

CITY OF ORLANDO

Qualification Statement Instructions for

**CONTINUING PROFESSIONAL CONSULTING SERVICES
FOR
ENVIRONMENTAL ASSESSMENT, TESTING,
AND REMEDIATION**



Public Works Department

July 2009

QUALIFICATION STATEMENT

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SECTION 1 - LEGAL NOTICE

NOTICE OF REQUEST FOR QUALIFICATION STATEMENTS FOR

Pursuant to Section 287.055, *Florida Statutes*, and the policies and procedures of the City of Orlando, notice is hereby given that a sealed Qualification Statement for **Continuing Professional Consulting Services for Environmental Assessment, Test, and Remediation** to the City of Orlando must be received by 4 p.m., local time, Wednesday, August 19, 2009, at the reception desk, Department of Public Works, 8th Floor, City Hall, One City Commons, 400 S. Orange Avenue, Orlando, Florida 32801. A Qualification Statement Instructions document may be obtained free of charge at the Department of Public Works, 8th Floor reception desk, City Hall, from 9:00 a.m. to 4:00 p.m. beginning Monday, July 20, 2009.

In accordance with Section 287.055 (11), *Florida Statutes*, the City of Orlando declares that all, or any portion of the documents and work papers prepared and submitted pursuant to this Notice of Request, shall be subject to reuse by the City.

The City of Orlando has adopted Minority and Women-Owned Business Enterprise goals. Consultants are encouraged to utilize MBE/WBE firms as sub-consultants or in joint-venture arrangements in responding to this request for Qualification Statements. Such utilization will be given favorable selection consideration. Consultants must certify that employees and applicants for employment are not discriminated against because of race, color, religion, sex, national origin, age, marital status or disability.

The City reserves the right to waive any informalities in the selection process and to reject any or all Qualification Statements, or to re-advertise.

Alan Oyler, P.E.
Public Works Director

SECTION 2 - PROJECT SCOPE

The City of Orlando frequently needs to retain professional engineering services related to environmental assessment, testing, and remediation. The City desires to obtain these services from three or more qualified engineering firms under a continuing services agreement. Work tasks assigned under these contracts will be limited by the financial constraints imposed under Section 287.055, Florida Statutes, for professional services secured from a continuing contract. The dollar value limitations on professional services will be in accordance with the current provisions of Section 287.055, Florida Statutes.

In general, the professional services assigned under this continuing services contracts may include, but are not limited to, the following :

1. Phase One/Two Environmental Assessment
2. Interim Remedial Action Plan/Report
3. Contamination Assessment Plan/Report
4. Remedial Alternative Study
5. Remedial Action Plan
6. Remedial Implementation Plan
7. Risk Assessment Study
8. State Reimbursement Program Application
9. Remediation System Operation/Performance Testing
10. Monitoring well installation and sampling
11. Coordination with various regulatory and governmental agencies
12. Presentations at public meetings
13. Other services as needed in support of the above items

The term of Agreement developed from this Request for Qualification Statements will be for a period of two (2) years from the Date of Agreement execution, with a renewable option to extend the Agreement for one (1) additional year. The extension of the Agreement will be by mutual understanding of the Consultant, the Public Works Director, and the City Council and will be according to the terms of the initial contract, subject to revisions as agreed by all parties and approved by the City Attorney's Office.

SECTION 3 - QUALIFICATION STATEMENT FORMAT

The response to this request must be presented in a format that includes the following information:

1. Letter of Introduction
2. Table of Contents
3. Business Experience and Qualifications
 - a. USGA 254 and 255 forms and/or SF 330.
 - b. A list of the professionals the Respondent is proposing to assign to this work, their academic background, and their experience on other similar projects.
 - c. A list of similar projects completed by the Respondent and subconsultants within the last five (5) years along with a reference for each of those projects, including current addresses and telephone numbers. Project descriptions shall clearly explain what role the Respondent and subconsultants performed on the project.
 - d. A description of the Respondent's expertise with similar projects, the Respondent's provision of excellent services on those projects, and the public participation required by those projects. The description shall also include the Respondent's expertise with scheduling, cost control, and ability to work with City staff and any other stakeholders.
 - e. A description of the Respondent and subconsultants' current and planned workloads and the commitment of the assigned project manager and Respondent and subconsultant personnel to dedicate the necessary time to any assigned task.
 - f. List the Respondent's office location(s), with street address(es), where its work on this project will be performed. If the work will be performed by Respondent at more than one office location, indicate what percentage of work will be performed at each location (for example, if

Respondent has both Tampa and Orlando offices where work will be performed).

g. Other information as required in Section 5.

4. Minority Business Enterprise (MBE) and Women Business Enterprise (WBE)

a. A list of MBE and WBE firms that would be utilized in performing the project.

b. Other information as required in Section 5.

5. Acceptance of Conditions

The Qualification Statement shall indicate acceptance of the following conditions:

a. Evidence of Financial and Insurance Status

(1) The City may require the submittal of evidence it deems necessary relative to the Respondent's financial status and insurance status.

(2) Respondent's ability to obtain and maintain errors and omission insurance, professional liability insurance, or malpractice coverage. Has any such coverage ever been cancelled? If yes, explain fully. Has anyone recovered against the coverage? If yes, explain fully.

b. Further Information

The City reserves the right to ask for further information from the Respondent, either in writing or orally, and requests will be addressed to that person (or those persons) authorized by the Respondent to represent same.

c. City's Right to Judge

The City reserves the sole right to judge the Respondent's representations, either written or oral, as to their veracity, substance, and relation to this particular project scope.

d. Public Information

The City of Orlando is bound by Section 119, *Florida Statutes*, "Florida Public Records Act". The Act specifies that virtually all memorialized (written) information is in the public domain, and available to any person requesting it unless the information qualifies as an exception to the Act, or is otherwise exempt under state or federal law. Any written information, as defined by the Act, that is provided to the City pursuant to the Qualification Statement Instructions or any ensuing contract for services and materials would probably not be the City's to keep confidential. The Respondent therefore agrees that at any time that the Respondent's written materials may be in the City's possession, the Respondent shall make no demand or request that the City take a legal position in regard to such materials that, in the City's sole discretion, is contrary to the Act or any other Florida law.

e. Most Favored Client

The Respondent agrees to treat the City as a most-favored-customer, and the Respondent specifically agrees that all prices, terms, warranties, and benefits granted to the City are comparable to or better than equivalent terms having been offered, being offered, or to be offered to any Respondent customer during the term of the contractual agreement between the parties.

f. Cost Criteria

The maximum salary multiplier rate allowed by the City of Orlando is 3.00. All negotiations for professional services will be at this multiplier rate level or lower. This multiplier rate is determined by summing the direct labor cost, the indirect labor cost, and the profit (negotiated no more than 10%); and dividing this sum by the direct labor cost. Compensation will be negotiated to an amount which the City determines is fair, competitive, and reasonable. In making such determination, the City shall conduct a detailed analysis of the direct labor cost of the professional services for the scope of work and apply

the negotiated salary multiplier rate. The City will require the firm receiving an award for this contract to execute a truth-in-negotiations certificate stating that the direct labor costs supporting the compensation are current at the time of negotiations. A contract for professional services will contain a prohibition against contingent fees as required by *Florida Statutes* 287.055(6), as amended. The Respondent shall also comply with the criteria for reimbursable expenses outlined in the City's Policy and Procedure Manual.

6. Investigations and Litigation

If the Respondent has ever been the subject of an investigation conducted by a regulatory agency or professional licensing board, give the details and outcome of such action. If the Respondent has been sued as a result of actions or inactions in the course of their business or profession, give the details and outcome of such suit.

7. Exceptions

Any specific exceptions to the conditions, requirements or other as presented in this Qualification Statement Instructions shall be written in this section. Alternate conditions and/or proposed modifications should also be presented in this section of the Qualification Statement.

SECTION 4 - QUALIFICATION STATEMENT SUBMITTAL

Respondents submitting a Qualification Statement shall deliver six (6) sealed copies. They **must be received** by 4 p.m., local time, Wednesday, August 19, 2009, at the reception desk, Department of Public Works, 8th Floor, City Hall, 400 South Orange Avenue, Orlando, Florida 32801. Statements **will not** be accepted after this time. All submittals shall be in a sealed container with the notation "Qualification Statement Enclosed."

Statements shall be addressed as follows:

CITY OF ORLANDO
Continuing Professional Services for Environmental Assessment
Alan Oyler, P.E., Public Works Director
400 S. Orange Avenue
Orlando, Florida 32801

The City reserves the right to reject any and all Qualification Statements or to waive any informality in such submissions. The City may determine, in its sole discretion, that it is not in the public interest to continue the solicitation and/or its review of the submissions. In the event of rejection of a submission, the City shall not be liable for any costs incurred in connection with the preparation and submittal of the statement.

Respondent, as well as its subcontractors (first tier only), shall pay to all of their employees providing services pursuant to a contract with the City, a living wage for the time spent providing services to the City. (This provision does not include general administrative personnel unless they are assigned to a City project.) “Living wage” means compensation for employment of not less than \$8.50 per hour for straight time, exclusive of FICA, unemployment taxes, and workers compensation insurance and employee benefits. Necessary payroll documentation shall be provided to confirm compliance with this provision or the Respondent shall allow the City to audit (at Respondent’s place of business) its payroll records to determine if compliance has been achieved. Failure to comply with the provision may result in termination of the contract and/or preclusion from future City contracts at the sole option of the City. This provision shall apply to all bid and proposal awards for services which involve City expenditures that exceed \$100,000.00 per year.

A person or affiliate, as defined in §287.133, *Florida Statutes*, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in §287.017, *Florida Statutes*, for CATEGORY TWO for a period of thirty-six (36) months following the date of being placed on the convicted vendor list.

Firms must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex, national origin, age, disability or marital status.

SECTION 5 - QUALIFICATION STATEMENT EVALUATION

1. Evaluation will be based upon the following criteria:
 - a. Relevant experience and qualifications of the Respondent and subconsultants. The Selection Committee will evaluate the experience and technical competence necessary to complete the services required. Primary consideration will be given to:
 - Respondent and subconsultants' knowledge and experience in performing the services needed to accomplish the scope of the Project as listed in Section 2;
 - Respondent and subconsultants' records of successful performances on past projects including factors such as cost control, work quality, and demonstrated ability to adhere to schedules;
 - Respondent and subconsultants' current and planned workloads and the commitment of the project manager and Respondent and subconsultant personnel to dedicate the necessary time to any assigned task;
 - Proximity of the location of the Respondent's office to the City of Orlando. Points will be awarded as follows:
 - If the Respondent's office, where the majority of its work will be performed on this project, is located within the Orlando city limits, the Respondent will receive five (5) points for this item;
 - If the Respondent's office, where the majority of its work will be performed on this project, is located within Orange County, Florida (outside of Orlando), the Respondent will receive four (4) points for this item;
 - If the Respondent's office, where the majority of its work will be performed on this project, is located within the Florida counties of Lake, Osceola, Brevard or Seminole, the Respondent will receive three (3) points for this item;

- If the Respondent's office, where the majority of its work will be performed on this project, is located elsewhere within the state of Florida, the Respondent will receive two (2) points for this item; or
 - If the Respondent's office, where the majority of its work will be performed on this project, is located outside of the state of Florida, the Respondent will receive one (1) point for this item;
- Volume of work previously awarded to the Respondent by the City. This factor will be scored based on the dollar value of contracts awarded to the Respondent in the previous three (3) years prior to the Qualification Statement submittal date. Points will be awarded as follows:
 - no contracts awarded, the Respondent will receive five (5) points;
 - contract(s) awarded with a value up to \$100,000, the Respondent will receive four (4) points;
 - contract(s) awarded with a value between \$100,001 and \$200,000, the Respondent will receive three (3) points;
 - contract(s) awarded with a value between \$200,001 and \$300,000, the Respondent will receive two (2) points;
 - contract(s) awarded with a value between \$300,001 and \$400,000, the Respondent will receive one (1) point; or
 - contract(s) awarded with a value over \$400,001, the Respondent will receive zero (0) points;
- Ability of an assigned project manager and key personnel to make effective public presentations;
- Ability of Respondent and subconsultants to work successfully with City staff and any other stakeholders; and
- Respondent's understanding of the scope of work requested for the project and its approach to successful completion of the project (evaluation criteria for final ranking only).

b. Minority Business Enterprise and Women Business Enterprise Participation

Chapter 57, Articles II and III, of the Orlando City Code, establishes goals of 18% and 6%, respectively, of the City's annual monetary value of contracts for supplies, services and construction to be awarded to MBEs and WBEs. The Respondent awarded a contract shall make a good faith effort to ensure that 18% of the dollar amount of the contract is performed by MBE(s) and 6% of the dollar amount of the contract is performed by WBE(s).

It is the policy of the City of Orlando that MBEs and WBEs shall have the maximum feasible opportunity to participate in the performance of City contracts. As used in this contract, the term "minority business" is defined as a business firm which is at least 51% owned by minority group members and which has been officially certified or recognized by the City as an MBE.

The minority ownership must exercise actual day-to-day management and independent control. For the purpose of this definition, minority group members are Blacks, Hispanics, Asians, Pacific Islanders, Alaskan Natives and American Indians. As used in this contract, the term women-owned business means a business firm which is at least 51% owned by women and which has been officially certified or recognized by the City as a WBE. The women ownership must exercise actual day-to-day management and independent control. Only those companies that are certified or recognized by the City may be utilized to meet the goals established by Chapter 57. The MBE Office can supply the Respondents with a list which names all those companies certified or recognized by the City.

Responses will be evaluated on the basis of MBE and WBE participation. Although no task assignment or scope of work to be assigned thereunder is identified at this time, each Respondent shall list the MBE and WBE firms who the Respondent intends to use as subconsultants and the scope of work each will perform. The participation must be such that the firms will be performing useful business functions according to custom and practice in the industry, and the firms will be performing work within their certification classification. Each Respondent shall make an affirmative declaration in its Qualification Statement that it will make a good faith effort to achieve 18% MBE participation and 6% WBE participation on this

contract. MBE and WBE percentage participation means the percentage of the total dollar amount of the contract to be performed by the firms(s).

Points for MBE and WBE participation will be awarded as follows:

- Ten (10) points will be given for listing MBE and WBE firms which Respondent intends to use on the project and the scope of work each MBE and WBE will perform.
- Four (4) points will be given if the Respondent makes an affirmative declaration in its Qualification Statement that it will make a good faith effort to achieve 18% MBE participation and 6% WBE participation on this contract.
- One (1) point will be given if the Respondent is an MBE or WBE firm certified or recognized by the City.
- Five (5) points will be deducted from the score for this item if the Respondent failed to make a good faith effort to meet the MBE and WBE goals on a previous City contract awarded within four (4) years prior to the Qualification Statement submittal date. The minimum score for this item shall be zero (0), therefore the deduction may be reduced so as not to lower the item score below zero (0).

The Respondent awarded a contract shall submit periodic reports of participation by MBE and WBE firms in such form and manner and at such time as the City or the MBE Director may prescribe. Monthly status reports shall be provided to the MBE Director at his request. The MBE office shall have the right to review and audit records, receipts and documents upon reasonable notice.

During the course of the contract, any deviation from the MBE and WBE participation identified in the Qualification Statement or in a specific task assignment by the successful Respondent must be reported to, and approved in writing by, the MBE Director. Deviations shall only be allowed for good cause. Failure to comply shall result in the City imposing penalties which may include suspension or debarment from obtaining future City contracts.

For further information regarding this program, please refer to Chapter 57 of the Code of the City of Orlando or contact:

*Minority Business Enterprise Office
City Hall at One City Commons, 5th Floor
400 South Orange Avenue
Orlando, Florida 32801-3302
(407) 246-2623*

There shall be no third party beneficiaries of the Minority Business Enterprise or Women-Owned Business Enterprise provisions of this contract. The City of Orlando shall have the exclusive means of enforcement of the MBE/WBE Ordinance and contract terms. No right of action for non-signatories of the Agreement is intended or implied. The City of Orlando is the sole judge of compliance and whether a good faith effort has been made under the Ordinance and the contract.

2. The successful Respondent will be selected by a committee of individuals appointed pursuant to the City's policies and procedures. To ensure fair consideration for all Respondents, the City prohibits any discussion with the Selection Committee members about the Project during the selection process except during the public meetings held to consider the qualification statements. All questions concerning this request for qualification statements or the selection process, and protests, or appeals of the decisions of the Selection Committee must be addressed in writing to the Public Works Director, Alan Oyler, P.E., 400 South Orange Avenue, 8th Floor, Orlando, Florida 32801. Questions must be received by August 10, 2009 to be considered. A Proposer or Respondent who is aggrieved in connection with a solicitation or award of a bid or contract may protest to the Director of Public Works in accordance with the provisions of Section 7.14 of the City Code. References in Section 7.14 to the "Director" shall mean "Director of Public Works," and "Chief Financial Officer" shall be substituted by "Chief Administrative Officer" for purposes of this protest procedure. A security bond shall not be required. The Selection Committee members for this Project are as follows:

Lisa Henry, P.E., CIID Assistant Division Manager

Laurie Botts, Real Estate Division Manager

Charles Ramdatt, P.E., Transportation Engineering Division Manager

Carline Aliotte, Contract Compliance Investigator I

Victor Sahgal, Purchasing Standards and Specifications Engineer

Additionally, the City prohibits communications initiated by a Respondent to any City Official or employee evaluating or considering the qualification statements (including the Mayor and City Commissioners), prior to the time the City Council meets to consider the ranking of the Respondents. Such communication initiated by a Respondent shall be grounds for disqualifying the offending Respondent by the Public Works Director from consideration for ranking and for award of a contract. Any communication between Respondent and the City will be initiated by the appropriate City staff person in order to obtain information or clarification needed to develop a proper, accurate evaluation of the Qualification Statement.

3. The Selection Committee will review and evaluate the Qualification Statement submittals. Following evaluation, the Selection Committee will rank the short-listed Respondents as set forth in Exhibit "A," the Evaluation Criteria for Short-listing. After this evaluation process, a minimum of three (3) Respondents will be short-listed and asked to make presentations before the Committee. Further written documentation may be required prior to the interviews, or as a result of the interviews. Failure to promptly supply information in connection with such inquiry, including but not limited to information regarding past performance, financial stability, and ability to perform on schedule, may be grounds for determination of non-responsiveness with respect to the Qualification Statement. During the presentation, the Respondent shall demonstrate its understanding of the project's scope of work and shall discuss its approach to successfully completing the project. The Respondent shall only be allowed at its interview to supplement the documentation provided in the Qualification Statement with new information for this evaluation factor "E".

Following the interviews, the Selection Committee will rank the short-listed Respondents as set forth in Exhibit "B," the Evaluation Criteria for Final

Ranking, and submit this information to the Public Works Director who will seek approval by the City Council of the ranking and permission to negotiate contracts with the top-ranked Respondents. Following and subject to City Council's decision, City staff will enter into negotiations with the top two (2) ranked Respondents with the intention of entering into agreements with these Respondents. If negotiations with either of the top two (2) ranked Respondents are unsuccessful, then negotiations with the applicable Respondent(s) will be terminated and negotiations may begin, at the City's sole option, with the next successively-ranked Respondent(s) until successful contracts are negotiated with two (2) firms. Once agreements are negotiated, the Public Works Director will seek approval from the City Council to enter into the agreements.

EXHIBIT “A”

EVALUATION CRITERIA FOR SHORT-LISTING

The Selection Committee will evaluate and score the Respondents based upon their Qualification Statements in accordance with the following rating factors.

RATING FACTORS	MAXIMUM POINTS	ITEM SCORE
A. Respondent’s experience and qualifications.	30	
B. The experience and qualifications of the sub-consultants.	20	
C. Participation of City-certified or recognized MBE and WBE firms in the performance of the work.	15	
D. The Respondent and subconsultants’ records of successful performances on past projects including factors such as cost control, work quality and demonstrated ability to adhere to schedules.	15	
E. Ability of Respondent’s and subconsultants’ personnel to devote necessary time to the Project and work successfully with City staff and any other stakeholders, as well as make effective public presentations.	10	
F. Proximity of the location of Respondent’s office, where the majority of its work will be performed on this project, to the City of Orlando.	5	
G. Volume of work previously awarded to Respondent by the City.	5	
TOTAL SCORE	100	

Each Selection Committee member will evaluate the above factors to determine the short-listing of the Respondents. Each member will assign an item score ranging from zero (0) points to the maximum points allowed for each rating factor. The item scores will then be added to determine the total score. The maximum possible total score for this evaluation table is one hundred (100). Each member will rank the Respondents based upon the member's score for each Respondent. The ranking established by each member will be accumulated to determine the final ranking. Each member's top-ranked firm will be assigned one (1) point, second-ranked firm two (2) points and so on. After accumulating the members' scores, the firm with the lowest score shall be ranked first, the next lowest score shall be ranked second, and so on. In the event of a tie, the tied Respondents' total scores from each member will be added and compared. The Respondent with the highest point total will be ranked highest of the tied Respondents.

EXHIBIT “B”

EVALUATION CRITERIA FOR FINAL RANKING

The Selection Committee will evaluate and score the short-listed Respondents based upon their Qualification Statements and their interviews in accordance with the following rating factors.

RATING FACTORS	MAXIMUM POINTS	ITEM SCORE
A. Respondent’s experience and qualifications.	25	
B. The experience and qualifications of the sub-consultants.	15	
C. Participation of City-certified or recognized MBE and WBE firms in the performance of the work.	15	
D. The Respondent and subconsultants’ records of successful performances on past projects including factors such as cost control, work quality and demonstrated ability to adhere to schedules.	15	
E. Respondent’s demonstrated understanding of the project’s scope of work and approach to successful project completion.	10	
F. Ability of Respondent’s and subconsultants’ personnel to devote necessary time to the Project and work successfully with City staff and any other stakeholders, as well as make effective public presentations.	10	
G. Proximity of the location of Respondent’s office, where the majority of its work will be performed on this project, to the City of Orlando.	5	
H. Volume of work previously awarded to Respondent by the City.	5	
TOTAL SCORE	100	

Each Selection Committee member will evaluate the above factors to determine the final ranking of the short-listed Respondents. Each member will assign an item score ranging from zero (0) points to the maximum points allowed for each rating factor. The item scores will then be added to determine the total score. The maximum possible total score for this evaluation table is one hundred (100). Each member will rank the Respondents based upon the member's score for each Respondent. The ranking established by each member will be accumulated to determine the final ranking. Each member's top-ranked firm will be assigned one (1) point, second-ranked firm two (2) points and so on. After accumulating the members' scores, the firm with the lowest score shall be ranked first, the next lowest score shall be ranked second, and so on. In the event of a tie, the tied Respondents' total scores from each member will be added and compared. The Respondent with the highest point total will be ranked highest of the tied Respondents.