



**CITY OF ALBANY
DIVISION OF ENGINEERING**

**REQUEST FOR PROPOSALS
FOR
ENGINEERING SERVICES**

**PROPOSALS DUE: MARCH 15, 2018
AT 12:00 NOON**

CITY OF ALBANY

9TH TEE RETAINING WALL RECONSTRUCTION

CAPITAL HILLS AT ALBANY GOLF COURSE

RFP 2018-11

MARCH, 2018

City of Albany, New York

REQUEST FOR PROPOSALS FOR THE PROVISION OF ENGINEERING SERVICES FOR:

9TH TEE RETAINING WALL RECONSTRUCTION

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IMPORTANT NOTICE:

A restricted period under the Procurement Lobbying Law is currently in effect for this Procurement and it will remain in effect until approval of the Contract. Proposers are prohibited from contact related to this procurement with any City of Albany employee other than the designated contacts listed below refer to:

Designated Contacts for this Procurement:

For Project Specific Clarifications: William J. Lecuyer P.E.

For Public Procurement Process Clarifications: Adriana Le Blan, Esq.

SECTION 1: PURPOSE

- 1.1 The City of Albany hereby requests proposals from qualified engineering firms to provide professional engineering services related to the reconstruction of the 9th tee retaining wall at the Capital Hills at Albany Golf Course. Minority Business Enterprises and Women's Business Enterprises are encouraged to submit proposals.

SECTION 2: PROJECT DESCRIPTION

- 2.1 The proposed project will include reconstructing approximately one hundred and fifty feet (150') existing retaining wall at the 9th tee at the Capital Hills at Albany Golf Course. The existing wall has been slowly failing over the years and just recently has failed. Failure can be attributed to a buildup of hydrostatic pressure behind the wall as there was little or no drainage included in the original design and installation.
- 2.2 It is proposed to salvage the existing retaining wall blocks, complete some minor regrading of the immediate area, install proper drainage, reconstruct the wall and restore the area. The city has a sufficient stock of the existing retaining wall blocks to replace any damaged or deficient blocks.

- 2.3 The total project budget is \$150,000 including all construction, engineering, administration, and a 10% construction contingency

SECTION 3: RECEIPT OF PROPOSALS

- 3.1 Three (3) copies of the Proposal must be received in a sealed envelope marked **“Proposal Enclosed – Engineering Services – 9th Tee Retaining Wall Reconstruction”** no later than **March 15, 2018 at 12:00 noon** at the following address (late proposals cannot be accepted):

City of Albany
Office of Corporation Counsel
24 Eagle Street
Albany, New York 12207
ATT: Adriana Le Blan, Esq.

- 3.2 The cost proposal shall be included in a separately sealed envelope within the proposal submittal such that it may be reviewed independent of the remainder of the proposal.
- 3.3 Each proposal submitted will be the document upon which the City of Albany will make its initial judgment regarding each proposer's qualifications, methodology, and ability to provide the requested services.
- 3.4 Those submitting proposals do so entirely at their own expense. There is no expressed or implied obligation by the City to reimburse any firm or individual for any costs incurred in preparing or submitting proposals, preparing or submitting additional information requested by the City, or participating in any selection interviews.
- 3.5 Submission of any proposal indicates an acceptance of the conditions contained in this Request unless the submitted proposal clearly and specifically states otherwise.
- 3.6 The City of Albany reserves the right to accept or reject any and all proposals in whole or in part, to waive any and all informalities, require supplemental statements or information from any responsible party, negotiate potential contract terms with any respondent to this RFP, have discussions with any respondent to this RFP to correct and/or clarify responses which do not conform to the instructions contained herein and to disregard all non-conforming, non-responsive or conditional proposals.
- 3.7 The City of Albany reserves the right to award the work, in whole or in part, to one or more firms and individuals.
- 3.8 Any award of the consulting services work shall be conditioned on the later execution of a formal written contract. The City of Albany reserves the right to

revoke or rescind any award at any time prior to the full execution of a formal written contract.

- 3.9 Respondents shall avoid submission of marketing materials.
- 3.10 All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of the City upon the request of any person unless the content of the document falls under a specific exemption to disclosure.

SECTION 4: QUALIFICATIONS OF PROPOSER

- 4.1 Each proposer shall provide a statement of qualifications including:
- a. A brief history and description of the firm submitting the proposal.
 - b. Identification of the firm's professional staff members who will be assigned to this project if the firm's proposal is selected. Include a resume for each such professional staff member that details qualifications, years and types of experience, education, accomplishments, etc. Specify the extent of the availability and commitment of each such professional staff member who will be assigned to this project if the firm's proposal is selected.
 - c. At least three (3) references, including contact names, addresses, and telephone numbers.
 - d. A signed cover letter from a person within the firm who is authorized to make representations on behalf of the firm and to bind the firm.
 - e. A comprehensive description of the firm's experience in similar projects.
 - f. Any additional information which would serve to distinguish the firm from other firms submitting proposals such as examples of work on projects similar to the project contemplated by this RFP, any special expertise or experience of the firm, etc.
 - g. Any additional information which would serve to distinguish the firm from other firms submitting proposals such as examples of work on projects similar to the project contemplated by this RFP, any special expertise or experience of the firm, etc.
- 4.2 The City of Albany may make such inquiries it deems necessary to determine the ability of each proposer to perform the services contemplated by this RFP. Proposers shall promptly furnish all information and data subsequently requested by the City of Albany for this purpose.

SECTION 5: SCOPE OF SERVICES

5.1 General:

- a. Attend a project kickoff meeting with the City of Albany to review the project goals, objectives, and schedule.

5.2 Contract Document Phase:

- a. The selected consultant shall update the existing 2003 survey of the area to update the planimetric and topographical field conditions of the project area.
- b. Prepare 85% completed drawings and specifications for construction materials, components, and details for the project. Define contractor storage and staging areas.
- c. Prepare a detailed cost estimate for the project, including all associated contingency and soft costs. If the cost estimate is not within the project budget, modify the scope of work prior to completing the design development phase.
- d. Attend meetings with City representatives to review the design development phase submittal and revise the design in accordance with City comments.
- e. Prepare final construction drawings and technical specifications for the improvements. Drawings shall include all necessary layout information and construction details.
- f. All plans are to be signed and sealed by a New York State Professional Engineer. Corporate stamps are not acceptable for certification of the contract Documents.
- g. Final contract documents shall include the standard City boiler plate which will be prepared by the City.
- h. It is anticipated that this project will be bid on a lump sum basis.
- i. Prepare a final cost estimate.
- j. Submit copies of the 100% completed Contract Documents to the City.
- k. Assume a total of two (2) meeting over the course of this project.

5.3 Bid Phase:

- a. Assist the City in answering bidders questions and the preparation of any necessary addendum(s) to clarify any questions related to the Contract Documents.

5.4 Contract Observation and Administration Phase:

- a. Attend a pre-construction meeting.
- b. Make a minimum of two site visits a week during construction to review the status and quality of work for conformance to the Contract Documents.
- c. Coordinate, review, and approve all shop drawing submittals and samples.
- d. Provide interpretation of the Contract Documents and respond to Contractors' Requests for Information.

5.5 Project Administration:

- a. The City of Albany Department of General Services, Engineering Division will administer the project under the direction of Randall J. Milano, P.E. City Engineer. William J. Lecuyer P.E. will be the Project Manager. Any questions concerning the submittal should be directed to Bill Lecuyer at (518) 434-5490, faxed to (518) 434-5696 or emailed to wlecuyer@albanyny.gov

5.6 Project Schedule:

- ✓ Proposal Submission March 14, 2018
- ✓ Executed Contract..... April 6, 2018
- ✓ Design Phase Complete May 7, 2018
- ✓ Advertise for Bids May 8, 2018
- ✓ Open Bids May 22, 2018
- ✓ Award Contract June 5, 2018
- ✓ Construction Start June 18, 2018
- ✓ Construction End..... July 20, 2018

5.7 Project Deliverables: The following deliverables shall be submitted to the City of Albany for review:

- ✓ Design Development Phase Three (3) hard copies with one digital copy in PDF format.
- ✓ Contract Document Phase Three (3) hard copies with one digital copy in PDF format.

SECTION 6: WORK PROPOSAL

- 6.1 Address the Scope of Services referenced in Section 5 above, including a detailed work plan and project approach that includes task definitions and methodology, milestones, and project schedule.

SECTION 7: COST PROPOSAL

- 7.1 Provide the individual proposed cost for each of the services set forth in Section 5. Subsections 5.1 through 5.7.
- 7.2 Clearly set forth in detail any and all additional expenses for which you expect to be reimbursed. The proposal must, however, provide a guarantee that no additional fees will be charged to the City of Albany without prior written consent by the City.
- 7.3 As identified in Section 3.2, the cost proposal shall be included in a separately sealed envelope within the proposal submittal such that it may be reviewed independently.

SECTION 8: DESIGN DELEGATION

- 8.1 Unless noted otherwise, the selected proposer will be responsible for the design and certification of all components of this project. Design delegation to the contractor of any component of this project is strictly prohibited without prior written consent from the City of Albany. It is critical that the Consultant takes complete responsibility for the design of the work and avoids delegation of design to others.
- 8.2 If the Consultant proposes to delegate design, he/she will request in a letter to the City Engineer that delegation be authorized, explain specifically why for each case, and state that the work is ancillary to the project. The City Engineer will review the request and provide a written reply.
- 8.3 In all cases when design is delegated, the Consultant shall provide the layout, loading, performance requirements, geometry, referenced standards and all other design parameters required so the Contractor's design professional is able to design the components or systems. The Consultant shall be responsible to review and approve the contractor's submittal for conformance with the design concept.

SECTION 9: CONTRACT

- 9.1 The selected proposer(s) will be required to execute a contract with the City of Albany. A sample City of Albany Professional Services Agreement has been included for review.
- 9.2 In the event any of the potential proposers take issue with any of the provisions of the City of Albany Professional Services Agreement, it shall be brought to the City's attention **immediately**.

SECTION 10: PROPOSAL EVALUATION:

- 10.1 Proposals shall remain valid until the execution of a contract by the City of Albany or June 1, 2018 whichever comes first.
- 10.2 Proposals shall be examined and evaluated by the City of Albany, Engineering Division and the Corporation Counsel's Office to determine which Proposal provides the most favorable system in the most cost effective manner. The Proposal should be thorough, comprehensive, detailed and meet the requirements of this RFP. A recommendation will be made for a contract award to the Proposal with the overall best qualified proposal based on all the following criteria:
- ❖ Proposer's demonstrated capabilities, professional qualifications, and experience.
 - ❖ The wherewithal of the proposer(s) to render the requested services to the City in a timely fashion.
 - ❖ Total proposed cost.
 - ❖ Completeness of the proposal.
- 10.3 The selection of a proposal will not be based solely on a monetary evaluation. Considerable weight will be given to experience in the areas required and the track record of the proposer(s).

SECTION 11: ALTERNATIVES

- 11.1 Proposals may include alternative matters or items not specified or requested in this RFP. However, all such alternatives matters or items must be listed separately from the proposal and the cost(s) thereof must be separate and itemized.

SECTION 12: INDEMNIFICATION:

- 12.1 The selected proposer will be required to defend, indemnify, and save harmless the City of Albany, its employees and agents, from and against all claims, damages, losses and expenses (including without limitations, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the selected proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses, and expenses.

SECTION 13: REQUEST FOR PROPOSAL CLARIFICATION:

13.1 All inquiries with respect to this Request for Proposals shall be directed to Bill Lecuyer at the following address:

For project specific clarifications:

William J. Lecuyer P.E.
Division of Engineering
One Conners Blvd.
Albany, NY 12204
Phone: (518) 434-5490
Fax: (518) 434-5696
E-mail: wlecuyer@albanyny.gov

For public procurement process clarifications:

Adriana Le Blan, Esq.
Assistant Corporation Counsel
Department of Law
City Hall, Room 106
24 Eagle Street
Albany, New York 12207
Phone: (518) 434-5050
E-mail: aleblan@albanyny.gov

13.2 All questions about the meaning or intent of the specifications shall be submitted in writing. Replies will be posted via the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Questions received less than four (4) business days prior to the date of submission of proposals will not be answered. Only questions answered by formal written Addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.

13.3 In addition, any changes, additions or deletions to this RFP will also be posted on the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Respondents are urged to check the City's website frequently for notices of any clarification of or changes, additions, or deletions to this RFP.

OTHER THAN THE CONTACT IDENTIFIED ABOVE, PROSPECTIVE RESPONDENTS SHALL NOT APPROACH THE CITY'S EMPLOYEES DURING THE RESTRICTED PERIOD OF THIS RFP PROCESS ABOUT ANY MATTERS RELATED TO THIS RFP OR ANY QUALIFICATIONS SUBMITTED PURSUANT THERETO.

SECTION 14: MODIFICATION AND WITHDRAWAL OF PROPOSALS:

- 14.1 Proposals may be modified or withdrawn by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals.
- 14.2 If within twenty-four (24) hours after the proposals are opened, any proposer files a duly signed written notice with the City and promptly thereafter demonstrates to the reasonable satisfaction of the City that there was a material and substantial mistake in the preparation of its proposal, that proposer may withdraw its proposal. Thereafter, that proposer will be disqualified from further proposal on the work.

SECTION 15: INSURANCE REQUIREMENTS:

- 15.1 The selected proposer will be required to procure and maintain at it's own expense the following insurance coverage:
- A) Workers' Compensation and Employer's Liability Insurance: Must show evidence of Worker's Compensation insurance at State statutory limits, a policy or policies providing protection for employees in the event of job-related injuries;
 - B) General Liability Insurance: A policy or policies of comprehensive general liability insurance of general liability limits of \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - C) Errors and Omissions Insurance: A policy or policies of errors and omissions insurance with limits of not less than one million dollars (\$1,000,000.00). Said insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A"
 - D) Automobile Liability Insurance: : In the event that Respondent is using a vehicle in business, a policy or policies of comprehensive automobile liability insurance with limits of not less than \$1,000,000 for each accident because of bodily injury, sickness, or disease, including death at any time, resulting therefrom, sustained by any person caused by accident; and a policy or policies with limits of not less than \$1,000,000 for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance, or use of any automobiles, including owned, non-owned and hired.

- 15.2 Each policy of insurance required shall be in form and content satisfactory to the City of Albany, and shall provide that:
- A) The City of Albany is named as additional insured on a primary and non-contributing basis.
 - B) Said insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A".
 - C) The insurance policies shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the City of Albany.
 - D) The insurance policies shall be automatically renewed upon expiration and continued in force unless the City of Albany is given sixty (60) days written notice to the contrary.
- 15.3 No work shall commence under the contract until the selected proposer has delivered to the City of Albany or its designee proof of issuance of all policies of insurance required by the Contract to be procured by the selected proposer. If at any time, any of said policies shall be or become unsatisfactory to the City, the selected proposer shall promptly obtain a new policy and submit proof of insurance of the same to the City for approval. Upon failure of the selected proposer to furnish, deliver, and maintain such insurance as above provided, the contract may, at the election of the City, be declared suspended, discontinued or terminated. Failure of the selected proposer to procure and maintain any required insurance shall not relieve the selected proposer from any liability under the contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected proposer concerning indemnification.

SECTION 16: NON-COLLUSIVE PROPOSAL CERTIFICATE & ACKNOWLEDGMENT:

- 16.1 Each proposer shall complete and submit with its, his, or her proposal the "Non-Collusive Proposal Certificate" and the "Acknowledgment" found on the two (2) pages that follow this page.

SECTION 17: PROCUREMENT FORMS AND REQUIREMENTS:

- 17.1 Additional requirements for this RFP are described below. Relevant statements, where required to be submitted, must be executed and included in the submission in the following order: 1. Iran Divestment Act Statement and 2. Non-Discrimination and Diversity Requirements.

- 17.2 Iran Divestment Act: Every Proposal made to the City must contain the following statement, signed by the Respondent on company letterhead and affirmed as true under penalty of perjury:

"By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each proposer is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law."

The list in question is maintained by the New York State Office of General Services. For further information and to view this list please go to:

<http://www.ogs.ny.gov/about/regs/ida.asp>

- 17.3 Non-Discrimination and Diversity Requirements: Pursuant to Federal laws and regulations, the New York State Executive Law Article 15-A and the City of Albany General Code Chapter 48, Article III Omnibus Human Rights Law, the City recognizes its obligation under the law to prevent discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency and to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of City contracts.

In furtherance of these rules and principles, the City of Albany highly encourages the participation of certified minority- and women-owned business enterprises ("MWBE") at the City's goal levels and the employment of minority groups' members and women in the performance of its contracts. The City of Albany hereby notifies all Consultants submitting a proposal that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in consideration for award.

Further, every Proposal made to the City must contain the following statement, signed by the Respondent on company letterhead and affirmed as true under penalty of perjury:

"The Respondent, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The

Respondent will not participate directly or indirectly in the discrimination prohibited by the federal, state and local laws and regulations, including employment practices. In all solicitations, either by competitive bidding, or negotiation made by the Respondent for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Respondent of the Respondent's obligations under this Statement and the federal, state and local laws and regulations relative to Non-discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency."

SECTION 18: SUBMISSION REQUIREMENTS:

18.1 All Proposers shall be required to submit a complete proposal. As outlined in this RFP, all proposals shall include the following:

- A) Statement of Qualifications as outlined in Section 4.
- B) Work Proposal as outlined in Section 6.
- C) Cost Proposal as outlined in Section 7.
- D) Non-Collusive Proposal Certificate and Acknowledgment Form as outlined in Section 16
- E) Iran Divestment Act statement, as outlined in Section 17.
- F) Non-Discrimination and Diversity statement, as outlined in Section 17.

18.2 Failure to include all of the above items may result in the proposal being considered nonresponsive.

NON-COLLUSIVE PROPOSAL CERTIFICATE
PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW SECTION 103-D

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto, certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in the proposal have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the opening, directly or indirectly, to any other proposer or to any competitor; and
- (3) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(Signature)

(Print Name and Title)

(Name of Partnership or Corporation)

(Date)

ACKNOWLEDGMENT BY PROPOSER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 20__, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he/she/they severally acknowledged to me that he/she/they executed the same.

Notary Public, State of _____
Qualified in _____
Commission Expires _____

If Corporation:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 20__, before me personally appeared _____ to me known, who, being by me sworn, did say that he/she is the (give title) _____ of the (name of corporation) _____, the corporation described in and which executed the above instrument; that he/she knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he/she signed his/her name thereto by like order.

Notary Public, State of _____
Qualified in _____
Commission Expires _____

If Partnership:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 20__, before me personally came _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of _____ and that he/she has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

Notary Public, State of _____
Qualified in _____
Commission Expires _____