RFP. Proponents are responsible for obtaining all addenda issued by the County.

5. Evaluation and Selection

- a. Proposals that do not meet the mandatory requirements at the submission deadline may be disqualified at the sole discretion of the County.

- b. The successful proponent will be determined by evaluation criteria as set out in Section 2 of this RFP and advised in writing by the County. Any contract awarded pursuant to this RFP is subject to final budget approval. The County may cancel or amend this RFP without liability at any time.
- c. When evaluating proposals, the County may request further information from the proponent or third parties in order to verify and clarify the information provided in the proponent's proposal. The County may revisit and re-evaluate the proponent's response on the basis of any such information.

6. Past Performance, References and Misrepresentation

- a. The County's evaluation may include information provided by the proponent's references and may also consider the proponent's past performance on previous contracts with the County or other institutions. The County may disqualify the proponent or rescind a contract subsequently entered into if the proponent's response contains misrepresentations or any other inaccurate, misleading or incomplete information.
- b. The County may refuse to do business with parties who do not act in good faith towards the County, whether by failing to live up to the terms of their agreements or by entering into frivolous or vexatious litigation with the County. Accordingly, the County will review proposals based on past performance and any history of litigation with the County or its peers and business partners.

7. Proponent Cost

Proponents shall bear their own costs associated with or incurred in the preparation and presentation of its proposal, including, if applicable, costs incurred for interviews or demonstrations.

8. Debriefing

Proponents may request a debriefing after receipt of a notification of award. All requests must be in writing to the County contact and must be made within 30 days of notification of award. The intent of the debriefing information session is to aid the proponent in presenting a better proposal in subsequent procurement opportunities. Any debriefing provided is not for the purpose of providing an opportunity to challenge the procurement process.

9. Governing Law

Procedural terms of the RFP Process (a) are included for greater certainty and are intended to be interpreted broadly and separately (with no particular provision intended to limit the scope of any other provision); (b) are non-exhaustive (and shall not be construed as intending to

County of Stettler No.6
West Side Storm Water Infrastructure Improvements – Hamlet of Botha
2019-18

limit the pre-existing rights of the parties to engage in pre-contractual discussions in accordance with the common law governing direct commercial negotiations); and (c) are to be governed by and construed in accordance with the laws of the Province of Alberta and the federal laws of Canada applicable therein.

Section 2 – Terms of Reference

1. Introduction

County

2. Background

The Hamlet of Botha has recently dissolved as a Village and become a County hamlet. The area has been constructed generally on natural topography and has poor drainage and ponding issues throughout. Existing wetlands do not positively drain and roadway ditches are often insufficient to convey overland drainage – especially during spring thaw. As part of the conversion to a hamlet, the County has identified drainage as a primary concern and has established a plan for the long term benefit of the community.

A Master Drainage Plan (MDP) for the hamlet was completed in April 2019. The MDP provided concept level storm water improvements for the entire hamlet broken into specific areas.

3. Project Purpose and Project Deliverables

Work under this project will include financial tracking required as back-up for invoicing. Costs are to be on a time and materials basis. All project invoicing is to be summarized for daily charges and shall include:

- Name of project personnel or equipment charges / disbursements;
- Date of service provided;
- Description of work completed

To accompany all monthly invoicing, the successful proponent shall provide an “earned value” report.

This project is intended to improve the storm water drainage through this portion of the hamlet and provide detailed design of storm water management facilities. Based on the information provided in the MDP, the successful proponent will be required to review the concept level design, and then take the project through detailed design and tender (including a pre-tender cost estimate). A general summary of the work to be completed is defined below:

a. Preliminary Review and Design

- Review all data provided by the County pertaining to the conceptual storm sewer systems depicted in the ‘Area 2 (Ultimate)’ design in the MDP.
- Inspect existing facilities as necessary.

County of Stettler No.6
West Side Storm Water Infrastructure Improvements – Hamlet of Botha
2019-18

- Investigate and confirm the location of all above and below ground utilities including the preparation of any drawings required for utility relocation.
- Undertake a detailed topographic survey and site inspection.
- Geotechnical and Hydrological Investigations.
- Assist the County with land acquisition negotiations. Final locations and dimensions of storm sewer infrastructure depicted in the MDP may vary based on land acquisition.
- Present the preliminary design, cost estimates and report to the County in order to ensure that the interests of the County and all other stakeholders are addressed. The Consultant will review the County's comments and modify the preliminary report as required. The Consultant shall provide estimated costs for the recommended upgrades. Costs should include construction and any necessary land assembly or easements that are required.
- The detailed design shall not proceed until the County has reviewed the preliminary design report. Once the County has provided its comments, it will provide approval for the commencement of the detailed design.

b. Detailed Design

- Prepare and submit detailed design drawing sets at 50%, 90% and final completion stages of design. The final design package will include drawings, specifications and a final design report. Submissions to be complete with updated capital cost estimates. Provide estimate of annual operation/depreciation and maintenance costs over 20-year period.
- Communicate with all relevant approvals agencies to obtain and secure all approvals and permits. This will include preparation of required forms and applications and providing any additional copies of design plans and reports as required for review by regulatory agencies.

c. Contract Administration/Tender

- Prepare and issue tender documents.
- Coordinate the tender period for the project including response to questions from bidders, issuing any necessary addenda, opening and evaluation of bids, and providing a recommendation for award.
- Prepare contract documents for execution by the County and successful bidder.

d. Review Presentations to County staff and Council

For inclusion in the proposal response, proponents will be required to:

- Attend a staff / project committee introduction and scope confirmation meeting. It is anticipated that this meeting will confirm the basis of project understanding by the successful proponent. The proponent will be required to set an agenda,

County of Stettler No.6
West Side Storm Water Infrastructure Improvements – Hamlet of Botha
2019-18

host the meeting at the County facility in Stettler and provide minutes of the meeting.

- Attend landowner meetings for parcels identified to potentially host ponds and related infrastructure.
- Assist County in land negotiations.
- Attend a staff / project committee meeting to review the preliminary design report. The report should be provided 2 weeks in advance in “issued for review” format to allow review and preparation of comments prior to the meeting. The report may be finalized after the meeting and ensure all relevant comments are addressed.
- Attend a staff / project committee meeting to review the detailed design report. The report should be provided 2 weeks in advance in “issued for review” format to allow review and preparation of comments prior to the meeting. The report may be finalized after the meeting and ensure all relevant comments are addressed.

4. Available Project Information

The following information is included in this RFP:

- Hamlet of Botha – Master Drainage Plan (2019)

5. Proposal Requirements

a. Mandatory Requirements

Each proposal must:

1. Envelopes must be clearly marked with name and address of proponent, RFP name and RFP number (2019-18).
2. Include a signed copy of the Submission Form included as Section 3 of the RFP.
3. Include two hard copies of the proposal submission along with one copy of a non-secured PDF on a CD/Flash Drive.
4. The Proponent shall limit their proposal to eight (8) pages of text. The cover page, table of contents, resumes, project profile sheets and appendices required by this RFP will not be included in the page count. Appendices should be indexed and clearly identified.

b. Rated Requirements

Proposal submissions should be clear and concise and represent a complete and detailed implementation plan for all services needed to complete the project successfully. The submissions should mirror the following outline and numbering provided for ease of reference by evaluators. Attachments such as resumes, references and brochures should contain the following information.

County of Stettler No.6
West Side Storm Water Infrastructure Improvements – Hamlet of Botha
2019-18

1. Capacity of Firm
 - Provide material describing the firm, including a brief history, size and location.
 - Demonstrate the firm's capacity in terms of its depth of resources and expertise to successfully meet the project's overall schedule and budget.
2. Project Understanding
 - Proponents should demonstrate their understanding of the project and provide an outline of their firm's philosophy to undertake the work in order to provide the services required by the County.
 - Outline any additional services that may add benefit to the project.
3. Methodology
 - The proponent should demonstrate the steps they will take to develop the design and accomplish the items in this proposal call. The proponent should also identify further project components that, in their opinion, would be beneficial to the project.
 - Each breakdown is to provide a brief description of the methodology that will be undertaken.
4. Relevant Project Experience and References
 - List the company's recent and relevant experience work of a similar scope. At least three examples of similar projects should be summarized.
 - The proponent should provide a reference for each above listed project that the County can contact. Include the contact person, their position, their role on the project, phone number and email address. Contact persons with incomplete or incorrect information may result in a score of 0 for references.
 - Provide a summary of innovations that have been developed through previous experience.
5. Fee Schedule
 - The proposal shall identify a total upset limit for all consulting services (provided in \$).
 - Outline costs for any additional services separately that may add benefit to the project.
 - Costs are to be on a time and materials basis to an upset limit.
 - Account for GST as a separate itemized value.
 - The proposal should include a Manpower Allocation Chart that includes a breakdown of the number of hours required by each member of the project team for all stages of the project and the corresponding hourly rates that will be charged, as well as all disbursements and sub-consultants.
 - Rates provided are to be maintained through the scheduled life of the project with no annual or inflationary increments. Proponents are to provide a percentage annual increment should the project be extended by the County past the stipulated completion date through an approved scope change. Non-completion on time by the proponent will not constitute grounds for rate increases.

County of Stettler No.6
West Side Storm Water Infrastructure Improvements – Hamlet of Botha
2019-18

6. Work Schedule

- Based on the methodology provided, the proponent will prepare a schedule detailing the phases of the project with anticipated milestones and the corresponding timelines, along with completion dates.
- All work under this project is to be completed no later than **March 31, 2020**.
- The proponent will provide a list of all anticipated tech memos or issued for review reports and will include in the project schedule the submission dates for these documents. The proponent will also include dates for required meetings.
- The schedules will show dates where review is required by the County. A minimum of two weeks at these points for receiving comments from the County is required.

7. Project Team

- The proponent shall provide a breakdown of the personnel, their roles on the project and a brief description of the professional experience of the project team.
- Provide resumes for key team members.
- Provide an organizational chart outlining the roles and responsibilities of the proposed team members.
- Project staff shall not change without prior approval of the County and negotiation of applicable rates.
- Only team members identified on the proposal or accepted as added or substituted by the County are to appear on project invoices.

6. Pre-proposal Meeting

Proponents that wish to have a pre-proposal meeting with the project staff should contact the proposal Contact Person to make arrangements. No meetings will be entertained in the last week of the proposal to ensure adequate time to communicate any necessary information to all proponents through an addendum.

7. Evaluation

The evaluation process will occur in the following stages:

1. Stage 1 will consist of a review to determine which proposals comply with all mandatory requirements. Proposals that do not comply with all mandatory requirements as of the submission deadline will, subject to the express and implied rights of the County, be disqualified and not evaluated further.
2. Stage 2 will consist of a full review of all compliant proposals to determine the highest ranking proponent based on the rated criteria and pricing evaluation set out below.

County of Stettler No.6
West Side Storm Water Infrastructure Improvements – Hamlet of Botha
2019-18

Please note that the County will have the sole and unfettered discretion to award up to the maximum number of points for each criteria as listed below:

Criteria	Weighting
Capacity of Firm, Relevant Experience & References, Project Team	15%
Project Understanding, Work Schedule	25%
Methodology	35%
Price	25%
Total	100%

8. Selection Process, General Process Guidelines

The top-ranked proponent, as identified above, will receive a written invitation to enter into direct contract negotiations with the County.

The County intends to conclude negotiations with the top-ranked proponent within 30 days of the date of invitation noted above. A proponent invited to enter into direct contract negotiations should therefore be prepared to provide requested information in a timely fashion and to conduct its negotiations expeditiously.

Any negotiations will be subject to the process rules contained in the RFP and the Submission Form (Section 3) and will not constitute a legally binding offer to enter into a contract on the part of the County or proponent. Negotiations may include requests by the County for supplementary information from the proponent to verify, clarify or supplement the information provided in its proposal or to confirm the conclusions reached in the evaluation, and may include requests by the County for improved pricing from the proponent or changes to the scope of the work to better meet the project intents or available budgets.

Proponents should note that if the parties cannot execute a contract within the allotted 30 days, the County may invite the next best ranked proponent to enter into negotiations. In accordance with the process rules of this RFP process and the Submission Form (Section 3), there will be no legally binding relationship created with any proponent prior to the execution of a written agreement. With a view to expediting contract formalization, the County may elect to initiate concurrent negotiations.

9. Additional Information for Successful Proponent

- When on site, the successful Proponent will be required to comply with County and Occupational Health and Safety Policies and Procedures. Personnel are required to wear appropriate Personal Protective Equipment when on site. The successful

County of Stettler No.6
West Side Storm Water Infrastructure Improvements – Hamlet of Botha
2019-18

Proponent will be required to meet with the County Safety Officer and confirm requirements for their work;

- The successful Proponent will be required to enter into a written agreement with the County;
- The successful Proponent shall be required to carry Commercial General Liability Insurance in respect to the services provided with policy limits of not less than \$2,000,000 per occurrence or \$5,000,000 in the aggregate and naming the County as an Additional Insured;
- Professional liability insurance with policy limits of not less than \$5,000,000 per claim;
- All information gathered during and for this project, and all documents and data will become the property of the County. All information, documents and data are to be provided to the County in editable original form as well as packaged final presentation format as a PDF and individual parts in format consistent with the application utilized to create the document or data.

Section 3 – Submission Form

Proposals must include a signed copy of this form with their proposal. Proposals that do not include a signed copy of this form may be disqualified at the sole discretion of the County.

1. Proponent Information

Please fill out the following form and name one person to be the contact for the RFP response and for any clarifications or amendments that may be necessary.	
Full Legal Name of Proponent:	
Street Address:	
City, Province:	
Postal Code:	
Phone Number:	
Fax Number:	
Company Website (If Any):	
RFP Contact Person and Title:	
RFP Contact Phone:	
RFP Contact Fax:	
RFP Contact E-mail	

2. Acknowledgment of Non-binding Procurement Process

The proponent acknowledges that the RFP process will be governed by the terms and conditions of the RFP, and that, among other things, such terms and conditions confirm that this procurement process does not constitute a formal legally binding process, and that there will be no legal relationship or obligations created until the County and the selected proponent have executed a written contract.

3. Non-binding Price Estimates

The proponent has submitted its rates in accordance with the instructions in the RFP. The proponent confirms that the pricing information provided is accurate. The proponent acknowledges that any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact the acceptance of its quotation or its eligibility for future work.

4. Conflict of Interest

For the purposes of this section, the term Conflict of Interest means

- (a) In relation to the RFP process, the proponent has an unfair advantage or engages in conduct directly or indirectly, that may give it an unfair advantage, including but not limited to (i) having or having access to, confidential information of the County in the preparation of its proposal that is not available to other proponents, (ii) communicating with any person with a view to influencing preferred treatment in the RFP process (including but not limited to the lobbying of decision makers involved in the RFP process), or (iii) engaging in conduct that compromises, or could be seen to compromise, the integrity of the RFP process; or
- (b) In relation to the performance of its contractual obligations contemplated in the contract that is the subject of this procurement, the proponent's other commitments, relationships or financial interests (i) could, or could be seen to, exercise an improper influence over the object, unbiased and impartial exercise of its independent judgement, or (ii) could, or could be seen to, compromise, impair or be incompatible with the effective performance of its contractual obligations.

If the box below is left blank, the proponent will be deemed to declare that (a) there was no Conflict of Interest in preparing its proposal; and (b) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFP.

