



Bangor Area Comprehensive Transportation System (BACTS) REQUEST FOR PROPOSALS

Regional Culvert Inventory and Capacity Analysis

Bangor Area Comprehensive Transportation System (BACTS), the federally designated Metropolitan Planning Organization (MPO) for the Bangor, Maine Urbanized Area, is requesting proposals for qualified consulting teams with experience in stormwater modeling to perform a comprehensive assessment and inventory of culvert infrastructure in the BACTS Region.

Proposers must provide the following:

- a.) a technical proposal; and
- b.) a price proposal in a separate, sealed package. *Price shall not be part of the technical proposal; otherwise, that proposal shall be rejected.*

Proposals Are To Be Received At BACTS No Later Than

Date Due: Tuesday, March 12th, 2024
Local Time: 4:00 p.m.

Proposals must be received prior to the time and date for which they are due.

Late Proposals - Any proposal, portion of a proposal, or unrequested proposal revision received at BACTS after the time and date specified on the cover page of this RFP **will not** be accepted.

Communications In Reference To This RFP

Any communication in reference to this RFP shall be in writing by email and directed to the RFP Coordinator listed below.

All correspondence must reference the RFP# and Project name in the subject line.

Name: Madeline Jensen
Title: Planner
Office: (207) 974-3111
E-Mail: madeline.jensen@bactsmmpo.org
RFP#: BACTS-2402
Project Name: Regional Culvert Inventory and Capacity Analysis

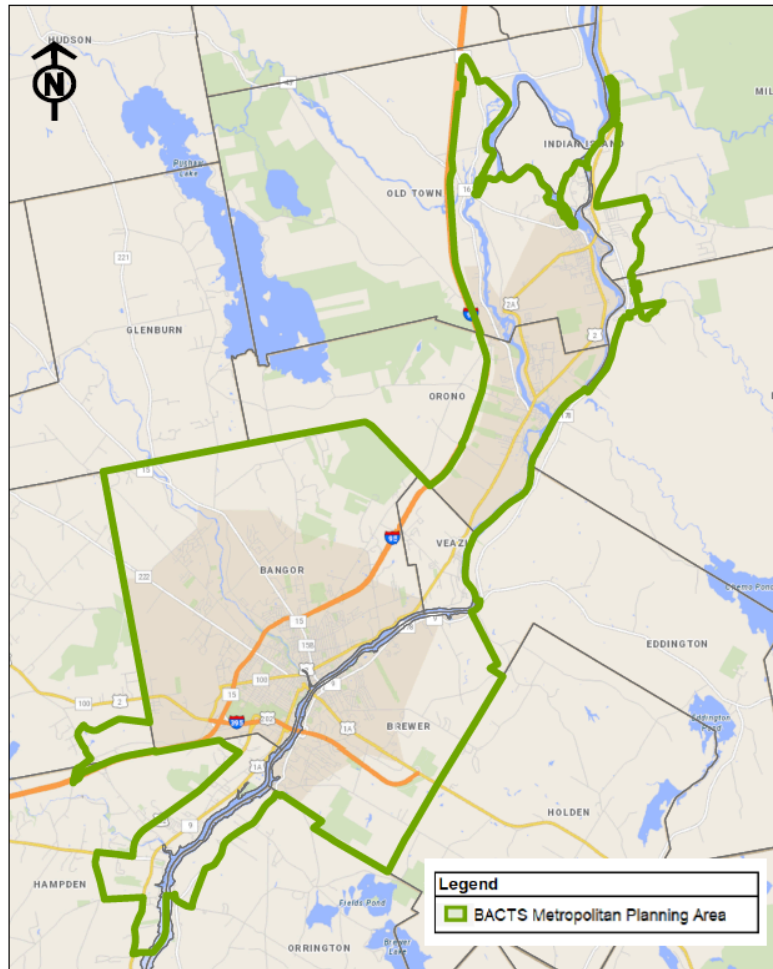
Request For Clarification / RFP Amendments

During the proposal preparation period, all requests for clarification and/or additional information must be submitted via e-mail to the RFP Coordinator referenced in the above section of this RFP by no later than **4:00 p.m. on February 15th, 2024**. BACTS reserves the right to answer or not answer any question received. Late requests for clarification will not be accepted. When appropriate, responses to clarification requests will be emailed, and posted to the BACTS website, no later than close of business on **February 22nd, 2024**.

□ Proposal - Overview / Scope of Work □

Introduction

BACTS seeks to better understand the condition of local assets in order to assist with capital planning decisions, more strategically allocate limited funds, and pursue discretionary funding. While individual municipalities may have data on the culverts within their own municipality, there is no collective database which catalogs infrastructure on a regional scale. BACTS is looking to create and maintain an up-to-date, regional inventory of existing and planned culverts located on collector and arterial class roads in the Greater Bangor Urbanized Area (see map below for included areas). This formal inventory will not only define the state of the system, but will also consider climate projections which impact stormwater hazards.



Task Breakdown

The scope of the work, as further described, will consist of identifying and evaluating the culvert improvements in the BACTS region (not including closed drainage systems), developing a capacity analysis (which is to incorporate stormwater hazard modeling), and developing a management database and maintenance schedule for all collector or arterial road culverts. Data generated from associated tasks and elsewhere in the project shall be the property of BACTS.

Respondents are encouraged to incorporate, expand on, or adjust these tasks as necessary.

Task 1 - Data Collection

The consultant will acquire or collect all current and relevant data available for the study area including but not limited to:

- Compile any culvert inventories or information/data collected by individual BACTS municipalities
- Collect information on all collector/arterial road culverts within the Greater Bangor Urbanized Area, including location, material, type, condition, age, capacity, its relation to and possible impact on surrounding green and built spaces, etc. (will likely require field assessments)
- Obtain data and maps detailing the BACTS Region's road network.
- Review Maine DOT Hydraulic Capacity Standard & Guidance
- Collect data for relevant climate impact projections in the BACTS Region
- Collect watershed mapping data that details current and future conditions

Deliverables

- Compilation of all required data for the Task 2 inventory and assessment.
- Prepare a map/list of all culverts to be evaluated for review and confirmation by municipalities for accuracy

Task 2 - Culvert Inventory and Conditional Assessment

The consultant will outline infrastructure information and assess the current condition of all relevant culvert infrastructure and will evaluate its ability to meet current and future stormwater needs.

Deliverables

- Create regional inventory, in an easily digestible and updatable format, which lists current and planned culvert specifications outlined above and that may be sorted by town, culvert features, watershed group, etc
- Produce a stormwater hazard model using watershed and climate projection data to determine at-risk infrastructure

Task 3 - Program of Improvements

The consultant will develop a prioritized capital improvement and upgrade plan for collector/arterial culverts based on condition, life cycle, current or projected capacity limitations, etc. The consultant will also prepare cost estimates for high priority/time sensitive upgrades (i.e. infrastructure in very poor condition or which is severely undersized) including an estimated cost of the upgrade itself and potential damages incurred without the recommended upgrade.

Deliverables

- Prioritized list of culvert improvements, replacements, and additions based on conditional assessment and projected capacity needs
- Cost estimate for recommended upgrade and a damages risk assessment for highest priority locations

Task 4 - Maintenance Plan

The consultant will develop a routine maintenance plan for culverts in the BACTS Region.

Deliverables

- Routine maintenance plan for each culvert, or groups of similar culverts, in the BACTS Region including type of maintenance, frequency of maintenance, and responsibility of maintenance (in the case of MaineDOT involvement)

Task 5 - Culvert Asset Management Database

The consultant will develop a resource which compiles the data and recommendations from this study for BACTS staff and member communities to review and update in the future.

Deliverables

- A BACTS Culvert Asset Management Database, which will eventually be hosted by BACTS and accessible to municipal GIS platforms. The database should include features to review and update the culvert inventory, view the capital improvement/upgrade plan, and when possible, manipulate individual prioritization input fields(cost estimate, condition, etc.) to visualize overall project prioritization impacts if conditions change

Task 6 - Meetings

BACTS will establish a project management team with relevant BACTS and town staff, to work with the consultant on this study. A total of no more than five (5) consultant meetings are anticipated for project update and information gathering purposes. The first of these meetings will be a Kick-Off meeting with the project management team to review the overall scope and background of the project. The consultant will also give a final presentation of results to the BACTS Policy Committee (in person).

Schedule

Project work is likely to start in April/May 2024. The final deliverables, including ownership transfer of any relevant GIS or database materials, as well as final invoicing, will be completed by December 31st, 2024.

Proposal Rating and Selection Process

- a. Proposal Rating - Proposals will be reviewed and rated using the responses to The Proposer Information outlined in later section of this RFP.
- b. Qualifications Based Selection (QBS) Process - The consultant will be selected in adherence to the State and Federal requirements. Further information can be found on MaineDOT's consultant webpage, [here](#). Technical Proposals alone will be used to select the successful proposer. Once the successful proposer has been selected, the government estimate will be compared against the successful proposer's Price Proposal and contract negotiations will begin.

Proposal Scoring Criteria

- a. **Proposer's Qualifications (15) points:** Identify the **key** staff your company will assign to fulfill the contract requirements (Contract Managers, contact people, or assigned technicians). Provide resumes describing the educational and work experiences for those **key** staff.
- b. **Proposer's Experience (20) points:** Describe the Proposer's experience and capabilities providing similar services to those required. Identify at least three (3) projects for which your company has done business similar to that required in this RFP in the last five (5) years. Include points of contact (client's name, contact name, address, and telephone number), a brief description of the project, dates of the project, and results.
- c. **Proposer's Ability to Control Schedule and Costs on this Project (15) points:**
 - i. Provide a brief description of methods used by the firm to assure the study is completed on time and within budget.

- ii. **Schedule/Workload/Communication** - Provide a brief outline of your firm's methods of schedule control and ability to handle projected workload. Discuss how your firm will conduct project coordination with BACTS. Describe how your firm will manage its role in this project and how it intends to maintain effective communication for the assignment.
- d. **Proposer's References (15) points:** Provide at least 3 work references including points of contact (person's name, company name, address, and telephone number) and a brief description of the projects with dates. If contacted, all references must verify that a high level of satisfaction was provided. BACTS will determine which, if any, references will be contacted. The results of any reference checks will be provided to the scoring committee and used when scoring the Technical Proposal.
- e. **Project Understanding (35) points:** Please describe in detail your project understanding; including any observations of current conditions, needs and preliminary thoughts, or recommendations for this study.
- f. **Contact Information:** Provide the name, address, phone number, and e-mail address of Proposer in the proposal.
- g. **Signature Page:** A signature page must be included with the Technical and Price Proposals stating that "I certify that all of the information contained in this Technical/Price Proposal to be true and accurate.
- h. **Schedule:** Include a schedule outlining project deliverables and any other relevant milestones.
- i. **Acknowledgement of Amendments:** The Proposer shall include reference to all amendments in their response to this RFP.

State / Federal RFP Requirements

1. Packaging and Submitting Your Technical and Price Proposals

- a. **RFP Number & Title:** The Proposer's full business name and address, as well as the assigned RFP number and RFP title must be written on your Proposal Package.
- b. **Technical Proposals:** Technical Proposals may be submitted electronically in PDF format and sent via email.
- c. **Price Proposal:** The Price Proposal shall be provided in a **separately sealed envelope and may be delivered in person, by USPS or common carrier either by or postmarked by the proposal deadline in Section 1.** A Price Proposal form can be found on the Maine DOT website at: <https://www.maine.gov/mdot/cpo/doingbusiness/> (Click on Doing Business under Quick Links, Consultant Proposal Instructions PDF, Section B). Prices shall be outlined for all required items. Each proposal will be evaluated for all criteria, and then costs shall be evaluated independently. **NO MENTION OF PRICE SHALL BE INCLUDED IN OTHER SECTIONS OF THE PROPOSAL; OTHERWISE THAT PROPOSAL SHALL BE REJECTED.**
- d. **Proposal Package Submittal:** Proposal packages must be emailed/delivered to:
 - BACTS
 - Attn: Madeline Jensen
 - madeline.jensen@bactsmo.org
 - 12 Acme Road, Suite 204
 - Brewer, ME 04412

2. General Information

- a. The contract resulting from this RFP will be governed by the most recent version of BACTS' Consultant General Conditions. A copy of the Consultant General Conditions is available on MaineDOT website: <https://www.maine.gov/mdot/cpo/doingbusiness/>
- b. This RFP does not commit BACTS to pay any costs incurred in submitting your proposal, making studies or designs for preparing the proposal, or in procuring or sub-contracting for services or supplies related to the proposal.

3. Certified Disadvantaged Business Enterprise

Certified DBE

MaineDOT Certified Disadvantaged Business Enterprise (DBE) consultants are encouraged to apply as the prime consultant for this work. It is important the DBE consultants take advantage of this RFP to at least gain entry to the MaineDOT Prequalification List for transportation project related services. Non-DBE consultants shall ensure that DBEs have the maximum opportunity to participate in the performance of any project contract in accordance with MaineDOT current requirements for DBE utilization when utilizing subconsultants. Consultants certified by another state's transportation agency must be certified by MaineDOT.

Current requirements may be found at the MaineDOT website, "Certified Disadvantaged and Women Business Enterprise" directory available at: <http://www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php>, or by contacting:

**Maine Department of Transportation
ATTN: Sherry Tompkins, Civil Rights Unit
Civil Rights Office
16 State House Station, Augusta, ME 04333
Tel#: 207-624-3066
Fax#: 207-624-3021**

4. Proposal Pricing

Price Proposal, Elements of Supporting Data consist of the following:

- 1) **Direct Labor**: Please list all employees, including their classifications, who are expected to perform services on this project. Please provide a breakdown of each employee's salary rate including direct labor, indirect labor, and profit. Please show all calculations in detail, and include payroll records supporting these rates.
- 2) **Indirect Labor (Overhead)**: Please provide a copy of your latest audited corporate overhead rate report with supporting documentation.
- 3) **Profit**: The percentage of profit is based on criteria specific to a project including degree of risk, relative difficulty of work, size of job, etc.
- 4) **Direct Expenses**: Please provide a breakdown of direct expenses, including mileage, lodging, photocopying costs, etc. anticipated for this project. Direct expenses shall be reimbursed at cost, and travel expenses shall be reimbursed in accordance with the current per diem/mileage rates located at <http://www.maine.gov/osc/travel/addtltravelinfo.shtml> & <http://www.gsa.gov/portal/category/21287>

5) **Subconsultants:** Please identify each effort to be subcontracted. List the selected sub-consultant's name, location, amount proposed and type of contract. Describe the cost or price estimates for each subcontract. Please note that there is no mark up allowed on subconsultant costs.

5. Contract Term, Type, and Payment Method

The contract term shall be for a period of approximately nine (9) months, commencing upon approval of the contract documentation and BACTS letter of "Authorization to Proceed".

The contract type utilized for this project shall be "Special Services", and the method of payment shall be fixed burdened hourly rate.

6. Confidentiality

The information contained in proposals submitted for BACTS' consideration will be held in confidence until all reviews are concluded and the award notification has been made. At that time, the full content of the proposals becomes public record and is therefore available for public inspection upon request.

According to State procurement law, the content of all proposals, correspondence, addenda, memoranda, working papers, or any other medium which discloses any aspect of the request for proposals process will be considered public information when the award decision is announced. This includes all proposals received in response to this RFP, both the selected proposal and the proposal(s) not selected, and includes information in those proposals which a Proposer may consider to be proprietary in nature.

7. FHWA-1273 Required Contract Provisions For Federal-Aid Contracts

General

These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

8. Certification Regarding Use of Contract Funds for Lobbying

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of their knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

3. The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

9. Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers to any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction

with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (<https://www.epls.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal. Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of BACTS.