

TOWN OF BEVERLY SHORES, INDIANA
Board of Parks and Recreation
REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

June 28, 2022

1. INTRODUCTION

The Town of Beverly Shores, Indiana ("Town") is a small community in Porter County, Indiana. For the last 2.5 years, it has been engaged in an ambitious mitigation project to protect against the loss of infrastructure and interruption of utility and public safety services to residences in Town due to storm damage along Lake Front Drive from Lake Michigan. The work has entailed the placing of armor stone, rip rap, sand and revegetation of affected areas. Embankment failure required the temporary closing of portions of Lake Front Drive until repairs were made. Utility improvements have been made to safeguard natural gas service and improve safety. Beach access via six Town-owned beaches is greatly diminished by the high lake level and destruction of stairway. The Town, through its Board of Parks and Recreation, is seeking proposals from qualified engineering firms for engineering projects, as follows:

1. Engineering services for the evaluation of two (2) potential sites for beach access at the Town-owned public beaches at Shore Avenue and Beach Avenue, and a recommendation of the one (1) preferred site to construct a new beach access. Prepare and present a conceptual design for new beach access at the recommended site.
2. Perform detailed engineering and prepare construction drawings, permit applications, and other documents required by permitting agencies or the Town's grant agreement with the Lake Michigan Coastal Program to allow construction of the new beach access, and conduct a public bid process for the work.
3. Provide bid reviews and analysis, and engineering services during construction as needed.

The Town intends to use the RFP process to solicit formal qualitative and price proposals for each project. The Town will score the qualitative proposals in accordance with the federal Brooks Act (40 USC § 1101 *et seq.*), to comply with federal funding requirements. The Town will retain the discretion to use another procurement method or to select the best-value proposer instead of using the Brooks Act procurement process, if it is in the Town's best interests to do so.

All Proposers are bound by the terms of this RFP, the Brooks Act, and other applicable laws. The Town reserves the right to reject any or all Proposals and to waive any technicalities

and informalities, as provided by the terms of this RFP, the Brooks Act, or other applicable law. Proposals that fail to meet a material term of this RFP may be deemed non-responsive and returned to the Proposer without scoring or other consideration.

2. INSTRUCTIONS TO PROPOSERS

All Proposers responding to this RFP are subject to the instructions communicated in this RFP and are cautioned to completely review the entire RFP and follow instructions carefully. Failure of a Proposer to follow these instructions may result in disqualification of the Proposer from consideration for a contract to be awarded pursuant to the RFP. It is the sole responsibility of each Proposer to review the RFP prior to submitting its Proposal to ensure that the Proposer has obtained all available instructions, addenda, changes, supporting documents, and any other information pertaining to this RFP. The Town is not responsible for any solicitations issued through third parties, publications, or other sources not connected with the Town and the Proposer should not rely on such sources for information regarding this RFP.

Addenda may be issued at any time prior to the receipt of Proposals. Issued Addenda will be promptly posted online to the Town's website prior to the date fixed for the opening of Proposals, except where such Addendum withdraws the RFP or postpones the date for receipt of Proposals. Failure of any Proposer to receive or review any such Addendum via the online website shall not relieve any Proposer from any obligations under its Proposal as submitted. All Addenda so issued shall become part of the RFP. Proposers shall indicate receipt of Addenda in their Proposals. Failure to do so may result in rejection of the Proposal. Proposers shall not rely upon interpretations, clarifications, and/or approvals made in any other way.

The failure or omission of any Proposer to receive or examine any form, instrument, or document, or to visit the Town's website and acquaint itself with conditions there existing, shall in no way relieve any Proposer from any obligations with respect to its Proposal. Each Proposal shall include the information required in this RFP and shall be based upon the requirements of the conditions and criteria set forth therein.

The Town is the sole distributor of this RFP and all Addenda, changes, or supplements to the RFP. The Town reserves the right to reject any and all Proposals and firms or groups of firms, and to waive any technicalities and informalities in the discretion of the Town.

3. GENERAL INFORMATION AND PROJECT DETAILS

The Town has suffered from storm damage at multiple locations along Lake Front Drive beginning around Thanksgiving Day 2019. The storm damage washed out the sand and other material that supported the Lake Front Drive roadbed and the utility infrastructure placed along and under the road. Most of the areas that were damaged are in locations that the US Army Corps. of Engineers did not protect with stone revetment, or where the revetment has been washed out.

The Town's response has been to protect those areas by placing large armor stone, smaller revetment or rip rap, geotechnical fiber, and sand to fill in the washed out areas and protect the roadbed from further storm damage. The Town contracted with Cardno, Inc. to plant natural grasses and other dune plants as needed, to further protect these areas.

The Town has been working with the National Park Service, Porter County, the Army Corps. Of Engineers, and various local contractors to coordinate and implement these emergency repairs. Now the Town is requesting Proposals from engineering firms to evaluate the feasibility of restoring beach access at either Shore Avenue public beach or Beach Avenue public beach, and prepare construction and permitting documents for same.

- 3.1 Perform Site Evaluation and Recommendation: The Town proposes to consider stair access at the Town-owned beaches at Shore Avenue and Beach Avenue. The successful proposer will perform site evaluations at each location, and make a recommendation of which location is more optimal for constructing stair access. The site evaluation should consider existing conditions and recommend the one most economic, accessible, and constructable site. Consideration must be given to longevity and maintenance of any improvements to ensure continued access. If re-work of the existing revetment is necessary for access or construction, this shall be considered as part of the work.

Site Location information is included in the attachments as follows: "TOBS, USGS and Parcel Map Info, S Beach Ave R3" and "TOBS, USGS and Parcel Map Info, Shore Ave R3"

- 3.2 Conceptual Design: Provide a conceptual design sketch with the site recommendation for approval by the Park Board and Town prior to performing detail design, permitting and construction drawings.

The plans should include development of a single lane roadside access for parking and unloading. Provide a large landing shelter at the road-side level with seating and optional roof. Seating at a mid-level landing should be included. Construction of the stairs and railings should be wood with consideration of a "break-away section" near the beach level (bottom section). This "break-away section" shall be removable to avoid potential winter storm damage.

- 3.3 Permitting Documents: Provide all permitting documents as required for the grant and supply and installation of the stair access. The LMCP Grant sponsor is the National Oceanic and Atmospheric Administration (NOAA). All work performed shall be in compliance with all applicable local, state and federal Laws and regulatory requirements which may include, but are not limited to, NOAA, the Army Corps. of Engineers, National Park Service, and the Indiana Department of Resources (IN-DNR). The Town Building Department will not require a permit.

- 3.4 Grant Requirements and Documents: The successful proposer shall comply in all respects with the grant documents and requirements, including the schedule and timeline attached to this RFP, ("TOBS, 2022 LMCP Exhibit A, Restoration of Lake Michigan Public Beach Access R1"). The successful proposer must provide supporting documents for the grant reporting requirements, and potential future grant applications. It is anticipated that reporting requirements shall include quarterly reports on progress and financials until completion of the project, and a project close out report in accordance with the LMCP Grants Manual.
- 3.5 Construction and Installation Documents: Provide detailed design drawings, documents, and specifications, as required, to enable the Park Board to solicit and obtain quotes or bids from fabrication and installation vendors and contractors.
- 3.6 Construction Services: Include in the price proposal a not-to-exceed amount to be utilized at the option of the Town for services during construction.
- 3.7 Surveying Services: Provide, as required, for site evaluation and as needed for detailed design.
- 3.8 Environmental: Any disturbed Dune Restoration work shall be restored as to re-stabilize the revetment and restore the natural habitat of the dune. Reference attachment "DNR, Division of Fish and Wildlife, Preliminary Environmental Assessment and Requirements".
- 3.9 ADA Feasibility: This access shall consider ADA access, where feasible. It is a priority to allow for public access with consideration of disabled. The minimum requirement will be to provide roadside and street level walk out platform access.
- 3.10 Work by Others:

The Park Board will provide a representative that will coordinate with the Town government, LMCP Grant Authorities and the public.

The Park Board will submit the Grant Application documents.

The Park Board will obtain quotes for fabrication, supply and installation of the stairs.

The Park Board will coordinate and supervise the fabrication and installation vendors and contractors. Design inspections may be required as needed.

4 PROPOSAL TERMS AND CONDITIONS

As part of the RFP, Proposers will need to complete forms and certificates for Indiana public projects and projects receiving federal funding.

These forms will include, but are not limited to:

- Restrictions on Lobbying Certificate
- Certificate Regarding Disbarment from Federal or State Procurements
- Payment Bond and Performance Bond
- E-Verify Affidavit (required by Indiana Code § 22-5-1.7 *et seq.*)
- No Investment Activity in Iran certificate

Proposers will be expected to provide satisfactory proof of insurance coverage at the time of contract execution. The insurance requirements are detailed in the form of contract included in the RFP materials.

5 QUALITATIVE PROPOSALS

Proposers are required to assemble their Proposal in the order prescribed and following the outline form contained in this Section 5. A more detailed outline of the Qualitative Proposal requirements is included in this RFP in Section 8.

5.2 General Requirements for the Qualitative Proposal Submission

The Town expects Proposals to provide enough information about the requested items so as to allow the Town to evaluate Proposers based on the criteria set forth herein.

Proposals shall be submitted exclusively in the English language inclusive of English units of measure, and cost terms in United States of America dollar denominations.

5.3 Format of Qualitative Proposal Submission

The Qualitative Proposal must be prepared on single-sided, 8-1/2" x 11" sized white paper, except as noted below. 11" x 17" pages are allowed for organizational charts, but not for narrative text. Printed lines may be single-spaced. The font size shall be no smaller than twelve-point font, provided the font in organizational charts may be ten-point font, so long as the organizational charts are legible. Each Qualitative Proposal shall be identified by Proposer name and address and be accompanied with a transmittal letter. The pages of the Qualitative Proposal must be numbered.

A table of contents must be included to identify each section. Qualitative Proposals are limited to fifteen (15) pages (single-sided) or less, with the main Executive Summary limited to two (2) pages, using a minimum of a 12-point font. Any exhibits, affidavits, or other

enclosure information called for may be included in an appendix and will not count toward the page limit. (Also see § 5.6).

The Qualitative Proposal submission shall be prepared and submitted to the Town as follows:

- a. One (1) original set of the Qualitative Proposal;
- b. Five (5) copies of printed sets of the Qualitative Proposal; and
- c. One (1) PDF electronic copy of the Qualitative Proposal on a flash drive.

The method of submission of the Qualitative Proposal is at the option of the Proposer. The Qualitative Proposal may be (a) physically delivered to the Town Hall at 500 Broadway, Beverly Shores, IN to the attention of the Town Clerk-Treasurer¹, or in the alternative (or in addition thereto), (b) emailed to the Clerk-Treasurer as provided in Section 5.6 below.

Each Proposer shall submit the PDF copy of the Qualitative Proposal in searchable and printable portable document format (.pdf). The PDF submission must be organized to correspond to the table of contents requirements set forth in this Section. Proposer may elect to “index” the PDF submission or provide a series of discrete “.pdf” files.

Each Qualitative Proposal shall be prepared simply and efficiently, providing straightforward, concise delineation of Proposer’s capabilities and experience. Emphasis must be on completeness, relevance, and clarity of content.

5.4 Requirements for signing the Qualitative Proposal:

- a. Any Qualitative Proposal not signed by the individual making same, shall have attached to it a Power of Attorney evidencing authority to sign the Qualitative Proposal in the name of the person for whom it is signed.
- b. A Qualitative Proposal submitted by a partnership shall be signed by one of the partners, or by an attorney-in-fact. If signed by an attorney-in-fact, there shall be a Power of Attorney attached to the Qualitative Proposal evidencing authority to sign the Qualitative Proposal, executed by the partners.
- c. Qualitative Proposals which are submitted by a corporation shall have the correct name thereof and the signature of the president or other authorized officers of the corporation and shall have the corporate seal affixed. Signatures affixed by secretary or assistant secretary shall be identified by signer manually "by Secretary (Assistant Secretary)".

5.5 Required Contents and Organization

Proposers must organize their Qualitative Proposals in the order set forth in Section 8, Qualitative Proposal Contents, and its subparts. If a Proposer elects to include material in addition to the information specifically requested in Section 8 and its subparts, the Proposer

¹ The Office of the Clerk-Treasurer may be closed to the public, and a drop box will be available outside of the door.

shall append that material to the end of the most appropriate defined section of the Qualitative Proposal Submittal Outline. Each binder may be subdivided as needed, so long as Proposers “tab” the contents of their Qualitative Proposal to correspond to the section. Tabs do not count against the total page limit.

5.6 Proposal Submittal Requirements

The Qualitative Proposal

All documents constituting the Qualitative Proposal shall be individually and clearly labeled with the name of Proposer and additionally labeled as follows:

Qualitative Proposal
Response to Town of Beverly Shores Request for Proposals
Beach Access Engineering Services

The Price Proposal

All documents constituting the Price Proposal shall be individually and clearly labelled with the name of Proposer, submitted on the Price Proposal Form included as Exhibit 1 to the RFP, and the Price Proposal Breakdown on the Price Proposal Breakdown Form included as Exhibit 2 to the RFP **in a second, separate, sealed, envelope simultaneously with the Qualitative Proposal**. Price Proposals shall remain sealed until the Town selects the most qualified proposer. Only after the selection of the most qualified Proposer will the Town open the Price Proposal submitted by the most qualified Proposer. The Price Proposals submitted by the other Proposers shall remain sealed until the Town is unable to reach an agreement with the most qualified proposer and moves to the next-most qualified Proposer. If the Town reaches an agreement with the most qualified Proposer or rejects all Proposals, the Price Proposals will be returned to the Proposers unopened.

Electronic Submission

If the Proposer elects to email to the Town the Proposal submission as allowed under Section 5.2 above, the Qualitative Proposal shall be submitted as a PDF format document emailed to the Town Clerk-Treasurer at beverlyshores.clerk@gmail.com. The subject of the email should state: “Beverly Shores RFP Procurement Qualitative Proposal Submittal - <Proposer name>”. The Town will not accept facsimile or personally emailed submissions of Qualitative Proposals. Acknowledgment of receipt of the emailed Qualitative Proposal will be evidenced by the issuance of an email receipt by the Clerk-Treasurer.

If the Proposer elects to email to the Town the Proposal submission, the Price Proposal shall be submitted as **an encrypted PDF format document**, and emails to the Town Clerk-Treasurer at beverlyshores.clerk@gmail.com. The subject of the email should state: “Beverly Shores RFP Procurement Price Proposal Submittal - <Proposer name>”. The Proposer must include the password or key to open the PDF in a separately attached document. The Town will not accept facsimile or personally emailed submissions of Price Proposals.

Acknowledgment of receipt of the emailed Price Proposal will be evidenced by the issuance of an email receipt by the Clerk-Treasurer.

Proposal Due Date

Proposals must be submitted by 11:00 A.M. Central Time ("CT") on the Qualitative Proposal Due Date of July 29, 2022. Time is of the essence and any Qualitative Proposals received after that date and time will be rejected and unopened. No Qualitative Proposal will be accepted after the date and time set for receipt.

Proposer's Responsibility

Proposers are solely responsible for assuring that the Town receives their Proposals by the specified delivery date and time at the Town Hall at the address listed above. The Town shall not be responsible for any delays in delivery or technical difficulties beyond the control of the Town, including those caused by weather, difficulties experienced by internet services, improper, incorrect or incomplete addressing of deliveries and other occurrences.

Ownership of Proposals

All Proposals upon receipt become the property of the Town. Labeling information provided in submittals "proprietary" or "confidential", or any other designation of restricted use may not protect the information from public view under applicable law. Subject to the provisions of the Indiana Access to Public Records Act, the details of the proposal documents will remain confidential until final award.

5.7 General Rules Governing Preparation of Qualitative Proposal Submission

If a Proposer is compelled to include material in addition to the information specifically requested, the Proposer will append that material to the end of the most appropriate defined section of the outline. Additional material is not subject to any applicable page limitation.

If a Proposer does not include information or materials in its Qualitative Proposal that are described as required because certain of the Qualitative Proposal submittal requirements do not apply, then to facilitate the Town's evaluation, such Proposer shall include in the relevant section in its Qualitative Proposal a statement to the following effect: "[*Cross referenced requirement of the RFP*] do[es] not apply because [*to insert brief explanation*]."

Proposers shall have an obligation to promptly disclose any subsequent events or circumstances that occur after the submission of the Qualitative Proposal and prior to the Town reaching an agreement with the most qualified Proposer, to the extent that such events would otherwise result in the Proposer's Qualitative Proposal containing an untrue statement of a material fact or an omission of a material fact necessary to make the Qualitative Proposal's contents true and otherwise not misleading.

Proposers may include in the Qualitative Proposals information or materials in addition to the information and materials specifically requested in this RFP provided the content requirements and size limitations governing the Qualitative Proposal submission are not exceeded or omitted. The Town expects that Qualitative Proposals will be developed to

address the Project-specific Qualitative Proposal submission requirements. As such, standard corporate brochures, awards, licenses and marketing materials should not be included in a Qualitative Proposal, although reference can be made to awards and licenses where reasonably relevant or expressly requested.

The Town will accept photocopies of hand-signed originals in lieu of original signatures. Accordingly, documents may be signed, scanned and then printed or photocopied for inclusion in the Qualitative Proposal copies, including the copy marked "Original." Electronic (digital) signatures will not be accepted.

6 QUALITATIVE PROPOSAL EVALUATION CRITERIA

6.1 Evaluation Objective

The objective of this RFP is to select the most qualified Proposer with the general capability (technical, financial, and management), capacity, and experience necessary to successfully undertake and complete each one of or all of the projects.

6.2 Review and Evaluation of the Qualitative Proposal

Without limiting the Town's rights under this RFP, evaluation of the Qualitative Proposals will be based on information submitted in the Qualitative Proposals, references checked by the Town, federal lists of debarment and suspension, and any publicly available information, and will involve responsiveness and substantive evaluations.

The purpose of the RFP is to allow the Town to determine the most qualified Proposer for selection, award, and negotiation of a contract for the engineering services requested. In order to be eligible for evaluation, Qualitative Proposals submitted in response to this RFP must be responsive to the RFP requirements, and include a substantive evaluation factor.

The Town expects Qualitative Proposals submitted in response to this RFP to provide sufficient and specific information about the requested items so as to allow the Town to evaluate and rate the Proposers based upon the criteria set forth herein. Qualitative Proposals will be analyzed for conformance with the instructions and requirements of the RFP. Qualitative Proposals that do not comply with these instructions and requirements may be rejected as non-responsive.

The Town shall retain full title to and ownership of all RFP Comments, Qualitative Proposals and other Proposer submittals made pursuant to this RFP; provided, however, the Proposers may use and reproduce any elements of a Qualitative Proposal that are standard and not unique to the subject of the RFP.

6.3 Technical Qualifications Evaluation Criteria

Project information and personnel references, as well as the information provided in response to the Qualitative Proposals submission will be used, as deemed appropriate by the Town, to assist in the evaluation of the Proposer's structure and experience category.

Each responsive Qualitative Proposal will be evaluated and scored according to the technical qualifications criteria set forth below.

1. Executive Summary. The contents and components of the executive summary, which shall clearly articulate the Proposer's understanding of the Project goals, the Project Challenges, and the Proposer's qualifications.

2. Proposer's Experience. The extent and depth of the experience of the Proposer Team, in the following categories:

- a) **Comparable Projects.** Appropriate experience of the Proposer with projects of comparable scope and complexity, specifically including, but not limited to, beach access projects, projects involving the Great Lakes, projects involving interaction with Army Corps. of Engineers and the National Park Service, and construction projects in sand or sand dunes, and other construction in similar environmentally sensitive areas, which may have associated complex permitting commitments.
- b) **Avoiding Project Work Disruptions.** Prior experience of the Proposer in avoiding disruptions to the work, including experience with working with contractors and subcontractors in avoiding work disruptions in site conditions, environmental conditions, labor relations, design development, permitting and utility coordination.
- c) **Governmental Authorities.** Prior experience of Proposer in dealing with authorities at the federal, state and local government levels, including the Army Corps., National Park Service, Lake Michigan Coastal Program, Indiana Department of Natural Resources, and other agencies.

3. Proposer's Key Personnel Experience: Provide detailed information on the Proposer Team for each of the following:

- a) Proposed key project personnel of the Proposer Team, identifying the names, titles and relevant experience for the primary or main contact or management personnel within the Proposer and any major subcontractors.
- b) The extent and depth of experience of the Proposer Team, including each of their key personnel with comparable projects, project delivery methods and personnel roles as are anticipated to be within the Proposer scope of work.

4. Proposer's Managerial Resources and Management Plan

- a) **Proposer's Past Performance and Capacity to Perform:** Provide detailed information on past performance and capacity to perform engineering services on similar projects. Including the stability, strength, and experience of the management team. Also including the ability to complete the work on time and on budget.

- b) **A Detailed Management Plan:** Demonstrate the ability for Proposer to coordinate with the Town, contractors, subcontractors, and other agencies.
- c) **Understanding of the Project:** Identify the Project Goals, the Project Challenges, provide a proposed baseline schedule, and provide a work summary breakdown. Explain why the Proposer will be the most qualified to meet the Project Goals and overcome challenges.
- 5. Community Engagement Plan:** Provide a proposed plan for engaging with the Town, the community, and other Stakeholders to receive input on the goals and design of the Project. Discuss Proposer's process and schedule for this engagement, and how Proposer will accept, reject, and incorporate feedback received.
- 6. Conceptual Designs:** Provide the Town with examples of potential designs or concepts; forms of which may include but are not limited to preliminary designs, photographs, drone imagery, illustrations, or written descriptions. Any concepts should include real world examples.

The Town will apply the following values to the Town's categories for rating in order to determine the qualifications of the Proposers and the highest-ranking Proposers:

TABLE 6-1: Criteria Weights

No.	Criteria	Weight
1.	Executive summary <ul style="list-style-type: none"> • Clearness and conciseness • Non-technical overview • Statement of Interest • Understanding of Project goals • Identification of Project Challenges • Explanation of how Proposer is most qualified 	10 points

TABLE 6-1: Criteria Weights

2.	<p>Proposer's experience with similar projects</p> <ul style="list-style-type: none">• The extent and depth of the experience of Proposer and its individual team members with comparable projects of similar size and complexity• The team experience on multiple projects evaluating and investigating shoreline or beach access• The team experience on multiple projects designing shoreline or beach access projects• The team experience on other projects of similar scope• Past performance of engineering services on other similar projects to the owner's satisfaction• Demonstrated completion of other similar projects on-time and within budget with positive references	10 points
3.	<p>Proposer's Key Personnel experience with similar projects</p> <ul style="list-style-type: none">• The extent and depth of the experience of Proposer and its individual team members with shoreline or beach access projects or similar projects• The extent and depth of experience of Key Personnel with Army Corps. Of Engineers, Indiana Department of Environmental Management, Indiana Department of Natural Resources, National Parks Service• The extent and depth of experience of Key Personnel in permitting for shoreline or beach access projects or similar projects	15 points

TABLE 6-1: Criteria Weights

4.	<p>Proposer's managerial resources and management plan for the projects</p> <ul style="list-style-type: none">• Demonstrated stability, strength and experience of the management team• Demonstrated stability, strength and experience of the key project team members• Management plan and identification of roles of key project team members• Demonstrated understanding of the Project specific risks and potential solutions• Detailed management plan demonstrating ability to coordinate with Town, contractors, subcontractors, and other agencies• Demonstrated outstanding approach, understanding of project, resources, and scheduling capacity• Demonstrates experience and ability to design on time and on budget• Capacity to perform• Baseline Schedule and work summary breakdown• Identify Project Goals• Identify Project Challenges• Explanation of why Proposer will be most qualified to meet the Project goals and overcome challenges	30 points
5.	<p>Proposer's Community Engagement Plan</p> <ul style="list-style-type: none">• How Proposer will engage with Town, community, and Stakeholders to receive input on goals and design• Process and schedule for community and Stakeholder reviews• Process for accepting, rejecting, and incorporating feedback from Town, community, and Stakeholders.	15 points

TABLE 6-1: Criteria Weights

6.	Conceptual Designs <ul style="list-style-type: none">• Preliminary designs, photographs, drone imagery, illustrations, or written descriptions of potential designs for stair access sufficient to inform Town of what may be produced as a final design• Concepts should include examples of real world applications	10 points
Weighted Total:		90 points

7 TOWN RESERVED RIGHTS AND DISCLAIMERS

This RFP does not commit or bind the Town to enter into a contract or proceed with the Procurement described herein. In connection with this Procurement, the Town reserves to itself all rights (which rights shall be exercisable by the Town in its sole discretion) available to it under applicable law, including without limitation, with or without cause and with or without notice, the right to:

- a) Modify the Procurement process to address applicable law and/or the best interests of the Town.
- b) Revise the scope, type, structure and specific terms of this Procurement.
- c) Modify the scope of the projects during the Procurement process.
- d) Develop the projects, including any portion thereof, in any manner that it, in its sole discretion, deems necessary.
- e) Cancel this RFP in whole or in part at any time prior to the execution by the Town of a Contract for Engineering Services, without incurring any cost obligations or liabilities.
- f) Reject any and all submittals, responses and Qualitative Proposals received at any time.
- g) Modify all dates set or projected in this RFP.
- h) Terminate evaluations of responses received at any time.

- i) Suspend and terminate Contract negotiations at any time, elect not to commence Contract negotiations with any Qualified Proposer, and engage in negotiations with other than the highest ranked Qualified Proposer.
- j) Issue addenda, supplements and modifications to this RFP.
- k) Appoint evaluation committees to review Qualitative Proposals, make recommendations and seek the assistance of outside technical, financial and legal experts and consultants in Qualitative Proposal evaluation.
- l) Require confirmation of information furnished by a Proposer, require additional information from a Proposer concerning its Qualitative Proposal and require additional evidence of qualifications to perform the work described in this RFP, regardless of whether the information or evidence was explicitly required by the RFP.
- m) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFP, including personal experience of evaluators.
- n) Add or delete Proposer responsibilities from the information contained in this RFP.
- o) Negotiate with a Qualified Proposer without being bound by any provision in its Proposal.
- p) Waive deficiencies, nonconformities, irregularities, and apparent clerical mistakes in a Qualitative Proposal, accept and review a non-conforming Qualitative Proposal or permit clarifications or supplements to a Qualitative Proposal.
- q) Disqualify any Proposer that changes its submittal after the Qualitative Proposal Due Date without the Town approval.
- r) Disqualify any Proposer under this RFP for violating any rules or requirements of the Procurement set forth in this RFP or in any other communication from the Town.
- s) Not issue any notice to proceed after execution of the Contract.
- t) Design some of the Project or the entire Project.
- u) Exercise any other right reserved or afforded to the Town under this RFP or applicable laws and regulations.

8 THE QUALITATIVE PROPOSAL CONTENTS

The Qualitative Proposal shall contain the following items:

8.1.1 Letter of Interest

The purpose of the Letter of Interest and Qualifications, and its required contents, is set out below in Section 8.1 and Section 8.2.

8.1.2 Proposer Qualifications and Experience that Include:

- a) A Statement that the Proposer's credentials demonstrate compliance with all required qualifications.
- b) A Project Team Organizational Chart: Present an organizational chart to depict the structure of the management hierarchy for both design and construction phases as well as the role of each individual proposed. Include the following:
 - i. Design Consultants and subconsultants' credentials (provide all subconsultants anticipated).
 - ii. Key Team Member Resumes for the Lead Entity, all Major Participants and all Design Consultants.
 - iii. List of subcontractors that would be asked to bid, if shortlisted for the RFP response.
- c) An approach to local participation and DBE participation.
- d) An outline of how much work will be self-performed versus subcontracted and the philosophy towards self-performed work.
- e) A list of all projects completed within the last five years of similar type, size, scope, cost and or complexity.
 - i. If any of the proposer members participated, describe their roles.
 - ii. Provide references with email and telephone contact information.
- f) A current project list (design and construction phase) of the Proposer.
- g) A statement of experience with the Town, if any.
- h) The Proposer's experience interfacing with the Town, permit departments and all related local branches of government having a role in the Project's successful outcome.

8.1.3 Project Approach, Which Sets Out the Following:

- a) Detail how the Proposer will manage the design process and Project to ensure budget and schedule compliance. Include an approach statement addressing managerial resources and management plan for this Project.
- b) Detail the Proposer's quality assurance and quality control process.
- c) Detail the Proposer's internal dispute resolution process with subcontractors.
- d) Detail the Proposer's approach to this project.
- e) Initial baseline schedule and work breakdown summary (See Exhibit 3 for an example manhour estimate).

- f) Proposer's understanding of the goals for the Project.
- g) Identify the key challenges to the Project.
- h) Detail Proposer's design process and management.

8.1.4 Community Engagement Plan, Which Sets Out the Following:

- a) Detail how the Proposer will engage and collaborate with the Town, citizens of the Town, and other Stakeholders in developing the Project.
- b) Detail the process and schedule for community and Stakeholder reviews of design proposals.
- c) Detail the process for accepting, rejecting, and incorporating feedback from the Town, community, and Stakeholders into the design proposals.

8.1.5 Conceptual Designs:

- a) Provide the Town with a concept of what stair access and shoreline protection measures may be included in a design.
- b) Concepts may be shown through sketches, photographs, illustrations, or written descriptions.
- c) The Proposer should identify or include examples of real world applications of the conceptual designs.

8.2 General Information

The Letter of Interest and Qualifications shall include the following information:

8.2.1 Letter of Interest and Qualifications (Form A)

A duly authorized official of the Proposer must execute the transmittal and verification of qualifications of the Proposer. For Proposers that are joint ventures, partnerships, limited liability companies or other associations, the letter of interest shall be appended with letters on the letterhead stationery of each Equity Member, executed by authorized officials of each Equity Member, stating that representations, statements and commitments made in the Qualitative Proposal on behalf of the Equity Member's firm have been authorized by, are correct, and accurately represent the role of the Equity Member's firm in the Proposer team. The Town has included in this RFP a proposed Letter of Interest and Qualifications. *See the Town Appendix Form A included with this RFP.*

8.2.2 Executive Summary

An Executive Summary, not exceeding two (2) pages, as described in Section 4.2 of this RFP. The Executive Summary shall be written in a non-technical style and shall contain sufficient information for reviewers with both technical and non-technical backgrounds to become familiar with Proposer's Qualitative Proposal. The Executive Summary shall address why

Proposer wants to participate in the Project, demonstrate Proposer's understanding of the Project's goals and challenges, and explain how Proposer is the most qualified firm for the Project.

8.2.3 Confidential Contents Index

A separate index executed by Proposer that sets forth the specific items, including the section and page numbers within the Qualitative Proposal at which such items are located, that Proposer deems confidential information protected from disclosure under the Indiana Access to Public Records Act; provided, however, if there are no page numbers for the specific item (and page numbers are not required pursuant to this RFP), the index need not include page numbers, but should provide a clear description of the location of the item. Blanket designations that do not identify the specific information or its location(s) within the Qualitative Proposal shall not be acceptable and may be cause for the Town to treat the entire Qualitative Proposal as public information, to the extent required by law.

Notwithstanding the foregoing, the index required under this Subsection is intended to provide input to the Town as to the confidential nature of a Proposer's Qualitative Proposal, but in no event shall such index or designation be binding on the Town, determinative of any issue relating to confidentiality or a request under the Indiana Access to Public Records Act, or override or modify the provisions of the Proposer's rights and protections under the Indiana Access to Public Records Act or the Town's responsibilities thereunder.

8.3 Proposer and Team Structure and Experience

The Qualitative Proposal shall include specific information required of Proposer's structure and experience.

Proposer shall provide the following information as set forth below in Section 8.3, not to exceed five (5) pages, relevant to the identity and qualifications of Proposer, the Lead Entity, the Major Participants, the Design Consultants and any other team members that Proposer wishes to identify in its Qualitative Proposal. Proposer shall provide the following information, describing relevant experience of the Proposer.

8.3.1 Proposer

Identify the legal name of Proposer. Proposer must be registered to do business in Indiana. If the name is a "doing business as" ("DBA"), identify underlying names. Identify a single point of contact (an individual) and include the following information: name, title, address, telephone number and e-mail address. Identify the legal name and nature of Proposer and the state of its organization. If the Proposer firm is structured as a consortium, partnership or other form of joint venture, as applicable, it must be structured on a joint and several basis.

If Proposer is a partnership or any other form of a joint venture, the Qualitative Proposal shall contain an executed teaming agreement or joint venture agreement, but if an executed teaming agreement or joint venture agreement does not yet exist, the Qualitative Proposal

shall contain the summary of the key terms of the anticipated agreement, including the percentages of ownership, roles of the various parties and anticipated execution date. An executed teaming agreement or joint venture agreement, or summary of the key terms of such agreements, shall be included in an appendix to the Qualitative Proposal.

8.3.2 Proposer Team Structure

Describe the Proposer Team management structure, and how the Proposer's management structure will facilitate completion of all work required for the Project. Describe the prior experience (if any) of the Proposer Team Members' working together on past projects of similar size, scope, or subject matter. Describe key personnel dedicated to the Project and capacity to perform the design and/or engineering analysis for this Project.

8.3.3 Relevant Experience and Capacity

Proposers shall provide the following information, describing relevant experience and associated reference contact details held by the Proposer Team, with:

- i. Design of infrastructure along the shoreline of the Great Lakes.
- ii. Lake Michigan Coastal Management Program including:
 - a. Obtaining, reviewing, and analyzing hydraulic, hydrologic, and geotechnical data in sand dunes or along shorelines.
 - b. Reviewing and analyzing the effectiveness of current erosion control measures, and current management plans developed by third-parties; this includes but is not necessarily limited to, direct physical erosion controls, remote erosion controls, erosion mitigation efforts, shoreline restoration, regulatory tools, hazard mitigation, and land use regulations.
 - c. Evaluation and design of shoreline protection projects.
- iii. Preparing and delivering technical specifications for a shoreline construction bid package.
- iv. Describe team's performance record including quality, schedule, and cost of each referenced project.

8.3.4 Proposer Team Summary (Form B-1) and Organizational Charts

Provide a Proposer Team Summary or organizational chart which sets forth the structure, teaming arrangements and reporting requirements of the Proposer Team, including the Lead Entity, the Major Participants and the Design Consultants. Key personnel shall be clearly shown on this organizational chart, or a separate organizational chart covering key personnel may also be provided. the Town has prepared a Proposer Team Summary form. *See the Town Appendix Form B-1 included with this RFP.*

8.3.5 Proposer Legal Information

The following information regarding legal issues affecting Proposer and the Proposer Team shall be submitted:

8.3.5.1 Legal Issues

Identify and explain any significant anticipated federal or state legal issues relating to Proposer that must be resolved in order to deliver the Project and perform its obligations under a Contract for Engineering Services.

8.3.5.2 Legal Liabilities

Provide a list and a brief description (including the contract value and amount at issue) of all instances during the last five (5) years (measured from the date of issuance of this RFP) involving engineering projects in North America in which Proposer or any Affiliate of the Proposer was (i) determined, pursuant to a determination in a court of law, arbitration proceeding or other dispute resolution proceeding, to be liable for a material breach of contract, or (ii) terminated for cause. For each instance, identify an owner's representative with a current telephone number (and e-mail address if available).

For purposes of this Section 8.3.5. and its subparts, "Affiliate" means and includes parent companies at any tier, subsidiary companies at any tier, entities under common ownership, joint ventures and partnerships involving such entities (but only as to activities of joint ventures and partnerships involving the Proposer as a joint venturer or partner and not to activities of other joint venturers or partners not involving the Proposer), and any guarantor, that, within the past five years (measured from the date of issuance of this RFP) have engaged in business or investment in North America.

8.3.5.3 Legal Proceedings

Provide a list and a brief description (including the contract value, amount at issue and resolution) of each arbitration, litigation, dispute review board and other formal dispute resolution proceeding occurring during the last five (5) years (measured from the date of issuance of this RFP) related to an engineering project in North America involving a claim or dispute between the project owner and Proposer or any Affiliate of the Proposer involving an amount in excess of the smaller of (a) 10% of the original contract value or (b) \$100,000 on projects with a contract value in excess of \$5 million. Include items that were subject to arbitration, litigation, dispute review board or other formal dispute resolution proceedings even if settled without completion of the proceeding. For each instance, identify an owner's representative with a current telephone number (and e-mail address if available).

With respect to the information solicited in this Section 8.3.5. and its subparts, failure to fully disclose this information, conditional or qualified submissions (i.e., "to our knowledge", "to the extent of available information", "such information is not readily available", "such information is not maintained in the manner requested", etc.) to requests or questions posed, incomplete or inaccurate submissions or non-responsive submissions, or failure to provide

information enabling the Town to contact owner representatives may, in the sole discretion of the Town, lead to a “fail” rating for the team or disqualification from the procurement process.

8.4 Approach to Project and Project Management

The Qualitative Proposal requires a section on the Proposer’s approach to the Project (“Approach and Project Management”).

Proposer shall describe how it would approach the engineering services of the Project, including, but not limited to:

- a) A description of the general approach to the Project, including delivering a high standard of care and best value Project.
- b) A description of the general approach to quality control/quality assurance and Project oversight.
- c) A description of the general approach to health and safety, environmental considerations, environmental protection and public relations.
- d) A description of what the Proposer views as the most significant risks to the parties with respect to the design and construction of the Project, and how those risks can be addressed, mitigated or allocated in order to provide best value to the Town.
- e) An initial baseline schedule, which includes a work breakdown summary by estimated hours and classifications of work. This schedule and work breakdown summary must not include any price values.
- f) Project goals. Based on the information provided in the RFP, Addenda (if any), and the Interviews, what is the Proposer’s current understanding of the goals and objectives of this Project?
- g) Project challenges. Identify key challenges to the Project - the most serious first and so on; for each challenge identified:
 - 1. Propose a strategy to mitigate the potential negative impacts of the challenge.
 - 2. Identify any unique approaches, strengths and/or differentiating resources (including specific Key Project Personnel) that will assist the Proposer to implement the strategy and assist the Town in achieving its goals.
- h) Design process and management.
 - 1. Describe the Proposer's overall approach to design excellence and management of the design process for the Project. Include a description of the design management process and the communications between Proposer and the Town during this process.
 - 2. In completing the design for the Project, the Proposer will be required to: (i) seamlessly coordinate and integrate with other Town projects, (ii) meet or exceed

- the requirements in the Engineering Services Contract; (iii) obtain and incorporate design input from multiple Stakeholders; and (iv) satisfy the safety, regulatory, and security requirements of multiple governmental entities, all while achieving design excellence. Explain how the Proposer plans to meet these requirements.
3. Identify challenges in developing the design for the Project and how the Proposer will address those challenges.
 4. Provide details regarding the tools used in the design process, and how those tools will assist the Proposer in achieving the Town's goals.

8.5 Community Engagement Plan

Collaboration and community engagement. One of the primary goals for Project is for the selected contractor to collaborate with and engage the Town, citizens, and other stakeholders in the Project. With this in mind, please:

- a) Explain the Proposer's approach to creating a collaborative environment for the Project.
- b) Detail how the Proposer will engage and collaborate with the Town, citizens of the Town, and other Stakeholders in developing the Project.
- c) Detail the process and schedule for community and Stakeholder reviews of design proposals.
- d) Detail the process for accepting, rejecting, and incorporating feedback from the Town, community, and Stakeholders into the design proposals.

8.6 Conceptual Designs

Proposer for the Project must submit concepts or examples of potential designs for the Beach Access Project. These may include, but are not limited to:

- a) Preliminary sketches;
- b) Preliminary conceptual renderings;
- c) Preliminary plans;
- d) Photographs of other projects/sites;
- e) Standard illustrations or cross-sections;
- f) Preliminary technical provisions;
- g) Lists of materials; or
- h) Written descriptions.

The Proposer should identify real world examples or applications of the concepts, if any exist.

8.7 Additional Materials and Certifications

In addition to the above items, the Qualitative Proposal shall include the following additional materials and certifications: ***Forms B-1 through L, including all executed certifications.***

8.7.1 Information Regarding Proposer and Major Participants (Form B-2)

Provide executed originals of Form B-2, Information Regarding Proposer and Major Participants for Proposer. *See the Town Appendix Form B-2 included with this RFP.*

8.7.2 Eligible Proposer Certification (Form B-3)

Provide an executed original of Form B-3, Eligible Proposer Certification. *See the Town Appendix Form B-3 included with this RFP.*

8.7.3 Certification of Lower Tier Participants Regarding Debarment, Suspension, and other Ineligibility and Voluntary Exclusion (Form B-4)

Provide an executed original of Form B-6, Certification of Lower Tier Participants Regarding Debarment, Suspension, and other Ineligibility and Voluntary Exclusion. *See the Town Appendix Form B-6 included with this RFP.*

8.7.4 Certificate of Procurement Integrity (Form C)

Provide an executed original of Form C, Certificate of Procurement Integrity. *See the Town Appendix Form C included with this RFP.*

8.7.5 Restrictions on Lobbying Certificate (Form D)

Provide an executed original of Form D, Restrictions on Lobbying Certificate. *See the Town Appendix Form D included with this RFP.*

8.7.6 Acknowledgement of RFP Addenda (Form E)

Provide an executed original of Form E, Acknowledgement of RFP Addenda. *See the Town Appendix Form E included with this RFP.*

8.7.7 Certification Regarding Debarment (Form F)

Provide an executed original of Form F, Certification Regarding Debarment. *See the Town Appendix Form F included with this RFP.*

8.7.8 Nondiscrimination Certificate (Form G)

Provide an executed original of Form G, Nondiscrimination Certificate. *See the Town Appendix Form G included with this RFP.*

8.7.9 Drug-Free Workplace Act Certification for a Public or Private Entity (Form H)

Provide an executed original of Form H, Drug-Free Workplace Act Certification for a Public or Private Entity. *See the Town Appendix Form H included with this RFP.*

8.7.10 Certificate of Qualification (Form I)

Provide an executed original of Form I, Certificate of Qualification. *See the Town Form I included with this RFP.*

8.7.11 Non-Collusion Affidavit (Form J)

Provide an executed original of Form J, Non-Collusion Affidavit. *See the Town Appendix Form J included with this RFP.*

8.7.12 E-Verify Affidavit (Form K)

Provide an executed original of Form K, E-Verify Affidavit. *See the Town Appendix Form K included with this RFP.*

8.7.13 Certificate Regarding Investment Activities in Iran (Form L)

Provide an executed original of Form L, Certificate Regarding Investment Activities in Iran. *See the Town Appendix Form L included with this RFP.*