



HUERFANO COUNTY

REQUEST FOR PROPOSALS (RFP)

RFP NO.: 19-009

EWP Phase 1C: Majors Ranch including South Oak Creek and Dog Springs Arroyo Drainages

Sealed proposals for the **2019 Spring Creek Fire Emergency Watershed Protection Program** will be received by Huerfano County, 401 Main St. Suite 201, Walsenburg CO 81089-2045, **UNTIL 4:00 PM Thursday September 19, 2019**. Faxed or emailed proposals will not be accepted. This project is supported by the Financial Assistance Agreement CO-8142 dated March 29, 2019, with the Natural Resources Conservation Service (NRCS) and a grant issued by the Colorado Division of Homeland Security and Emergency Management (DHSEM).

A **Mandatory Pre-Proposal Meeting** will be held at 11:00 am Tuesday September 10th, 2019 at the Huerfano County Community Center, 928 Russell Street, Walsenburg, CO 81089. **Only contractors attending this meeting will be considered for award of contract.**

All questions regarding this RFP should be directed to Brittney Ciarlo, Huerfano County Recovery Manager, email: bciarlo@huerfano.us. All interested firms are invited to submit a proposal in accordance with the terms and conditions stated in this Request for Proposal.

HUERFANO COUNTY WILL NOT BE HELD RESPONSIBLE FOR MISINFORMATION RECEIVED FROM PRIVATE PARTIES.

All RFP's or other solicitation notices, including supplementary amendments and business development resources are available at: www.huerfano.us

INSTRUCTIONS TO PROPOSERS:

One (1) paper proposal and one (1) .pdf proposal (matching the paper proposal exactly), on one (1) flash drive is required. If the paper proposal and the .pdf differ, the .pdf shall be the proposal of record.

Proposals must be clearly identified on the envelope as “**RFP 19-009 EWP Phase 1C: Majors Ranch including South Oak Creek and Dog Springs Arroyo Drainages**”. Expenses incurred in the preparation of proposals, presentations, and other incidental activities related to this solicitation are solely the responsibility of the respondent. **Late Proposals Will Not Be Considered.**

Proposers are requested to also provide a “Redacted Copy” of their proposal on the flash drive, which adhering to the information provided below will be used to satisfy open records requests. Proposers that do not provide a redacted copy will have their .pdf copy used to satisfy open records requests. Redacted responses should not include information the proposer believes to be trade secret or other privileged or confidential data. If brochures or other supportive documents are requested, then it is required that they be submitted with the paper and .pdf proposals.

All information submitted in this RFP is public after the Notice of Award has been issued. If the proposer wishes to include sensitive material, then the material should be supplied under separate cover and identified as Confidential. **Statements that the entire proposal is confidential will not be honored.** Therefore, a redacted electronic copy is requested. Huerfano County will endeavor to keep any necessary Confidential information separate and apart from the RFP and Award process, subject to the provisions of the Colorado Open Records Act or order of the court.

GENERAL PROVISIONS

Issuance of this RFP and receipt of proposals does not commit Huerfano County to award a contract. The County reserves the right to postpone opening, to accept or reject any or all proposals received in response to this RFP, or to negotiate with other than the highest ranked proposer should negotiations with the highest ranked proposer be terminated, or to cancel all or any part of this RFP. Award of a contract is contingent upon available and approved funding.

Any contract awarded between Huerfano County and the successful contractor will consist of a standard General Services Contract (see Exhibit A) signed by both parties, this RFP and any addenda, the submitted proposal, all negotiation documents and original certificates of insurance.

If proposer does not agree with any terms or conditions of the General Services Contract, the proposer **must present its exceptions with its proposal**. If no concerns are expressed by proposer, the County shall consider that all terms and conditions of the standard contract are understood and agreed upon. Huerfano County reserves the right to reject proposals based upon exceptions to its standard contract terms and conditions.

A proposal shall be disqualified and rejected if the price in the proposal was not arrived at independently without collusion, consultation, communication, or agreement with any other proposer, County employee, elected official, or project personnel.

A proposer is prohibited from submitting more than one proposal or submitting multiple proposals in different forms (i.e. as a Prime Contractor and as Sub-contractor to another Prime Contractor). Submittal of multiple proposals in different forms may result in the disqualification of all involved contractors.

Should any such disqualifying or prohibited action stated above in this section be detected any time during the term of the Contract (including during RFP preparation, proposal evaluation, contractor award, and price negotiations) such action shall be considered a material breach and grounds for Contract termination.

By submitting a proposal, the proposing contractor certifies that they are not currently debarred or suspended nor otherwise excluded from submitting bids or proposals for Contracts by any agency of the State of Colorado. Further, the same contractor or their organization is not debarred or suspended or otherwise excluded from participating on Federal grant projects and does not appear on the Excluded Parties List System (ELPS) of the General Services Administration (GSA).

SECTION 1: PROJECT BACKGROUND AND SCOPE

1.0 Project Background and Purpose

The Spring Creek Fire of 2018 burned over 108,000 acres including some critical watersheds in the headwaters of the Cucharas and Huerfano Rivers in Huerfano County. The Huerfano County Water Conservancy District, Huerfano County, and the Towns of La Veta, Walsenburg and Cuchara are concerned about potential impacts from increased erosion and flooding. A mitigation work program has been developed with the assistance of the Natural Resources Conservation Services (“NRCS”), United States Department of Agriculture. The NRCS has also allocated and awarded reimbursement funds to Huerfano County to cover the cost of the mitigation efforts as part of emergency recovery measures related to the Spring Creek Fire. Such reimbursements are authorized under the Emergency Watershed Protection Program, which provides funds for hazards created by natural disasters that cause a sudden impairment of a watershed.

Huerfano County is seeking proposals from qualified contractors for the implementation and successful completion, per project standards, of portions of the Huerfano County EWP program. This project includes seven (7) project sites within Majors Ranch and are presented in Exhibit C1, as follows:

1. Capp: Channel grading, riprap protection, over flow protection.
2. Von Meurers: Channel clearing, roadway protection.
3. Fry: Channel clearing, roadway protection, and perimeter berm.
4. Preiss: Channel clearing, roadway protection, and perimeter berm.
5. Pheonix: Channel clearing, roadway protection.
6. Stonewall: Channel clearing and roadway protection.
7. Russell: perimeter berm, stream protection on Big Horn

The primary objective of the work proposed is to protect life and property. This would be accomplished by implementing flood protection and stabilizing channels.

It is noted here that final property owner permissions are yet to be obtained as each permission requires a 3% contribution from the landowners. As such, it is not guaranteed that all work will be implemented under this contract. Contractor should consider this as part of their bid and unit costs.

1.1 Scope of Work

The following provides a summary of the items to be completed under the contract for construction for this project. CONTRACTOR will be responsible for bidding unit costs for project as specified in the FORMS.

1.1.1 Permitting

The Army Corps permit has been, or is being, obtained using the EWP Nationwide Permit 37. The contractor is required to obtain all local and State permits as required. As most project sites are under 1 acre, a State Stormwater Discharge permit and associated erosion control plan may not be required, however, the contractor is responsible for confirming final site size and permit requirements. All local permits must be obtained by the contractor. These costs are to be included in the cost of mobilization. No additional payment will be made for permitting.

1.1.2 Construction Surveying

The contractor will be responsible for all construction surveying, staking, and for establishing any control required. The contractor will also be responsible for as-built construction plans, which for purposes of EWP will be marked up construction plans indicating as-built conditions (no CADD files are required). Costs associated with this work are to be included under “As-built Construction Plans” pay item for each project site.

1.1.3 Construction

Complete construction of all improvements identified in the plans including providing a safe work environment, complying with permitting requirements, and close coordination with the ENGINEER. The contractor will address all landowner requests and concerns through the county staff. Under no circumstance will the contractor do work for a landowner that is not approved by the design engineer and county staff. Project design and Construction Specifications can be found in Exhibit C of this RFP. For all other items, CDOT Standard Specifications for Road and Bridge Construction, 2017 will apply.

The contractor will shape and construct the proposed improvements as designed. The design engineer will be responsible for, and will direct field fit revisions during construction.

1.1.4 Construction Administration

The management and administration of the Contractor’s Construction Phase contract obligations including, but not limited to, the following activities:

- Provide all requisite bonds and insurance for the construction of the project;
 - Possess the requisite licenses and assure that all subcontractors are also appropriately licensed and bonded for the tasks needed to complete the construction phase of the project;
 - Procure and manage all construction contractors to complete the Construction Phase scope of work for the project;
 - Hold bi-weekly progress/construction meetings between the contractor, the county and the ENGINEER;
 - Develop and update a construction management plan that includes Construction Phase quality control procedures, safety programs, construction document management protocol, etc.;
 - Manage subcontractors (contracts, compliance, insurance, and bonds);
 - Work with ENGINEER as they perform construction oversight and be responsive to necessary adaptive management, field fitting suggestions, and updated design;
 - Prepare payment requests, relevant back up documentation, and maintain cash flow projection;
 - Track permit compliance;
 - Track Requests for Information and/or clarification (RFIs);
 - Manage change orders and documentation necessary to support changes; all change orders require written approval from the County prior to implementing work under the change order;
 - Prepare as-built drawings;
 - Coordinate all monitoring activity as described previously; and
 - Administer warranties through the warranty period (a one-year warranty on installation for all work is included in the contract).
- A. Site Security will be the responsibility of the contractor throughout the duration of the Construction Phase. The contractor will need to develop an acceptable security control plan to control access to the construction site during all phases of construction while maintaining traffic flow. The contractor will be responsible for construction of any alternate entrance locations or detours, as well as any repairs required to bring facilities back to their current condition. The contractor may close

the site to the public during construction.

- B. Project Schedule requirements will include developing a detailed project construction schedule defining construction activities of each element of the project and their inter-relationships, along with milestone dates relative to project completion and permit requirements. Regular monitoring, updating, and reporting of the project schedule and implementation process will be required to demonstrate an efficient and timely delivery of the product. The detailed project schedule must include all critical path permit activities through the issuance of Proposed Agency Action by each respective permitting agency. Critical permits include any necessary permits that, if delayed, would delay the Project Schedule.
- C. Project Budget reporting requirements will include the preparation of a project budget monitoring protocol to provide regular updates on the status and attributes of the project. Provide documentation of any resultant changes in the projected project costs resulting from construction-related decisions and/or changes. Change orders, including additive change orders, are allowable. Circumstances that would warrant a change order are primarily those which would require significant changes to the project scope of work. Quantity adjustments will be paid based on bid unit prices. Note that all work must be done within the area covered in the environmental review. In addition, cost of services must not exceed the total funds awarded for this project, and construction costs must not exceed the Not to Exceed figure established at the time of contracting.
- D. Permitting requirements for the contractor during the Construction Phase will include compliance with all permit requirements as well as the responsibility for the completion of all necessary work activities needed for the completeness determination of all permits and approvals required to construct and operate the project. All permits, whether obtained by the county or contractor, will become part of the project construction specifications and final design package. Permit completeness determination includes, but is not limited to, the following tasks:
- Develop a permitting compliance schedule and/or matrix, generating and/or assembling associated requisite technical data/documents as required for permit compliance;
 - Prepare permit applications and fees for all required permits;
 - Coordinate responses to Requests for Information (RFIs); and
 - Develop requisite permit compliance and monitoring programs associated with permits obtained by the design engineer along with any potential redesign activities required to achieve permit compliance.

- E. Design Compliance Review, will be included in the weekly construction meetings with the county to validate that the design requirements are being provided during the Construction Phase. The county will establish a small project team to communicate with the contractor during this phase. The meetings will occur at a frequency dictated by the county and agreed upon by the contractor. One objective of these meetings will be to review the contractor's documentation of any resultant changes in the projected costs resulting from construction-related decisions and/or changes.
- F. Construction Document Management will be implemented as defined in the construction management plan to collect and store the following data in a readily retrievable manner: correspondence, payment requests, schedule updates, RFIs, change requests, and as-built drawings.
- G. Project Closeout will include activities needed to achieve final completion of the Construction Phase following the notification of Substantial Completion by the County. Closeout activities will include, but not be limited to, the completion of all punch list items defined at the point of Substantial Completion, final permit closeout, and project document transfer.
- H. Warranty Administration will be provided by the contractor throughout the requisite warranty period and will include activities such as: warranty request tracking, event documentation, and response. The Contractor must directly interface with suppliers, subcontractors, and others for requesting and monitoring all warranty service needs and corrective activities, and provide any modification and/or updates to the project record drawings that may result from warranty activities. The warranty period for the Project will be 12 months from the date of closeout, unless otherwise negotiated and agreed upon between the County and contractor.

1.2 Proposal Process

The intent of the Proposal Process is to select the lowest responsive and responsible proposer. Due to the overall schedule of the NRCS EWP program **designs for the project are not yet fully completed**. The plans and specifications included herein are preliminary only. Changes, including but not limited to adjustments to quantities, revised plan layouts, project scope, and updated specification revisions may still be made to the construction documents. The contractor is to provide a proposal, specifically unit prices, based on the preliminary construction documents provided with the RFP. The proposal price provided in the RFP will not be used as the final price. Instead, it is the intention of this process to bring the contractor on-board as part of a collaborative project partners team consisting of the county, the engineer, and the contractor. In the first 30

days or less, the contractor will coordinate permitting tasks and participate in value engineering and coordination, supporting the design team. This work will be included in the cost of mobilization and no separate payment will be made for time spent collaborating. The contractor and engineer will work together to clarify design details, design intent, discuss materials, and value engineer the project. Once a final plan set and quantities are developed (this may simply be the original plans with clarifications), the contractor, using the **original unit costs** provided in the contractor's initial proposal, will prepare a final construction cost to be used as the final basis of cost for the project. If, during the project partners process, further clarification of the design allows or necessitates that the contractor revise a unit price for the project the finalized unit costs may not exceed 25% above the original proposed unit costs and only if/when approved by the engineer and County.. Unit costs will not be changed due to adjustments in quantities. This project partner's process to finalize the design will not exceed 30 days.

1.3 Contractor Responsibilities

The successful contractor shall:

- Submit a Proposal with project unit costs addressing all of the project scopes as described in the design documents.
- Negotiate a project schedule, approach and price that is agreeable to all parties.
- Participate in a mandatory pre-proposal meeting.
- Attend a meeting prior to commencement of work to discuss contract terms, work performance requirements and safety.
- Enter into a General Services Contract with Huerfano County. SEE EXHIBIT A
- Acquire and/or maintain all required types and levels of insurance for the duration of this project.
- Procure minimum project bonding, if required by Huerfano County, as follows: A bid guarantee equivalent to 5% of bid price, a Performance bond and a Payment bond for 100% of contract price.
- Complete any implementation work awarded, and all required paperwork, in a manner that meets or exceeds grant criteria and meets the project deadline of November 15, 2019.
- Understand and comply with all local, state and federal laws relevant to this grant, especially with regard to Personal Conflicts of Interest, Equal Employment Opportunity and Affirmative Action. SEE EXHIBITS A and B

- Operate as an independent contractor (not as an employee or vendor of Huerfano County).
- Agree to be paid on actual work completed and invoices submitted.
- Provide all material and labor required to complete the work as specified.
- Perform quality work that meets or exceeds all standards relevant to this RFP.
- Submit project questions and/or contractual exceptions by the deadlines presented and/or in the manner identified within this RFP.
- NOT be debarred or suspended from participation in Federal projects.

1.4 Safety and Conduct

The Contractor shall ascertain and ensure that its personnel are equipped with and use all safety devices required to comply with Federal, State, and Local regulations, including but not limited to the Occupational Safety and Health Administration (OSHA).

The Contractor and its employees, as well as any sub-contractors, are expected to maintain a high degree of professionalism and safety while being present on the project. The parcels being treated are private and it is highly likely that the Contractor will encounter owners, neighbors, and citizens during the project. It is the Contractor's responsibility to maintain adequate safety zones with regard to all components of their operation. Aspects of safety and conduct include, but are not limited to:

- All personnel associated with the Contractor will wear OSHA approved P.P.E. appropriate for their method of treatment and/or specific task.
- First aid equipment/supplies will be readily available for all workers, as well as a reliable means of communication in the event of an emergency.
- Equipment operators will be responsible for maintaining an awareness of the safety zone surrounding their particular area of operation.
- One (1) 5# fire extinguisher will be in place on mobile operational equipment, as well as on personnel vehicle.
- One (1) hand tool (shovel, Pulaski, etc.) will be readily available for each employee currently on site for fire suppression, if needed.
- Unlawful, rude, or aggressive behavior is not professional and will not be tolerated. Offenders may be removed from participation in the project.

SECTION 2: REQUEST FOR PROPOSAL REQUIREMENTS

2.0 Submission Requirements

Successful bidders will submit the following information to be considered for this bid. If any items below are not submitted, bid may be disregarded by the County.

- A. **Letter of Submission.** A letter of Submission shall include the name, address, email, and telephone number of the company/individual responding to this RFP. The letter of submission MUST include:
- Principle Contact (signatory authority) with the County
 - The Contractor's Project Manager for this project
 - Additional key staff who will be involved with project completion
 - List of any subcontractors, if any, who may be utilized for the project.
- B. **Personnel Qualifications.** Provide a complete list of key personnel, and any sub-contractors, potentially working on this project, along with their relevant professional experience (project name and dates).
- C. **Similar Project Experience.** Include project type, dates, client, location, type of service, budget and costs at completion of similar projects. (Include at least 3 projects).
- D. **References.** List references (at least 3) identifying each client, contact person, email, and telephone contacts for similar projects completed by personnel/business responding to this RFP.
- E. **Insurance.** Provide information to support the ability to supply minimum insurance coverage for the type(s) of services to be involved with the implementation of this grant. SEE EXHIBIT A – General Services Contract
- F. **Equal Employment Opportunity and Affirmative Action.** IF subcontracting, submit company EEO documentation and describe how required local Affirmative Action goals will be attained. If NOT subcontracting, provide details on how good faith effort is put forward by your company to employ minorities and females. See Huerfano County EEO Policy included at the end of this document.
- G. **Approach.** Describe briefly how the projects will be executed and the type of services offered (hand crews, mastication, specialized tree removal, logging, etc.). Illustrate the suitability of the service type to this project.

- H. **Project Cost.** Provide bids for each project site using the attached bidding forms (EXHIBIT D). Unit costs for each project will be used to set final project cost following value engineering effort (see previous section). Provide this information in a separate sealed envelope within the RFP packet delivered to Huerfano County.
- I. **Schedule.** Outline proposed start date, duration of work per year, and proposed project completion date. Describe contingency scheduling for weather delays.
- J. **Questions.** Submit any and all questions related to this RFP in writing to Brittney Ciarlo, County Recovery Manager, at bciarlo@huerfano.us no later than 4:00 pm Wednesday Sept. 11, 2019. Responses will be issued in the form of an addendum and posted to the Huerfano County website at www.huerfano.us no later than Friday Sept. 13, 2019 at 4:00.

SECTION 3: SELECTION PROCESS

3.1 Selection Committee

A diversified Selection Committee comprised of agency, government, and/or public persons not directly involved with this project will evaluate and rank all proposals.

Each proposal will be evaluated for completeness, quality, and the assessment of the contractor's ability to meet all specifications as outlined in this RFP. Additional technical information may be requested from any contractor for clarification purposes.

The Selection Committee may compile a 'Short List' of those contractors whose proposals best meet all the required criteria. In addition, Pre-Award interviews and/or negotiations may be held to establish which proposal is most advantageous to the county. Price is not a sole determining factor of award.

The County reserves the right to award the contract at any time within sixty (60) days from the date of the opening of proposals unless otherwise specified in the CONTRACT DOCUMENTS. The County further reserves the right to reject any and all proposals and waive any and all informalities, and the right to disregard all non-conforming or conditional or counter proposals.

3.2 Evaluation Criteria

In evaluating the proposal, The County will consider the following: capability of contractor to perform work, experience and qualifications of proposed construction team, project understanding and value engineering approaches, cost, and proposed work schedule and work capacity. Each of the five listed evaluation criteria will be scored and weighted specifically for the project as follows:

Contractor Experience and Ability of Contractor to Perform Work (0-5 points):

Previous experience by the construction team implementing disaster recovery work including hillslope stabilization, flood protection, channel and bank protection, revegetation, and previous experience working on Colorado watersheds. The County will also consider prior experience with projects funded in whole or in part with federal funding.

Experience and Qualifications of the Proposed Construction Team (0-5 points):

Construction manager, key team members, and the construction company's

qualifications; defined responsibilities; key team member’s experience working together (continuity).

Project understanding and Value Engineering Approaches (0-5 points):

Demonstrated understanding of the project goals and objectives, potential project risks, and evaluation of value added engineering approaches.

Cost (0-5 points):

Costs will be evaluated based on engineer’s estimate, current industry construction bids/proposals and competitiveness with other received proposals.

Proposed Work Schedule and Workload Capacity (0-5 points):

Demonstrated capacity to complete the work by November 15, 2019 and understanding of project components and scheduling.

Evaluation Criteria will be weighted as follows:

Evaluation Category	Score Range	Weighted Score Multiplier	Total Score Range
Contractor Experience and Capability to Perform Work	0-5	5	0-25
Experience and Qualifications of Team	0-5	5	0-25
Project Understanding/Potential Mitigation of Risks/Value Engineering	0-5	4	0-20
Cost	0-5	3	0-15
Proposed Schedule and Work Capacity	0-5	3	0-15

3.3 Scoring and Selection

Upon receipt of proposals, the County will tabulate each proposal. The selection committee will individually review and score each proposal and meet to make a selection. The scores will be compiled in order to rank the applicants from highest to lowest. While price is one of the primary factors in proposal selection, the selection committee will select the lowest responsive and responsible proposer, comparing price with qualifications. The best value contracting company(s) will be selected to enter into a professional services agreement with the County, subject to the approval of the designated selection committee of the County. Interviews may be held with a short-list of top-scoring contracting companies if necessary and/or desired by the selection committee. Interviews will be held on September 23, 2019.

If a contract is to be awarded, it will be awarded to the proposer whose evaluation

by the County indicates that it is the lowest responsive and responsible proposer. If the contract is to be awarded, the County shall enter into a contract for the project design within thirty (30) days after the selection of contractor date.

At the completion of the project value engineering phase, the project team will develop a schedule and finalize plans and specifications for the project. The contractor will work with project team to finalize unit prices based on the field ready PLAN and SPECIFICATIONS. Original unit prices will be used unless specifically discussed and negotiated by the CONTRACTOR, ENGINEER, and COUNTY. Negotiated/verified unit prices may not exceed 25% above the originally proposed cost and only as approved by the engineer and the County. Unit costs modifications will not be allowed for bid quantity changes. If contractor and the County cannot come to an agreement on final unit prices at the end of the value engineering phase, then no award will be given for the construction phase. If the contractor and the County successfully negotiate, a NOTICE OF AWARD will be given.

The proposal that results in the best value to Huerfano County will be recommended to the Board of County Commissioners for contract award.

Huerfano County reserves the right to reject any and all proposals that pose, in the judgment of the County, an unacceptable risk of unsuccessful performance.

3.4 Estimated Timeline (*Dates are approximate, not binding, & subject to change)

September 6, 2019	Request for Proposals Announced
September 10, 2019	Mandatory Pre-Proposal Meeting (11am)
September 11, 2019	Deadline for Questions
September 13, 2019	Responses to Questions
September 19, 2019	Deadline for Proposals
September 24, 2019	Selection Announced (Unless Interview Required)
September 25, 2019	Begin Value-Engineering Phase
September - TBD	Begin ground operations
November 15, 2019	Total Project Completion Date

SECTION 5: COUNTY SPECIAL PROVISIONS

5.1 Equal Employment Opportunity and Affirmative Action:

It is the policy of Huerfano County not to discriminate against any employee, applicant for employment, or contractor because of race, color, religion, sex, sexual orientation, gender identity national origin, age, marital status, genetic information, disability or because he or she is a protected veteran. It is also the policy of Huerfano County to take affirmative action to employ, to advance in employment and/or to provide contracted opportunities to all persons regardless of the above stated characteristics and to base all employment and/or contractor selection decisions on valid job requirements alone. It is the expectation of Huerfano County that any contractors participating in this project shall possess, endorse and promote similar policy in this regard.

PROJECT FORMS AND EXHIBITS

- A. General Services Contract
- B. Special Provisions
- C. Project Design Plans, Details, and Specifications
- D. Bid Tabulation