

City of Duluth, Georgia Request for Proposals

Development of a Stormwater Utility



Date of Proposal Issuance: July 15, 2010

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1. Introduction

The City of Duluth, Georgia invites your firm to submit a written proposal to provide Engineering/Planning Services related to the establishment of a stormwater utility. The City of Duluth is a community of 26,000 located in Gwinnett County, Georgia. It is a Phase I MS4 community with a NPDES permit for stormwater. Currently, only limited General Operating funds exist for funding stormwater infrastructure projects, and maintenance activities. These funds must also compete with street maintenance and other high priority activities throughout the city limits.

Establishing a stormwater utility would provide a dedicated revenue source for regular operation and maintenance of stormwater infrastructure, stormwater capital projects, and operation of a stormwater management program; including the planning, compliance, inspection and enforcement issues related to the NPDES requirements.

This written Request for Proposal (RFP) states the scope of the City of Duluth requirements and specifies the general rules for preparing the proposal.

The proposal should clearly demonstrate how the firm can best satisfy the requirements of the City of Duluth. The City of Duluth shall reserve the right to enter an agreement with the firm presenting the proposal that is most advantageous to the City of Duluth.

2. Rules of Preparation

The submitted proposals must follow the rules and the format established within this RFP. Adherence to these rules will ensure a fair and objective analysis of all proposals. Failure to comply with any portion of this request may result in rejection of a proposal.

3. Inquiries

The Department of Planning has prepared this RFP and the point of contact designated for this project will be Tim Lawrence, GIS Manager, as Project Manager. Please direct questions or comments concerning the administrative requirements of this RFP to:

Tim Lawrence; GIS Manager
City of Duluth Planning Department
tlawrence@duluthga.net
770-476-1790

To ensure a timely response, questions requiring a response should be emailed to the above address. Only those questions that are submitted in writing (via email) will be responded to by the Project Manager.

Contact with any City of Duluth employee without prior approval by the Project Manager may be considered as grounds for refusal of proposal acceptance and/or rejection of submitted proposals. Any employee of a firm or sub-consultant to a firm submitting a proposal who contacts (via email or orally) a member of City Council regarding this RFP after the issuance date of this document or before a contract is signed with a firm, will be considered as grounds for the firm and/or its sub-consultants will be terminated as a potential consultant on this project.

4. Submission of Proposals

Please prepare and submit seven (7) original copies of the proposal. Completed proposals should be placed in one package sealed and clearly marked "**RFP for Development of a Stormwater Utility**". The proposal shall consist of technical and cost submittals. The technical and cost submittals shall be placed in separate and sealed envelopes with each envelope clearly identified. Following review of all "RFP for Development of a Storm Water Utility" proposals the top 3 will be selected and ranked. After ranking the cost submittals will be opened for the 3 top proposals and the fees will be considered in the overall rankings.

The proposal be submitted no later than August 25, 2010, to the City Clerks Office, located on the 1st Floor of Duluth City Hall , 3167 Main Street, Duluth, GA 30096 no later than 2PM in a sealed envelope.

Proposals received after the above date and time will be considered late and will not be accepted. Any late proposals will be returned unopened to the firm. Responses will be evaluated objectively based on the firm's responses to the RFP.

The City of Duluth will not pay costs incurred in the proposal preparation including the costs for printing, demonstration, negotiation process, etc. All costs for the preparation of the proposal shall be borne by the proposing firm.

5. Notification of Withdrawal of Proposal

Proposals may be modified or withdrawn by an authorized representative of the firm or by formal written notice prior to the final due date and time specified for proposal submission. Submitted proposals will become the property of the City of Duluth after the proposal submission deadline.

6. Minimum Specifications/Scope of Services

Proposals should address all engineering and planning services necessary to complete the project. Services required include, but may not be limited to the Scope of Services detailed in **Exhibit A**.

List in detail how you propose to provide the services (technical submittal) along with a schedule of fees (cost submittal) to provide such services. **The technical and cost submittals shall be placed in separate envelopes and clearly identified.**

Each proposal shall include a draft Agreement for Professional Services. The agreement should include but not be limited to: definition of project scope, scope of services to be provided by the consultant, scope of services to be provided by the City of Duluth, time schedule, and compensation.

7. Contractual Obligations

The successful firm will be required to enter an Agreement for Professional Services with the City of Duluth in which the firm will undertake certain obligations. These obligations include, but are not limited to, the following:

Inclusion of Proposal - The proposal submitted in response to this RFP will be incorporated as part of the Agreement for Engineering Services.

Indemnification and Insurance - The successful firm(s) shall indemnify and hold the City of Duluth and its officers, agents, employees and assigns, harmless from any liability imposed for injury whether arising before or after completion of work hereunder, or in any manner directly or indirectly caused, occasioned or contributed to, or claimed to be caused, occasioned or contributed to, in whole or in part, by

reason of any act or omission, including strict liability or negligence of firm, or of anyone acting under firm's direction or control or on its behalf, in connection with or incident to, or arising out of the performance of this contract. Successful firm shall maintain the following insurance requirements during the time of performance of these services and contract period. An insurance certificate must be on file with the City Administrator's office within four weeks of the signing of the contract by both parties.

- A. General Liability Insurance, with a combined single limit of \$1,000,000 for each occurrence and \$1,000,000 in the aggregate
- B. Automobile Liability Insurance, with a combined single limit of \$1,000,000 for each person and \$1,000,000 for each accident
- C. Worker's Compensation insurance in accordance with statutory requirements and Employer's Liability Insurance, with a limit of \$500,000 for each occurrence
- D. Professional Liability Insurance, with a limit of \$1,000,000 annual aggregate

The successful firm shall require all of its subcontractors to maintain general aggregate insurance with limits of not less than \$1,000,000 per accident.

Costs - All costs are to be stated in exact amounts. All costs must be detailed specifically in the cost summary section of the proposal.

Selection - The final award is subject to the approval of the City of Duluth City Council.

8. Right of the City of Duluth to Reject Proposals

The City of Duluth reserves the right to reject any and all proposals or any part of any proposals, to waive minor defects or technicalities, or to solicit new proposals on the same project or on a modified project that may include portions of the originally proposed project as the City of Duluth may deem necessary in its best interest. The City also reserves the right to negotiate with any firm, all or part of any proposal that is in the best interest of the City.

9. Evaluations

The City of Duluth will use a committee to evaluate each proposal based on the following criteria and corresponding scoring percentage:

- Technical content (25%),
- Previous background, "hands-on" experience & strength of proposed staff (30%), (Demonstration that both company and staff's experience and strength shall require that both have successfully worked to set up a minimum of two storm water utilities within the State of Georgia)
- Adequacy/completeness of the proposal and related intangibles (20%),

A short list of no more than three firms will be selected based on the technical criteria and the committee's recommendations. Once the short listed firms are identified, the fee proposal scores will be applied to the technical scores:

- Fee schedule (25%)

The City of Duluth Selection Committee may choose to hold interviews with the short listed firms. If said interviews are held, the City will provide a minimum of three (3) day advance notice to the short listed firms as to the time/date/location of said interview. If interviews are held, the scoring assessment will be applied:

- Technical content (20%),
- Previous background, “hands-on” experience & strength of proposed staff (25%),
- Adequacy/completeness of the proposal and related intangibles (20%),
- Fee Schedule (20%)
- Interview (15%)

The intent of the city is to hire the most qualified firm to meet the needs of the city within the funds budgeted for this study.

At the conclusion of the evaluation process, the Selection Committee will forward a recommendation to the City Administrator for his review. This contract is subject to approval by the Duluth City Council.

10. Non-limitations to RFP

The format of the RFP must be followed and all requested information must be submitted as indicated; however, the City of Duluth is receptive to any additional suggestions pertaining to services development, additional related capabilities, and any alternative methods for providing related services. Any exceptions to the RFP terms and conditions must be included in writing in the proposal.

11. Pre-proposal Conference

The City will hold a non-mandatory pre-proposal conference on August 4, 2010 at 10:00 a.m. at the Duluth City Hall Main Street Conference Room located at 3167 Main Street, Duluth, Georgia. A DVD with materials supplied by the City will be given out consisting of the following*:

- A consultant prepared Stormwater Management Program Assessment Technical Memorandum
- City’s current NPDES Phase I MS4 Permit Stormwater Management Plan from 2008
- Copies of the City’s NPDES Phase I MSE Annual Reports from 2008-2010
- Impervious surface database
- Recent aerial photography
- Drainage Inventory Database

*Any unauthorized use of the GIS data provided by the City for consultants not selected for this project is **prohibited**.

Duluth website (www.duluthga.net). Interpretations and/or clarification shall be requested in writing (email) from the contact person listed in Section 3.

12. Interpretations and addenda

No interpretation made to any respondent as to the meaning of the RFP shall be binding on the City of Duluth unless repeated in writing and distributed as an addendum by the City of Duluth. All addendums will be placed on the City of Duluth website (www.duluthga.net). Interpretations and/or clarification shall be requested in writing (email) from the contact person listed in Section 3.

13. Projected Schedule of Events:

| | |
|-------------------------------------|---------------------------------------|
| Release of RFP Document | <i>July 5, 2010</i> |
| Pre-proposal Conference | <i>August 4, 2010</i> |
| Deadline for Submittal of Questions | <i>August 12, 2010</i> |
| Deadline for posting of Q&A by City | <i>August 17, 2010</i> |
| Deadline for posting of Addendum | <i>August 17, 2010</i> |
| Proposals Due | <i>August 26, 2010</i> |
| Short list selections announced | <i>August 27, 2010</i> |
| Interviews (if required) | <i>September 7, 2010</i> |
| Approval of Firm by City Council | <i>No later than Sept.14 2010</i> |
| Completion of Study | <i>No later than June 1, 2011</i> |

Study Completion: It is the City's desire to complete the study including the projected stormwater utility expenses and user fee revenue in time for inclusion in the FY12 Budget. The City plans to adopt the stormwater utility budget and stormwater utility enterprise fund ordinance in June 2011 with the anticipation of its implementation in FY2012. The City Council could then adopt the stormwater utility rate ordinance to set the final user fee rate per billing unit in August 2011 immediately prior to generation of the final master account file billing database. The stormwater user fees for FY12 could then be billed to customers in September 2011 by the City. The completed work product will be owned by the City of Duluth.

14. Proposal Response Format

In order to facilitate the analysis of responses to this RFP, firms are required to prepare their proposal in accordance with the instructions outlined in this section.

Proposals should be prepared as simply as possible and provide a straightforward, concise description of the firm's capabilities to satisfy the requirements of the RFP. **Expensive bindings, promotional material, etc., are not necessary or desired.**

Emphasis should be concentrated on accuracy, completeness, and clarity of content.

The proposal shall include, as a minimum:

- A. An introduction and executive summary of the proposal.

B. The project approach, including comments on schedule, public process, coordination with City, project management, understanding of the work and what work, if any, you would expect the City to perform. Discussion and interpretation of the scope of work including those tasks or aspects that you believe require special attention, alternate approaches or revisions suggested based on experience, and descriptions of work elements presented in the proposed scope of work that should be expanded and/or modified to address any special considerations or approaches.

C. Qualifications/Experience:

- i. Describe and document your company and current staff involvement with other community's efforts toward implementing a stormwater utility.
- ii. Provide references from those communities.
- iii. An organizational chart of key staff that will be assigned to this project. A summary of their experience and a statement as to their availability and percent of time they would be assigned to this project. Identify the Project

Manager and other key staff/special consultant and their qualifications.

- iv. A schedule of sufficient detail to convey an understanding of the timing and sequence of the work elements.
- v. A draft Professional Service Agreement.
- vi. An estimate of fees to accomplish the scope of work as defined in your proposal **(separate and sealed envelope)**.

15. Confidentiality of Documents

All responses to the RFP submitted by firms shall be deemed public documents at the time opened by City of Duluth. The RFP is intended to be worded in a manner so as not to elicit proprietary information from the firm. If proprietary information is submitted as part of the proposal, such information is to be labeled proprietary and be accompanied with a request that the information is to be returned by the City of Duluth to the submitter. Any proposal that is submitted with a blanket statement or limitation that would prohibit or limit such public inspection shall be considered non-responsive and shall be rejected.

16. Legal Notice

The City of Duluth reserves the right to reject any and all proposals and waive any or all technicalities, as determined by the City Administrator of the City of Duluth.

The City of Duluth, Georgia will not award contracts to nor accept proposals from individuals or entities that attempt to include any of the following in any proposed contract or Request for Proposal:

- A. Reduce or diminish the common law or statutory standard of care, make any

- attempt to limit liability, or reduce responsibility of the contractor for mistake, error, or negligence of any type.
- B. Attempt to limit liability for breach of contract or negligent performance to the amount of the payment to the contractor by the City.
 - C. Attempt to claim ownership of intellectual property created during the performance of the contract with the City.
 - D. Include binding arbitration agreements.
 - E. Provide for damages for breach by the owner contrary to common law or statute, including, especially, any attempt to provide for attorney fees as part of recoverable damage.

The City of Duluth expects a professional job, performed and completed commensurate with the standards and practices of the profession/or business.

All persons awarded and/or entering into a contract with the City of Duluth shall be subject to and required to comply with all applicable City, State and Federal provisions.

The City of Duluth will require the selected firm to include the following statement in any contract with the City:

"Contractor shall not discriminate in the employment of persons engaged in the performance of this Agreement on account of race, color, national origin, ancestry, religion, sex, marital status, physical handicap, or medical condition, in violation of any federal or state law. Contractor shall comply with all requirements of the City of Duluth with regards to employment while this Agreement is in effect."

The City will reserve the right to complete any aspect of this project with City Personnel preceding, during or after the study is complete. Those items would be deleted from the Consultants scope of services. At any time, the City may elect to abandon the project. At that time, the consultant would be compensated for all items previously completed.

Rights to intellectual property developed, utilized, or modified in the performance of services shall remain the property of the City of Duluth.

Exhibit A

SCOPE OF SERVICES

The purpose of this request is to obtain formal proposals for the services of an engineering firm with significant experience in creating successful stormwater utilities in the southeast United States (Georgia, Florida, North Carolina, South Carolina, Tennessee or Alabama). **Cost of proposed services shall have a not to exceed budget amount of \$100,000 with the expectation of substantial completion by June 1, 2011.**

Since there is no assurance that a stormwater utility will actually be approved for implementation, the proposed tasks should be structured in phases that allow for authorization to proceed at specific milestones, and minimizes the unnecessary expenditure of funds and effort should establishment of the utility not occur.

The following task list and sequencing of events is presented **only as a guide** to assist the consultant in understanding the basic expectations of City staff, and **should not** be considered as all inclusive or limiting in anyway the services to be included in this study. A memorandum will be required at the end of each phase detailing the activities accomplished during that phase, updating the scope of services, time schedule and fee structure for the next phase, and requesting authorization to proceed with next phase if so warranted.

Task 1 - Stormwater Utility Development Workshops

Task Description: Develop workshop agendas and hold a start-up workshop, a progress discussion workshop, and a final workshop to present options. Attendees should include municipal staff, elected officials, and invited citizens and partners. The workshops should provide an overview of current stormwater funding mechanisms and steps for setting up a stormwater utility, discussion of existing stormwater program; problems, needs, and goals, costs, revenues, and outlining plan for next steps. Workshops should include brainstorming of advantages and disadvantages of adopting a stormwater utility. Setup Public Education and Involvement Plan and Strategy

Task 2 - Stormwater Program Analysis and Planning

Task Description: Analyze the current stormwater program and develop a stormwater program plan under a proposed stormwater utility. The plan should include:

- A. A description of the current City of Duluth stormwater program:
 1. The cities departments and staff involved in managing and implementing the stormwater program and their roles, duties, and responsibilities.
 2. The current stormwater activities implemented under the existing city stormwater program.
 3. Identification of the problems, needs, issues, and goals of the existing city stormwater program.
- B. A description of the future city stormwater program managed under a stormwater utility:
 1. The program priorities and basic objectives including how the stormwater program is to interact with other city programs.
 2. Evaluate and recommend operation/division/structural changes necessary to manage stormwater requirements within utility framework.

3. Budget and revenue requirements including program capital and operation and maintenance needs and costs.
4. Cost of service analysis
5. Define existing and future level of service (LOS)
6. Identification of the legal entity and staffing for the stormwater utility and the associated process for establishment.
7. Define existing regulatory issues
8. The next steps for Duluth's stormwater utility implementation plan.

Task 3 - Compelling Case

Task Description: Building on workshop input, identify advantages and disadvantages of adopting a stormwater utility for purposes of needs identified in the stormwater program analysis. Discussion of various funding options.

Task 4 - Educational and Outreach Workshop #1

Task Description: Conduct a workshop to facilitate staff in understanding stormwater management concepts; regulatory issues regarding stormwater; and assist in defining goals, objectives and prioritization of projects and planning efforts for the City's Stormwater Management Program. Identify outreach strategies addressing barriers to utility implementation. Identify target audiences, and design an outreach plan with messages and methods to achieve program buy-in. Provide case studies of successful stormwater utilities. Outline existing stormwater regulatory deficiencies and provide guidance with identifying short and long term state and federal requirements.

Task 5 - Data Compilation for Rate Methodology (City to Supply this Data)*

Task Description: Identify and assess existing data sources, including existing reports and GIS data, data gaps and potential sources to fill the gaps for the purpose of laying out a path and estimating costs to support master account file database development. Data supplied by the City and made available of disc includes:

- ❖ Parcel Identification
- ❖ Land Use
- ❖ Existing Utility Database Accounts
- ❖ Parcel Ownership Database Accounts
- ❖ Parcel Ownership & Address
- ❖ Impervious Surface Coverage
- ❖ Consultant supplied Stormwater Management Program Assessment Technical Memorandum
- ❖ City's current NPDES Phase I MS4 Permit Stormwater Management Plan from 2008
- ❖ City's NPDES Phase I MS4 Annual Reports from 2008-2010
- ❖ Aerial photography from past 12 months
- ❖ Drainage inventory database

*GIS supplied data from the City is prohibited for any unauthorized use by any non selected company.

Task 6 - Rate Structure/Revenue Scenarios/Rate Analysis

Task Description: Provide a cost/revenue analysis utilizing a range of proposed potential utility rates, and identify realistic potential rate methodologies, including:

- ❖ Impervious Area
- ❖ Impervious Area + Gross Area
- ❖ Gross Area/Intensity of Development/Land Use
- ❖ Base Fee & Impervious Area Rate
- ❖ Credit Allowances
- ❖ Others, as applicable

Task 7 - Regulatory Compliance

Task Description - provide drafts of ordinance changes or new ordinances required for the City to be compliant with pertinent regulatory requirements including Phase I NPDES, and assist staff in setting up procedures for the implementation of the stormwater management program.

Task 8 - Policy Issues

Task Description - identify policy issues which need to be addressed such as tax exempt properties, government properties, credits for stormwater BMPs, credits for land donations in lieu of, vacant properties, exemptions, etc.

Task 9 - Educational Workshop #2

Task Description - conduct second workshop for City Leadership and the public to present information gathered so far. Redefine goals and objectives and look at preliminary scenarios for a utility. Utilize typical rates from other peer communities to develop a model program for evaluation purposes. Discuss required actions to meet regulatory requirements and local infrastructure needs, and layout the process for developing and implementing the utility.

Task 10 - Stormwater Utility Ordinance

Task Description - provide an appropriate sample ordinance and technical input for preparation of a stormwater utility ordinance for legal review and subsequent adoption. Assist the City in developing a specific rate resolution.

Task 11 - Staff Training and Technical Assistance

Task Description - instruct City staff regarding billing procedures, establishing new accounts, and on-site inspection and enforcement.

**INFORMATION
TO BE PROVIDED BY THE CITY**

The City will furnish, as required for the project and not at the expense of the consultant, the following items:

- ❖ All available operation, maintenance, budget, Capital Improvement Programs, and financial records for the City as it relates to stormwater management;
- ❖ All applicable storm water infrastructure system drawings in the City's possession; **All data shown in Task #5** in the attached including GIS information, County Parcel Information, etc

Any other available data for review that may be pertinent to the provision of services required under this proposal.