

Request for Proposals



**For a Plan Check Engineer Related to
the California High-Speed Rail Project**

Madera Valley Water Company

Issue Date: April 2, 2021
Response Date: April 13, 2021

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I. Introduction and Background

The Madera Valley Water Company (“Company”) is a non-profit mutual benefit corporation located in an unincorporated area of Madera County. The Company is a private water company which provides potable water service to its shareholders. The Company currently has approximately 1,950 shareholders and serves approximately 9,000 residents. The California High Speed Rail Authority (“Authority”) project currently being constructed in the Central Valley (the “Project”) bisects the Company’s water system requiring the relocation of several of the Company’s facilities.

The Company and Authority have entered into an Agreement for the relocation of these facilities, the costs of which will be paid for by the Authority including costs for work performed by the Company. All reimbursements from the Authority to the Company must be determined and allowable in accordance with 48.C.F.R. Part 31, Sub-Part 31.7, and U.S. OMB Circular A-122, Cost Principles for Non-Profit Organizations. Some of the work to be performed by the Company will include work done by an independent Plan Check Engineer (“Consultant” or “Plan Check Engineer”), contracted by the Company in compliance with the procurement procedures set forth in 49 CFR Sub-Title A Section 18.36. All reimbursable work under the Agreement must also comply with the Authority’s standard conditions which are set forth in the Relocation Agreement No.1 and Attachments thereto, attached hereto and incorporated herein by this reference as Attachment 1.

This Request for Proposal (“RFP”) describes the required scope of services, proposal submission process, minimum information that must be included in the proposal, and consultant selection process. Failure to submit information in accordance with these requirements and procedures may result in disqualification.

II. Scope of Services

The relocation of Company facilities required by the Authority’s Project will be done in multiple phases over a period of approximately three years (the “Relocation Project”). The construction work will be completed by the Authority’s contractor. The primary work to be performed by the Plan Check Engineer is the review of plans being submitted by the Authority or Authority’s contractor. It is anticipated that conceptual, Preliminary and final plans for each phase of the Project will be submitted for review and approval. As such, the services to be performed by the Plan Check Engineer will be done as each set of plans are submitted for review over the length of the approximately three-year relocation period. All services performed by Plan Check Engineer shall be performed by a licensed engineer or his or her designee who may be a licensed engineer pursuant to a separate contract between Plan Check Engineer and a licensed engineer.

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The Scope of Services to be provided by Plan Check Engineer shall include, at a minimum, the following:

- A. Review and approve, or reject each set of plans (“Plans” include all plans and specifications necessary for the relocation of each identified phase of the project and may also be referred to as the “Workplan” for each phase) submitted to the Company for approval by the Authority to ensure strict compliance with the Company standards and specifications and compatibility with the Company’s existing facilities using engineers as reviewers with at least two (2) years of experience and licenses or certifications in the subject area. A Senior Engineer with at least five (5) year experience should stamp the final plans.
- B. Be prepared to provide requested services for a period of up to three (3) years. Company anticipates the requested services will be needed from time to time as the plans are submitted. Company will give Plan Check Engineer at least seven (7) working days’ notice that Plans will be submitted for review. Once Plans have been delivered to Consultant, Consultant shall be required to complete the review and report its findings to Company within seventeen (17) workdays.
- C. Review of Relocation Agreement No. 1 (“Agreement No. 1”) between the Company and Authority and have a general knowledge of the obligations of the Parties as they related to the relocation of the facilities. A copy of Agreement No. 1 is attached hereto and incorporated herein by this reference as Attachment 2.
- D. Review and understand the Company’s facility construction standards as they are set forth in the Phase 1 Workplan, incorporated into the Agreement No. 1 as attachment D, or as amended or supplemented by the Company Engineer and incorporate those standards and specifications into the Workplan for each phase of the Relocation Project.
- E. Coordinate with the Company Engineer as necessary to ensure that the final approved Workplan for each phase.

III. Pre-Submission Activities

- A. Questions Concerning Request for Proposals

All questions regarding the RFP should be submitted electronically by 3:00 PM PST on April 7, 2021 to:

gregrodgers@mvmc.net

Subject line: Questions for RFP: Plan Check Engineer.

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B. Revision to the Request for Proposals

Company reserves the right to revise the RFP prior to the date the Proposals are due. Revisions to the RFP shall be sent to all potential Proposers. Company reserves the right to extend the date by which the Proposals are due.

IV. Submission of Response to RFP

Responses to the RFP may be submitted either electronically or by mail no later than 3:00 p.m. PST on April 13, 2021. The Company will not accept any proposals after the deadline date and time. If RFP's are submitted by mail, the Proposer should mail the proposal in enough time to ensure delivery prior to this deadline. Anyone who chooses to submit a proposal via mail or courier service does so that their own risk and should confirm with the Company that the proposal was received.

All proposals submitted electronically should be sent to: gregrodgers@mvmc.net with: Response to RFP; Plan Check Engineer.

All proposals submitted by mail should be addressed to:

Madera Valley Water Company
Attn: Greg Rodgers, General Manager
18454 Road 26
Madera CA 93638

marked: Response to Request for Proposals; Madera Valley Water Company Plan Check Engineer

V. Content and Organization

A. General.

Proposals should be limited to specific discussion of the elements outlined in this RFP. It is the intent of the Company that the proposals will give the Company an understanding of each consultant's experience and qualifications related to appointment as Company's Plan Check Engineer.

B. Submittal Layout.

The organization of the proposal shall follow the general outline below:

1. Transmittal Letter.
2. Introduction.
3. Qualifications.
4. Consultant(s) and Sub-consultant(s) Staff.
5. Consultant(s) and Sub-consultant(s) Qualifications and References.

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6. Qualifications: Licensure.
7. Resumes.
8. Fee Schedule.

C. Description of Submittal Layout.

1. Transmittal Letter.

a) Contact Information. The Transmittal Letter should identify the Proposer(s) and include the name, title, address, phone number and email address of each individual who may be contacted during the proposal evaluation period.

b) The Transmittal Letter should also include the name, title, contact information and signature of each person with the authority to negotiate on behalf of and to contractually bind the Proposer.

c) Page Limitation. The Transmittal Letter may be up to two pages.

2. Introduction.

a) The Proposer should provide an overview of their qualifications and experience of the type or potential types of work that may be performed and provide an understanding of the roll of contract Plan Check Engineer.

b) The Introduction may not exceed two pages.

3. Qualifications.

a) This section may include a brief statement to show the Proposer's experience and understanding of the services to be performed as the Company's Plan Check Engineer.

b) This Section not to exceed four pages.

4. Consultant, Sub-contractor of the consultant, and/or Staff.

a) This section should describe the qualifications and experience of each professional who will have input or participate in performing Plan check functions. Proposer should include, where applicable, the identification of the Relocation Project manager(s) along with each person who will manage the various tasks to be performed. An organizational chart may be helpful but is not required.

b) This section not to exceed four pages.

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5. Qualifications and References.

a) This section should describe the nature and outcomes of previous projects completed by the consultant, sub-contractor of the consultant, or team related to the work described in the RFP, herein. Description should include contact names, contact information, and a description of the type of work performed and approximate dates when the work was conducted/completed. The description may also include the name(s) of staff or team members who performed the work.

b) Proposer may attach an exhibit or exhibits showing a sample of the Proposer's work as an Attachment "B" to the proposal. The attachment shall not exceed 20 pages.

c) This section (excluding the Attachment referenced in the above section) may not exceed four pages.

6. Qualifications: Licensure or Certification

a) This section provide evidence that the consultant and/or the subcontractors of the Consultant are appropriately licensed or certified to perform the work described in this RFP, herein.

b) Maximum of one (1) page per staff or team member.

7. Resumes.

a) The proposal may include resumes of each key member of Proposer's staff.

b) Maximum of one (1) page per staff or team member.

8. Fee Schedule.

a) Should include a current billing rate schedule¹ for the Consultant and subcontractor(s) of the Consultant.

b) Maximum of four pages.

¹ Rate schedule information to be used to determine a fair and reasonable rate to comply with 49 CFR Subtitle A § 18.36 (d)(3)(v).

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9. Available Resources

a) All responses must state that the proposer has the ability to perform plan check services within the time limits described herein.

b) All responses must state that proposer has the necessary personnel and resources to perform the plan check services for each submission/phase of the project within the time limits described herein.

(1) This shall include identifying a senior Engineer with at least five (5) years' experience to supervise the review and approve the final plans.

(2) This shall include identifying key personnel to complete plan reviews in seventeen (17) days.

VI. Proposal Evaluation and Selection.

A. Eligible firms shall be those with appropriate, recent experience and demonstrated knowledge of waterline inspection and plan checking associated with water line installation/relocation construction projects. Eligible firms must have an office located within reasonable driving distance of Company. Staff providing plan check services shall have appropriate certification or licensure.

B. Initial Evaluation.

1. Upon receipt of proposals, Company Staff will conduct a technical evaluation and scoring of each proposal. Company Staff will use the following criterion:

a) Recent relevant experience (15%).

b) Understanding of the requirements of the RFP (20%).

c) Qualifications and experience (25%).

d) References (5%).

e) Demonstration of available staff and resources to start and perform the work including those requirements noted in Section II (35%).

2. Selection.

If Company Staff judges multiple proposals to be of equal value, oral presentations of the proposals may be requested. Once Company Staff has selected a proposal, Company Staff will enter into negotiations with the Proposer to develop an agreement for consulting services. Final approval of any agreement must be made by the Board of Directors.

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VII. General Conditions.

- A. RFP - Not a Contract or Offer. The Request for Proposals is not a contract or offer for an award of a contract and does not commit the Company to award a contract or to procure or contract for consulting services.
- B. Rejection. The Company reserves the right to reject any and all proposals or to waive any irregularity or information in any proposal or in the RFP procedure and to be the sole judge of the suitability of any Proposer to perform the services to be rendered pursuant to this RFP. The Company further reserves the right to withdraw this RFP at any time without prior notice and reserves the right to modify the RFP or the schedule described therein at any time without any further notice.
- C. Consideration/Award. As described above, the Company may ask finalist to present oral briefings of their proposals. Finalists may also be required to participate in negotiations and to submit such price, technical, or other revisions to their proposals as may result from said negotiations. The Company further reserves the right to award the contract to any person or firm based on said person or firm's unique qualifications to perform the services of preparing the projects described herein. The Company further reserves the right to amend this RFP, in writing, and said amendment shall be considered part of the RFP.
- D. Written Agreement Required. Once the Company has completed evaluation of the proposals and negotiated with the selected consultant, the product of said negotiations shall be rendered to a written agreement which must be approved by the Board of Directors of the Madera Valley Water Company. Any modifications of said agreement must also be in writing and approved by the Board of Directors of the Madera Valley Water Company. No prior, current, or post award, verbal conversations or agreement(s) with any officer, agent, or employee or other representative of the Company will serve as a modification of any terms or obligations of the RFP or any contract resulting from the RFP unless set forth in writing and approved by the Madera Valley Water Company Board.
- E. Pre-contractual Expense. The Company shall not be liable for any pre-contractual expenses incurred by any Proposer or selected consultant. Those expenses include, but are not limited to, costs of preparing proposals in response to this RFP; negotiations with the Company on any matter related to the RFP; costs of negotiating or preparing a contract related to the RFP, or any other expenses incurred by consultant or Proposer prior to the effective date of any agreement approved by the Board of Directors of the Madera Valley Water Company. No pre-contractual expenses will be included in the Contract.

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By submitting an RFP, Proposer certifies that neither Proposer, nor any sub-contractors or other persons working on the projects described in the RFP on behalf of the Proposer, appear on the Controller General's list of ineligible contractors for federally assisted projects.

- F. Confidentiality and Public Record. Until the award of the contract, the Company will hold all proposals received in response to this RFP in confidence and unavailable for public review. Upon award of a contract to the successful Proposer, the Company will consider all proposals public records. No proposal will be returned after the date and time set for the opening thereof.
- G. Insurance Requirement. Insurance Requirements The minimum insurance requirements are: \$2M for Commercial General Liability insurance, \$1M for Automobile Liability insurance (including Additional Insured endorsement for both General Liability and Automobile Liability insurance) \$1M for Workers' Compensation insurance and \$1M for Professional Liability (Errors and Omissions) insurance.
- H. Independent Contractor. Consultant shall be acting at all times as an independent contractor and not as an employee of Company. Consultant shall have no power to incur any debt, obligation, or liability on behalf of Company or otherwise act on behalf of Company as an agent. Neither Company nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of Company. Consultant shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold Company harmless from any and all taxes, assessments, penalties, and interest asserted against Company by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold Company harmless from any failure of Consultant to comply with the applicable worker's RFP NO.17-12-C01400 Page 19 of 37 compensation laws. Company shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to Company from Consultant as a result of Consultant's failure to promptly pay to Company any reimbursement or indemnification arising under this paragraph.

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- I. Equal Employment Opportunity and Affirmative Action Requirements. The Proposers shall provide a Statement of Equal Employment Opportunity / Affirmative Action. The consultant and each subcontractor shall not discriminate in the employment of persons on the work because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sexual preference or sex of such persons except as permitted by Section 12940 of the California government Code. The consultant is expected to maintain policies similar to those of OCWD regarding equal employment opportunities and Affirmative action as set forth in OCWD's Administrative Policies.

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A1. Attachment 1: Relocation Agreement No. 1