

NOTICE: REQUEST FOR QUALIFICATIONS (RFQ)

PEER REVIEW ENGINEERING CONSULTING SERVICES FOR THE TOWN OF WAREHAM, MA

DATE OF RELEASE: AUGUST 25, 2022

DUE DATE: OCTOBER 18, 2022

The Town of Wareham is soliciting services of a qualified engineering consulting engineer, firm or firms, for peer reviews of projects submitted to the Town boards and commissions. Such consulting services are primarily for outside expertise required in reviewing the applicant's site plans, reports and documents submitted for approval under local bylaws. The Town retains the right to solicit additional consulting services beyond the scope of the subject matter of this RFQ if doing so is in the best interest of the Town.

Submissions must be provided in a sealed envelope marked "Wareham Peer Review Engineering Consulting Services."

Submissions must be received by 12:00 p.m. on October 18, 2022.

The Town will select the firm or team who they determine most closely satisfies the needs of the Town.

The Town of Wareham invites qualified firms to submit responses to: Derek Sullivan, Town Administrator, Town Hall, 54 Marion Road, Wareham, MA 02571

The awarding authority is: Town of Wareham, Town Hall, 54 Marion Road, Wareham, MA 02571

Section I: Project Description – Overview

The Town of Wareham located in Plymouth County and on Buzzard Bay is soliciting responses from qualified engineering firms to provide peer review engineering consulting services to assist the Town boards and commissions in their review of applications for Site Plan Reviews, Special Permits, and other entitlements pursuant to the local bylaws and State laws, and to periodically inspect the progress of construction of the approved projects and to report on same to the relevant board or commission. Such consulting services are primarily for outside expertise to review the submissions, make site visits and attend hearings. The Town retains the right to solicit additional consulting services beyond the scope of the subject matter of this RFQ if doing so is in the best interest of the Town. The Selected Professional consulting firm should meet the qualifications as contained in this request and should have a history of performing services on similar comprehensive projects. The Town will select the firm who they determine most closely satisfies the needs of the Town. Firms may submit subconsultants as they deem

necessary to provide the required services. Services will be provided on a task order, hourly basis, with fees paid by the project proponents.

Section II: General Information

A. Point of contact: Ken Buckland, Director of Planning, Town Hall, 54 Marion Road, Wareham, MA 02571 Phone: (508) 291.3100 x6500 Email: kbuckland@wareham.ma.us

B. Limits of Liability: The Town of Wareham assumes no liability for any costs incurred by submitters in responding to this RFQ, or in responding to any further requests for additional information, questions, etc, prior to the issuance of the contract.

C. Questions: All questions are to be submitted in writing to the point of contact identified in Section IIA. Electronic (email) submission is acceptable. All submissions must contain the name of the person asking the question, company name, address, phone number, and email address. All submitted questions and answers will be posted on the Town website. It is the respondents' responsibility to perform due diligence. Failure to perform full due diligence does not relieve the respondent from fulfilling project requirements.

D. Solicitation Process: This RFQ is being solicited in compliance with Chapter 30B of Massachusetts General Laws. An Evaluation Team will evaluate and rank the responses based on the evaluation criteria outlined in Section V - Evaluation Criteria. A short list of respondents will be selected for further evaluation. Only those firms that are placed on the short list, based on the evaluation criteria, will be considered during the second phase. During the second phase, interviews may be held if the Evaluation Team feels it is in the Town's best interest to do so. Based on the evaluations, a contract will be written. The contract must be approved by the Town Administrator and Town Counsel. After such approvals and signature by appropriate parties, work may begin.

E. Conditions of Award: It is the intent of the Town of Wareham to award the project to the firm that best meets the needs of the Town. Relevant departments of the Town shall be the sole judge of the firm's qualifications being in the best interests of the Town. The Town may conduct such investigations, as the Town considers necessary to assist in the evaluation of any response and to establish the responsibility, qualifications and financial ability of the proponents and will award in accordance with the RFQ documents within the prescribed time. The draft contract is attached. Up to the time of signature of contract, the Town shall have the right in its sole discretion to terminate negotiations with or without cause if it deems in its best interest to do so.

During the term of the contract with the Town of Wareham, the successful firm shall not do work for or represent developers or projects before any adjudicating Boards or Commissions of the Town of Wareham.

The successful firm shall indemnify and hold harmless the Town of Wareham, its employees and agents, and any successors or assigns, to the limit of the fiduciary Liability Insurance coverage required, from any and all claims, judgments, fines, or costs of defense (including attorney's fees) arising out of or as a result of or in connection with his/her professional negligence or omissions under the contract for

services, including any nonfeasance, misfeasance, or malfeasance; or arising out of or as a result of the breach of any representation or warranty given by the firm.

The successful firm shall hold in the strictest confidence any and all confidential, secret, or proprietary information, knowledge, or data obtained either prior to or during the term of the Contract and pertaining to the business of the Town of Wareham boards and commissions, or of entities with which the Board may be affiliated or stand in a contractual relationship with during such periods. The firm shall not, during the term of the contract or at any time thereafter, disclose such knowledge or information to any person or use the same in any manner whatsoever except in the furtherance of his/her efforts under the Contract and in the interests of the Town of Wareham.

Respondents should submit the education, training, professional qualifications, and experience of lead technical person in each area of service required.

F. Amendments to this Request for Qualifications: The Town reserves the right to amend this RFQ by an addendum at any time prior to the date set for submission. All amendments will be distributed to all who received the RFQ document.

G. Additional Information: The Selected Professional consultant shall meet the qualifications as contained in this request and shall have a history of performing services on similar tasks. The Town reserves the right to be the sole judge of these criteria. The Town may request additional information as deemed necessary. Failure to provide such information may result in the response being considered incomplete.

The Town of Wareham reserves the right to reject any and all responses; to waive any technicalities and informalities; to amend and/or cancel the RFQ at any time. The Town reserves the right to accept the submission deemed most advantageous to the Town.

The Proponent(s) will be required to sign and submit with their submission a Certificate of Non-Collusion (Attachment B), Tax Compliance Certification (Attachment B).

H. Schedule and target dates:

Questions Due October 6, 2022

Response to Questions October 10, 2022

Submissions Due October 18, 2022

Estimated Contract Award Date November 3, 2022

Estimated Contract Commencement Date ... November 10, 2022

Section III Project Description - Scope of Work

The Town of Wareham is requesting responses for peer engineering consulting services to assist the town boards and commissions in their review of applications for permits such as Site Plan Review, Special Permit, Variance, Notice of Intent, etc. pursuant to the Zoning Bylaw, and General ByLaws. Such

consulting services are primarily for outside expertise to review the applications, site plans and supporting documentation; Peer Engineering Consultant shall also review as applicable:

- MGL Ch. 40A §§1-17
- MGL Ch. 41 §§81A-81Y
- Wareham Rules and Regulations [Subdivision, Special Permit, Comprehensive Permit]
- Town of Wareham Zoning Bylaws
- Any other relevant statute, regulation or bylaw

The term of the contract shall be from execution by both parties through a maximum of three years. However, the Town is under no obligation to use the services of the Peer Engineering Consultant.

The contract may be renewed for two one-year terms thereafter at the Town's discretion.

Scope of work includes but is not limited to the following:

1. Initial remote meeting or phone conference with the Town Planner to outline the necessary steps of the process, establish the lines of communication, and agree on a budget and schedule.
2. Perform site visits when required to evaluate existing and work conditions.
3. Conduct a review of the information submitted by a proponent, and prepare a written report outlining application completeness, technical deficiencies, concerns, and recommendations.
4. Review additional information submitted, meet with the proponent's team and Town staff as required during subsequent reviews.
5. Attend public meetings as requested by the Town Staff and/or Board or Commission.
6. Consultants will be required to appear before the Board or Commission, meet with the Department Heads, and/or other municipal agencies, do field work, attend and participate at hearings and subsequent proceedings, which may include appeals.

The Town retains the right to solicit additional consulting services beyond the scope of the subject matter of this RFQ if doing so is in the best interest of the Town.

Section IV: Submission Requirements

The respondent is to submit three (3) hard copies and one digital file of their response to the address listed in Section II no later than 12:00 p.m. on October 18, 2022. IN SEALED ENVELOPE labeled: "Town of Wareham Peer Engineering Consulting Services, 54 Marion Road."

Each submission shall include as a minimum the following information:

1. All forms within this Request for Qualifications
2. A Statement of Qualifications shall include the following sections:

Letter of Transmittal

Submission Form (Attachment A) indicating the following:

Company Name, Individual Contact Name, Title, E-Mail Address, Company Address, Phone, Fax, Date.

Background and Qualifications of the Firm - Information describing the background of Proponent's company including size, date established office location and resumes of principal staff members. The cover letter must be signed by an official of the firm who has authority to enter into a contract.

Relevant Project Experience - Information on the company (s) experience as it relates to the services proposed.

Project Staffing and Project Team Qualifications including resumes and all information pertaining to the qualifications and professional registration and licensure of proposers for the services requested.

References - Provide three relevant references. The reference person's name, position, address and phone number. The Town intends, with your permission, to contact references.

3. Signed Certificate of Non-Collusion

4. Signed Certificate of Tax Compliance

5. Certificate of Authority (if a Corporation)

6. Hourly billing rate table

7. Any exceptions taken to the conditions or specifications cited herein must be clearly stated on a separate page of the response.

Section V: Evaluation Criteria

1. Evaluation and Comparative Criteria that will be used by the Selection Team are: Selection criteria for finalists will be reviewed by a Committee and based on the items noted below. Submissions will be ranked on the following scale of maximum benefit to the town: Highly Advantageous, Somewhat Advantageous, Not Advantageous, or Unacceptable. In addition, references may be checked and applicants may be interviewed during the selection process. Each submission should specifically address the following evaluation criteria:

- a. Experience working with municipalities in similar situations including references,
- b. Firm's experience in areas of technical expertise necessary for typical peer review,
- c. The number and experience of the proposed staff to projects and tasks assigned by the Town,
- d. Quality, clarity and responsiveness of the submission, and
- e. Degree to which the information submitted is relevant to the needs of the Town.

2. Miscellaneous The selection of the successful Proponent shall be made without regard to race, color, sex, age, religion, political affiliation or national origin.

ATTACHMENT A – Required Submission Form

SUBMISSION FOR: Peer Engineering Consulting Services for the Town of Wareham

Company Name: _____

Individual Contact Name: _____

Title: _____

E-Mail _____

Address: _____

Company Address: _____

Phone: _____

Fax: _____

Signature of Individual Authorized to Submit:

Print Name: _____

ATTACHMENT B CERTIFICATE OF NON-COLLUSION FORM The undersigned certifies under penalties of perjury that this bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, entity, or group of individuals.

_____ (Name of person signing)

_____ (Name of business)

ATTACHMENT C TAX COMPLIANCE CERTIFICATION Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and subconsultants, and withholding and remitting child support. _____ (Name of person signing) _____ (Name of business)

ATTACHMENT D – Certificate of Authority Meeting of Board of Directors At a meeting of the Directors of the _____ duly (Corporation) called and held at _____ on the _____ day of _____, in the _____ year at which a quorum was present and acting, it was voted, That _____ the _____ of this (name) (title/position) Corporation is hereby authorized and empowered to submit, make, enter into, sign, seal and deliver, on behalf of this Corporation a Contract for

_____ (brief description) with the Town of Wareham, and to issue any response, performance, or payment bonds if required in connection with such Contract. I hereby certify that the above is a true and correct copy of the record, that said vote has not been amended or repealed and is in full force and effect as of this date, and that _____ is duly elected _____ of this Corporation. _____ Clerk or Secretary of the Corporation

ATTACHMENT E INSURANCE REQUIREMENTS

1. The selected firm shall purchase and maintain such insurance as will protect the firm from claims set forth below which may arise out of or result from the Firm's operations under the Contract, whether such operation be by itself or by any subconsultant or by anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable.

1.1 Claims under Worker's Compensation, disability benefit and other similar employee benefit acts;

1.2 Claims for damages because of bodily injury, occupational sickness or disease, or death of its employees, and claims insured by usual personal injury liability coverage;

1.3 Claims for damages because of bodily injury, sickness or disease or death of any person other than its employees, and claims insured by usual person injury liability coverage; and

1.4 Claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom.

2. The insurance required by the above shall be written for not less than the following minimum limits of liability:

Comprehensive liability, including \$1,000,000 per occurrence bodily and personal injury, property damage, and contractual liability \$3,000,000 aggregate

Automobile comprehensive liability \$1,000,000 per occurrence to include owned, hired, and non-owned vehicles and equipment \$3,000,000 aggregate

In addition, during the entire Contract Period, the Consultant, at its own expense, shall maintain for its employees all Workers Compensation coverage required by Massachusetts Law.

3. The above insurance policies shall also be subject to the following requirements:

3.1 Certificates of Insurance acceptable to the Town shall be addressed to and filed with the Town prior to commencement of work. Renewal certificate shall be addressed to and filed with the Town at least ten (10) days prior to the expiration date of required policies.

3.2 No insurance coverage shall be subject to cancellation without at least thirty (30) days prior written notice forwarded by registered or certified mail to the Town. The Town shall also be notified of the attachment of any restrictive amendment to the policies.

3.3 All Certificates of Insurance shall contain true transcripts from the policies, authenticated by the proper officer of the insurer, evidencing in particular those insured, the extent of the coverage, the location and operations to which the insurance applies, the expiration date and the above mentioned notice clauses.

3.4 All premium costs shall be incidental to the cost of the work.

ATTACHMENT F – Evaluation Worksheet

RESPONDENT: _____

EVALUATOR: _____

Rating Key:

- Highly Advantageous (HA) – Response excels on specific criterion (11+Years)
- Advantageous (AD) – Response fully meets the evaluation standard which has been specified (6-10 Years)
- Not Advantageous (NA) – Response does not fully meet the evaluation standard, is incomplete or unclear, or both (1-5 Years)
- Unacceptable (UA) – Response does not meet the specific criterion (0 Years)

Selection Criteria (From RFQ):

a) Experience working with municipalities in similar situations including references HA / AD / NA / UA

Comments:

b) Experience of firm in areas of technical expertise HA / AD / NA / UA

Comments:

c) The number and experience of the proposed staff to projects and tasks assigned by the Town HA / AD / NA / UA

Comments:

d) Quality, clarity and responsiveness of the HA / AD / NA / UA

Comments:

e) Degree to which the information submitted is relevant to the needs of the Town HA / AD / NA / UA

Comments:
