

Professional Engineering Services in Support of Port Restoration, Redevelopment, and Remediation for the Port of New Bedford

New Bedford Harbor Development Commission

RFP: HDC-FY09-002

November 25, 2008

PART 1: GENERAL INFORMATION

The New Bedford Harbor Development Commission (HDC) is soliciting qualifications from interested firms to provide the HDC with professional engineering services in support of port restoration, redevelopment, and remediation projects for the Port of New Bedford.

The HDC's goals and objectives in this RFP are guided by the need to:

- Support and develop traditional harbor industries
- Capture new opportunities in trade, intermodal, tourism, and recreational use
- Contract, repair and maintain existing and new harbor infrastructure
- Enhance and develop the harbor environment

The type of contract for these services is a Master Services Agreement (MSA) with "Individual Work Orders." Task-specific authorizations for Individual Work Orders will be issued during the 5-year (maximum) indeterminate duration, indeterminate quantity MSA. In response to Individual Work Orders issued under the MSA, the successful Firm, Team or Joint Venture will prepare task-specific cost proposals to the HDC for negotiation and confirmation of scope, cost, and schedule.

A. BACKGROUND

New Bedford relies on its ability to support marine commerce. The Port is looking to maintain and build on the current traditional waterfront activities, such as fishing and water-borne freight, but also provides a framework for emerging industries in the area. Work included for consideration in this RFP includes, but is not limited to, new construction, repair and restoration of existing marine and land infrastructures, marine and land-based construction, dredging, and environmental remediation and restoration.

The City has been moving ahead in the revitalization of the harbor, including the Environmental Protection Agency's (EPA) implementation of the New Bedford Harbor cleanup dredging at the New Bedford Superfund Site (located north of the main harbor terminals). The Dredged Materials Management Plan (DMMP) project has also been underway to help resolve the environmental, siting, and permitting issues associated with dredge disposal.

New Bedford relies on its ability to support marine commerce. The combination of recreational and industrial infrastructure is essential to maximize the use of the Port of New Bedford. The

Port has been home to seafaring activities, including fishing, commercial shipping, and recreational boating for over 150 years.

The scope of work detailed in section 3 of this RFP is an indication of the many services the HDC will need to contract in order to achieve future goals and objectives in the enhancement and further development of the port.

B. PROPOSALS

All proposals are to be submitted no later than the deadline stated in Part 2, "Proposal Submission Requirements." Each proposal must be in clearly marked, sealed envelopes in accordance with all submission requirements set forth in Part 2 of this RFP. **Late proposals will not be accepted.**

The HDC will consider only responsive proposals from responsible firms for a contract award. A responsive proposal is a proposal that complies with requirements stated in this RFP. A responsible firm is one that demonstrably possesses the skill, ability, and integrity necessary to faithfully perform professional engineering services in support of port restoration, new construction, redevelopment, and remediation projects for the Port of New Bedford. The HDC will award the contract to the offeror(s) submitting the most advantageous proposal(s), taking into consideration each proposal's relative merits and prices and all other evaluation criteria listed in this RFP.

Each responsive proposal from a responsible firm will be evaluated solely according to the criteria set forth in Part 4 of this RFP, "Evaluation Criteria." The non-price proposals will be assigned ratings of *highly advantageous*, *advantageous*, *not advantageous*, or *unacceptable* with respect to each criterion, and the reasons for each rating will be set forth in writing. A composite rating for each non-price proposal will be set forth in writing, along with the reasons for the rating. The evaluation committee will determine the most advantageous proposal from a responsible and responsive offeror, taking into consideration the non-price proposal ratings and proposal price. The Awarding Authority also reserves the right to waive any irregularity, informality, or technicality in the proposals in its best interest and is not obligated to award a contract based upon the lowest priced submission. Multiple bidders can be awarded and placed on the MSA to provide the services as outlined in this RFP.

An offeror may correct, modify, or withdraw a proposal by written notice received in the office designated herein for proposal submission prior to the time set for the opening of proposals. After the opening, a firm may not change the price or any other provision of the proposal in a manner prejudicial to the interest of the HDC or to fair competition. The HDC shall waive minor informalities or allow the offeror to correct them. If a mistake and the intended offer are clearly evident on the face of the document, the HDC shall correct the mistake to reflect the intended correct offer and so notify the offeror in writing, and the offeror may not withdraw the offer. The HDC may permit an offeror to withdraw an offer if a mistake is evident on the face of the Document but the intended correct offer is not similarly evident.

C. RIGHT TO CANCEL

The HDC reserves the right to cancel this procurement at any time before a contract is executed and approved, in which event the HDC will reject all proposals received in response to this RFP.

D. AWARD

The award will result in a contract for these services in a Master Services Agreement (MSA) with “Individual Work Orders.” Being listed on the MSA does not, in and of itself, guarantee funding or work contracts with the HDC.

E. INQUIRIES

All inquiries from prospective offerors concerning this RFP must be submitted in writing and addressed to Jessica Fernandes, Assistant Port Director, Harbor Development Commission (e-mail: Jfernandes@newbedford-ma.gov). Questions may be delivered via postal mail, fax, or e-mail. Inquiries must be received no later than December 10, 2008 at 12:00 PM. All responses to questions will be in writing, will be simultaneously distributed to all recipients of the RFP, and will be made available to all interested parties.

End of text for Part 1

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PART 2. PROPOSAL SUBMISSION REQUIREMENTS

A. PRE-PROPOSAL

No meeting is currently scheduled. Proposers are encouraged to make inquiries for any questions. Answers will be posted in the form of an addendum.

Submit questions by mail, fax, or email:

Jessica Fernandes
Assistant Port Director
New Bedford Harbor Development Commission
106 Co-Op Wharf
New Bedford, MA 02740

Fax: 508-979-1517

Email: Jfernandes@newbedford-ma.gov

B. SITE VISIT

A site visit can be scheduled at the bidder's request.

C. SUBMITTING PROPOSALS

Proposal submissions must be made in accordance with Chapter 30B of M.G.L. which requires two (2) sealed envelopes; one clearly marked "HDC-FY09-002: Proposal" and one clearly marked "HDC-FY09-002: Cost." The HDC assumes no liability for proposals mistakenly opened due to improperly labeled envelopes and will return same to proposer without notice.

Proposals must be delivered to the HDC at the address below no later than 2:00 PM on December 15, 2008. Late proposals will not be accepted.

Submit Proposals To: Jessica Fernandes
Assistant Port Director
New Bedford Harbor Development Commission
106 Co-Op Wharf
New Bedford, MA 02740

The following information must appear on each envelope:

Consultant's Name:
Proposal #: HDC-FY09-002
Date: December 15, 2008 @ 2:00 PM

Number of Copies:

- One original plus four (4) copies of the Non-Price Proposal are required.
- One original copy of the Cost Proposal is required.

Envelopes marked "HDC-FY09-002: Proposal" will be opened at 2:00 PM on December 15, 2008. The proposal contents will not be disclosed until the evaluation process is completed, or until the time for acceptance specified in the RFP, whichever occurs first. At the opening of proposals, the HDC shall prepare a register of proposals for public inspection.

Envelopes marked "HDC-FY09-002: Cost Proposal" will be opened subsequent to completion of the technical evaluations of all of the "HDC-FY09-002: Proposal" offers submitted.

C(1). NON-PRICE PROPOSAL

The non-price proposal, "HDC-FY09-002: Proposal" must consist of the following Documents:

1. A Statement of Intent focusing on a description of the prime consultant/firm and, if applicable, the sub-consultant's organizational structure, size, capabilities, special qualifications, and key personnel promoted by the consultant as being particularly suited for undertaking and executing this project.
2. Credentials of key personnel employed by the prime consultant and the subconsultant(s) that will be used to substantiate the prime consultant's qualifications for performing the work. Changes in key personnel as presented in the proposal will not be allowed without written approval from the Awarding Authority.
3. List (if applicable) of Subconsultants. Identify the subconsultant(s) and the function for which such the subconsultant(s) will be responsible. Provide subconsultant qualifications, including prior relevant experience. Failure to include this could render the proposal not responsive.
4. A Qualifying Projects List from the prime consultant as well as those of the subconsultant(s) should be carefully selected from the most recent history and should demonstrate relevant experience. This list shall include relevant current and completed projects, including public projects undertaken in the Commonwealth of Massachusetts, within the past five (5) years. This list should be submitted with the "HDC-FY09-002: Proposal."
5. A Client Reference List with contact person names, addresses, telephone numbers, and a brief project description for completed municipal work within the last five (5) years. Each firm listed within the proposal must provide no less than three (3) references.
6. Proposals should clearly demonstrate an understanding of the Scope of Services and should reflect the proposer's ability to perform the work requested.
7. Preferred Consultants will have experience with relevant federal, state, and local requirements, particularly the Waterways regulations at 310 CMR 9.00 under Chapter 91. Refer to Part 4, Evaluation Criteria of this RFP to see how proposals will be evaluated in terms of this experience.

8. Each proposer is expected to examine all specifications and other instructions pertaining to this RFP contained herein. Failure to do so will be at the proposer's risk. Subsequently, the proposer cannot secure relief on the plea of error regarding the content of this RFP.
9. Certificate of Non-Collusion signed and submitted (in the Attachment Section).
10. Vote of Foreign Corporations Certificate, signed and submitted. (In the Attachment Section).

C(2). PRICE PROPOSAL

The price proposal, "HDC-FY09-002: Cost", must consist of the following documents:

1. A list of hourly rates for professional services, other anticipated costs, with any fixed associated costs signed by an individual authorized to bind the offeror contractually, and submitted.

Reimbursable Expense Information:

The Awarding Authority shall not be responsible for travel related expenses, long distance communications or other postage, handling, printing, binding, and delivery fees.

Professional Liability Insurance:

The consultant(s) selected through this MSA will be required to submit a Certificate of Liability Insurance with \$1,000,000 General Liability Coverage. A Certificate of Errors and Omissions Insurance will also be required with \$1,000,000 minimum coverage.

D. RFP POLICIES AND PROCEDURES

1. Anyone who intends to submit a proposal must contact the HDC directly and specifically request a copy of this RFP, unless such company was mailed a copy directly *from* the HDC. A copy of the RFP can be picked up at the HDC Office:

New Bedford Harbor Development Commission
106 Co-Op Wharf
New Bedford, MA 02740

The HDC has responsibility for maintaining a control list of all potential proposers.

2. The HDC reserves the right to amend this RFP. The HDC reserves the right to reject any or all of the proposals, or any part thereof, submitted in response to this RFP, and reserves the right to waive formalities, if such action is deemed to be in the best interest of the HDC. The HDC reserves the right to request additional information from any proposer. The HDC reserves the right to award negotiated contracts to one or more consultants.
3. This RFP is not intended and shall not be construed to commit the HDC to pay any costs incurred in connection with any proposal or to procure or contract for any services.

4. The decision to award a contract shall be based on the consultant's ability to provide quality services and to comply with all applicable laws, rules, and regulations.
5. The award of any contract will be made as judged to be in the best interest of the HDC evaluation team. The HDC evaluation team will make the final selection of the consultant.
6. Each proposal will be examined to determine whether it is responsive to the requirements of this RFP. All responsive proposals will be evaluated in accordance with the criteria set forth herein.
7. While the HDC is under no obligation to contact companies for clarifications, it reserves the right to do so. Depending on the number and quality of the proposals submitted, the HDC, at the sole discretion of the evaluation team, may elect to interview all or some of the companies during the selection process and to request presentations, including demonstrations of products and services.

End of text for Part 2

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PART 3. SCOPE OF WORK

The type of contract for these professional engineering services is a Master Services Agreement (MSA) with “Individual Work Orders.” Task-specific authorizations for Individual Work Orders will be issued during the 5-year (maximum) indeterminate duration, indeterminate quantity MSA. In response to Individual Work Orders issued under the MSA, the successful Firm, Team or Joint Venture will prepare task-specific cost proposals to the HDC for negotiation and confirmation of scope, cost, and schedule.

The work under the MSA may entail, but is not necessarily limited to the following list of services:

A. PRECONSTRUCTION, STUDIES, AND INVESTIGATIONS

1. Planning

- Port Infrastructure Planning
- Brownfields Redevelopment Planning
- Disposal Siting / Planning
- Economic Assessment
- Harbor Project Planning
- Green Port Building & Infrastructure Planning

2. Studies and Investigations

- Bathymetric Surveys
- GPS Surveys (Land & Marine)
- Geophysical Studies (Land & Marine)
- Geotechnical Investigations
- Environmental Investigations

B. DESIGN, ENGINEERING, AND MONITORING

1. Design

- Evaluate Study Data and Complete Technical Designs
- Develop Contract Drawings and Bid Documents
- Coordination for Bid Solicitation and Award
- Environmental Remediation
- Stormwater Systems

2. Permitting

- Marine Project Permitting
- Harbor Infrastructure Construction Permitting
- Contaminated Site Redevelopment Permitting
- Dredge Project Permitting
- Mitigation Project Permitting (Wetlands & Fisheries Projects)
- Waterways Construction Permitting
- Disposal Site Permitting
- Stormwater System Permitting

3. Monitoring

- Operation & Maintenance of Remediation Systems (Soil, Groundwater & Surface Water)
- Monitoring for Landfills, CAD Cells, and CDF and Subaqueous Disposal Structures
- Water Quality Monitoring
- Hydrologic Studies (Flow, Current, Temperature, & Salinity Studies)
- Sediment Transport Monitoring
- Harbor, River & Ocean Bottom Monitoring

C. CONSTRUCTION OVERSIGHT AND ADMINISTRATION

- Resident Representation
- As-built Plans & Surveys
- Construction Contract Closeout & Closeout Reports
- Project Closeout (including Permit Compliance Certifications, Reports, etc.)
- Monitor Reports

The following is a brief narrative describing the scope of services anticipated and listed above:

A. PRECONSTRUCTION AND STUDIES & INVESTIGATIONS

1. PLANNING

The selected Firm will be expected to work closely with the HDC to assist with strategic planning, prioritization, scheduling, and coordination for all aspects of efforts to pursue restoration, redevelopment, and remediation projects for the Port of New Bedford. In its proposal, the Firm should demonstrate proven experience and capabilities working with municipal, regulatory, and private parties to accomplish development goals and maintain a timeline for implementation.

2. STUDIES & INVESTIGATIONS

Bathymetric Surveys

Bathymetric surveys may be requested by the HDC to determine water depth or to obtain other data as needed in the Harbor. The selected Firm must be able to demonstrate proficiency in the areas of bathymetric surveys and mapping.

GPS Surveys

The selected Firm must be able to operate Global Positioning System (GPS) equipment and related technology. In turn, processing of bathymetric and GPS data via Computer-Aided Drafting (CAD) services may be required in order to analyze the data and report information to interested parties.

Geophysical Studies (Land & Marine)

The HDC may contract geophysical services to conduct surveys: depth to bedrock, archaeological and marine resources, hazard identification, utility location, environmental stressor object identification, and geological and geotechnical characterizations. These geophysical studies may include seismic refraction, seismic reflection, electromagnetic, magnetometry, resistivity, VLF, Side-Scan Sonar, Sub-Bottom Profiler, etc.

Geotechnical Investigations

Geotechnical investigations may be requested by the HDC in order to plan and design both marine and land-based projects. Geotechnical investigations may include test boring and field-testing, laboratory soil and sediment testing, pre-design geotechnical analyses, and studies for marine construction.

Environmental Investigations

The HDC may contract both land and marine-based environmental investigations, which may include site assessments, river and harbor sediment testing and characterization, soil, groundwater, surface water and sediment testing and analysis, contaminated site characterization, and Massachusetts Contingency Plan Assessments. The services of a certified LSP with a working knowledge of Federal, State, and Local regulations may be required for the above environmental investigations.

Value-Added Engineering

The bidder may suggest the use of other technologies not mentioned in this RFP to advance harbor projects as part of the bid submittal.

B. DESIGN, ENGINEERING AND MONITORING

1. DESIGN

The HDC anticipates requiring design services for marine and land-based construction, remediation, and dredge projects. This is anticipated to include the design of dredging, marine structures (piers, bulkheads, piles, etc.), subaqueous structures, sediment cleanup, contaminated soil/sediment capping, contaminated subsurface structures removal/remediation, stormwater systems, marine environmental restoration/remediation, and mitigations.

Qualified and experienced engineers will be necessary to evaluate data, develop designs and opinions of cost, prepare plans and specifications, compile contract documents, and assist the HDC with bid solicitation and award. In some cases, the Firm may be requested to provide design/build services.

2. PROFESSIONAL LAND SURVEYING SERVICES

Professional land surveying services for survey and mapping of mitigation areas and/or other project areas in New Bedford Harbor. Respondents shall be qualified or Massachusetts Registered Professional Land Surveyors, or a firm which employs one or more Massachusetts Registered Professional Land Surveyors capable of completing the survey work or indicate the intent to subcontract one or more Professional Land Surveyors Registered with the Commonwealth of Massachusetts with experience surveying in a marine environment. The selected consultant(s) or subcontractor (if applicable) shall be capable of mobilizing to the work location, determining the location of relevant benchmarks, tying relevant benchmarks into the survey locations, completing the survey as directed by the HDC, and producing a plan and cross-section indicating existing elevations and conditions at study/project areas.

3. PERMITTING

It is anticipated that most studies/investigations, as well as marine and land-based construction, remediation, and dredge projects, will require various state, local, and federal permit approvals. The Firm should demonstrate its relevant knowledge, experience, and capabilities with applicable permitting processes and associated coordination and communication efforts with the various parties and agencies involved.

4. MONITORING

In addition to project-specific studies/investigations and engineering services, the HDC anticipates that miscellaneous long- and short-term monitoring and reporting services will be required for: evaluation of Harbor conditions; environmental areas of concern; surface water, sediment, groundwater and soil investigations; marine and hydrogeologic studies; solid and hazardous waste units; operation and maintenance of remediation systems, air quality, and verification of the effectiveness of both on-going and completed Harbor projects.

C. CONSTRUCTION OVERSIGHT AND ADMINISTRATION

The HDC anticipates requiring Construction Oversight Services that may include: oversight of dredge projects, oversight of environmental remediation, remedial construction, and oversight of marine structures construction. Capable and experienced project managers, QA/QC managers, health and safety personnel, engineers, and field technicians, among others, will be necessary to provide resident representation for these construction, remediation, and dredge projects. Oversight and administration services will also include development of “as-built” record drawings, compiling contract close-out documentation and reporting, as well as preparation and submission of permit close-out certifications and reports.

Instructions to Offerors

Interested Firms should prepare a written Proposal for Services and should include the following sections:

1. Introduction of the Firm, Team, or Joint Venture to include the relevant history, overall services and location of the Firm, Team, or Joint Venture.
2. Management of the Contract
 - a. Firm's proposed management approach (include description of the types of services and approximate percentage of work to be completed by the Firm versus subcontractors, subconsultants, etc.)
 - b. Capability of Firm to manage contract
3. Capabilities of key personnel identified to provide services and complete the work
4. Ability of the Firm, Team, or Joint Venture to successfully complete the work.
 - a. Location of the resources
 - b. Depth and breadth of services and resources
 - c. Capabilities of the Prime Firm and Subcontractors (including project descriptions)
 - d. Ability to meet City of New Bedford contracting goals and requirements
5. Innovative Technologies and/or Special Knowledge/Capabilities/Understanding
 - a. Describe any innovative technologies or any Special Knowledge, Capabilities, or Understanding of the Firm, Team, or Joint Venture may have that can be applied to assist the HDC with completing the work efficiently and cost effectively.
6. Required Documentation
 - a. Insurance
 - b. Letter of Commitment (from Company Principal)
 - c. Hourly rates for professional services

End of text for Part 3

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PART 4. PROPOSAL EVALUATION

A. PROPOSAL EVALUATION

Proposals will be reviewed and evaluated by the HDC. Proposals will be reviewed according to MGL 30B under the following procedure:

STEP 1: INITIAL SCREENING

An initial screening of all proposals will be conducted by the HDC. The sole purpose of this step is to determine a proposal's overall completeness and responsiveness. The HDC reserves the right to disqualify proposals that are determined to be incomplete or non-responsive.

The HDC reserves the right to waive minor informalities or allow the proposer to correct them.

STEP 2: COMPREHENSIVE EVALUATION

The proposals will be evaluated for each of the criteria listed below:

Evaluation Criteria

1. Knowledge, experience, and capability of the key personnel identified to perform work.
2. Demonstration of Firm's knowledge pertaining to the types of services included in the MSA.
3. Demonstration of Firm's capability to provide the types of services included in the MSA.
4. Demonstration of Firm's ability to meet the HDC's goals and objectives.
5. Demonstrated best value for the HDC and the City of New Bedford.

Based on these evaluation criteria, each proposal will be rated accordingly. The HDC will assign each proposal a composite rating.

STEP 3: COST EVALUATION

After completion of Steps 1 and 2, the proposal will be evaluated on price and ranked from least costly to most costly based on the projected levels of effort and costs provided in this component.

STEP 4: SELECTION OF A CONSULTANT

The results of each proposal will be compared by the HDC at this step and a final ranking shall be made considering both the technical and cost proposal.

The purpose of the comparison at this step of the evaluation will be to determine if the ranking of proposals as to cost should alter the technical rating of the proposals. In making such a judgment, the review committee will primarily consider the need to provide a comprehensive array of specialized services to accomplish the project described in the RFP. The overall goal of the

evaluation process shall be to recommend award of the contract to the firm(s) whose proposal meet the requirements of the RFP and is at the same time cost-effective.

In making such a judgment, the review committee will primarily consider the need to provide a comprehensive array of specialized services to accomplish the project described in the RFP. The overall goal of the evaluation process shall be to recommend award of the contract to the firm(s) whose proposal meets the requirements of the RFP.

The HDC may require the top ranked proposers to appear for interviews as part of the evaluation.

The principal objective of the evaluation process will be to award the MSA to the offeror whose proposal demonstrates the company's experience, knowledge, and abilities to the satisfaction of the HDC and that the offeror will provide the highest quality and best value for the types of services included in the MSA.

The HDC reserves the right to award the bid based on superior technical, management, quality, and/or past performance features rather than awarding the MSA based upon low price/cost. Knowledge and abilities, as well as recent and relevant experience, will be a primary focus for consideration. Also, the proposal should highlight the offeror's ability to work closely with HDC, enhance client communications, and respond rapidly to provide services on short-notice. The HDC also reserves the right to award to multiple bidders.

Proposals will be opened at a public meeting. Review and evaluation of proposals will be at the convenience of HDC, which reserves the right to reject any and all proposals. The HDC reserves the right to waive technicalities, solicit new or additional proposals, or to proceed with award of the MSA as may be deemed in the best interest of the HDC.

The successful offeror(s) will be notified in writing by the HDC that their proposal has been accepted and the MSA has been awarded.

The final selection of a consultant(s) will be based on the following sets of criteria:

1. MINIMUM EVALUATION CRITERIA

The following information must be submitted with the proposal to be considered responsive. These are minimum standards, considered essential for satisfactory performance of the contract.

- Inclusion of all Documentation as specified within this RFP.
- Favorable responses on all references provided.

2. COMPARATIVE EVALUATION CRITERIA

Proposals which meet the aforementioned minimum criteria will be comparatively evaluated using the following criteria to assist in determining which proposal is most advantageous. The specific evaluation criteria the HDC will use to evaluate proposals include:

QUALITY OF PROPOSAL

A proposal will be evaluated based on the quality of its content, and will be rated-as follows:

- Highly Advantageous: The proposal contains strong technical approach to the proposal, format and responsiveness to the RFP.
- Advantageous: The proposal contains a clear technical approach to the proposal, format and responsiveness to the RFP,
- Not Advantageous: The proposal does not contain a clear technical approach to the proposal, format and responsiveness to the RFP,
- Unacceptable: The proposal contains no technical approach to the proposal, format and responsiveness to the RFP.

EVALUATION OF THE PLAN

A proposal will be evaluated based on the quality of the plan and its ability to address the project objectives stated in the RFP as follows:

- Highly Advantageous: The proposal contains a clear and comprehensive plan that addresses all of the project objectives stated in the RFP.
- Advantageous: The proposal contains a clear plan that addresses most (50%) of the project objectives stated in the RFP.
- Not Advantageous: The proposal does not contain a clear plan that addresses most (<50%) of the project objectives stated in the RFP.

QUALIFICATIONS

The experience of the project team will be rated as follows:

- Highly Advantageous: The proposer has strong experience (more than 5 projects) in providing professional engineering services in support of port restoration, redevelopment, and remediation projects or similar, and references to provide satisfactory comments on prior performance.
- Advantageous: The proposer has experience (3 to 5 projects) in providing professional engineering services in support of port restoration, redevelopment, and remediation projects or similar, and references to provide satisfactory comments on prior performance.
- Not Advantageous: The proposer has limited and/or no prior experience (0 to 2 projects).

PERFORMANCE DURING INTERVIEWS (if conducted)

The ability of the consultant team to clearly present ideas in a meeting/interview session, particularly their ability to articulate their proposed approach to the Scope of Work will be rated as follows:

- Advantageous: The proposer's oral presentation was clear and well organized and demonstrated the proposer's ability to communicate effectively.
- Not Advantageous: The proposer's oral presentation was unclear and disorganized and did not demonstrate the proposer's ability to communicate effectively.

EXPERIENCE WITH PERTINENT REGULATIONS

Experience with relevant federal, state, and local requirements, particularly the Commonwealth's Waterways Regulations at 310 CMR 9.00 under Chapter 91.

- Highly Advantageous: The proposer has strong experience with relevant regulations and guidelines (more than 10 projects).
- Advantageous: The proposer has some experience with relevant regulations and guidelines (3 to 5 projects).
- Not Advantageous: The proposer has limited or no prior experience with relevant regulations and guidelines (0 to 2 projects).

MEETING PROJECT SCHEDULE

Proposer's demonstrated ability to complete projects on a timely basis will be rated as follows:

- Highly Advantageous: All of the proposer's references indicate that the projects were completed on schedule or with minimal, insignificant delays.
- Advantageous: Only one of the proposer's references indicates that the project was completed with substantial delays attributable to the proposer, and no current project or project completed in the last three years experienced substantial delays attributable to the proposer.
- Not Advantageous: Two of the proposer's references indicate that the project was completed with substantial delays attributable to the proposer, and no current project or project completed in the last year experienced substantial delays attributable to the proposer.
- Unacceptable: More than two of the proposer's references indicate that the project was completed with substantial delays attributable to the proposer.

End of text for Part 4

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ATTACHMENTS

- **CERTIFICATE OF COMPLIANCE WITH TAX LAWS**
- **W-9 FORM**
- **CERTIFICATE OF NON-COLLUSION**
- **CHAPTER 803 DISCLOSURE STATEMENT**
- **FOREIGN CORPORATION FORM**

CERTIFICATE OF COMPLIANCE WITH TAX LAWS

Pursuant to MGL Ch. 62C, sec. 49A, I/we certify under the penalties of perjury that I/we have complied with all laws of the Commonwealth of Massachusetts relating to taxes.

Federal Identification Number

Name of Company

Street Address/P.O. Box No.

City, State, Zip

By:

Company Officer, Title

Date

Request for Taxpayer Identification Number and Certification

Completed form should be given to the requesting department or the department you are currently doing business with.

Name (List legal name, if joint names, list first & circle the name of the person whose TIN you enter in Part I-See Specific Instruction on page 2)

Business name, if different from above. (See Specific Instruction on page 2)

Check the appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership ☐ Other ►

Legal Address: number, street, and apt. or suite no.

Remittance Address: if different from legal address number, street, and apt. or suite no.

City, state and ZIP code

City, state and ZIP code

Phone # ()

Fax # ()

Email address:

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). **However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instruction on page 2.** For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 2. **Note:** If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number

□ □ □ - □ □ - □ □ □ □

OR

Employer identification number

□ □ - □ □ □ □ □ □ □ □

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
- I am not subject to backup withholding because: **(a)** I am exempt from backup withholding, or **(b)** I have not been notified by the Internal Revenue Services (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or **(c)** the IRS has notified me that I am no longer subject to backup withholding, **and**
- I am an U.S. person (including an U.S. resident alien).
- I am currently a Commonwealth of Massachusetts's state employee: (check one): No ☐ Yes ☐ If yes, attach a copy of the letter from the State Ethics Commission. Individual information, including address will be part of the public record and accessible under Freedom of Information.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply.

Sign
Here

Authorized Signature ►

Date ►

Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify you are not subject to backup withholding

If you are a foreign person, use the appropriate Form W-8. See Pub 515, Withholding of Tax on Nonresident Aliens and Foreign Corporations.

What is backup withholding? Persons making certain payments to you must withhold a designated percentage, currently 29% and pay to the IRS of such payments under certain

conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. **Payments you receive will be subject to backup withholding if:**

- You do not furnish your TIN to the requester, or
- You do not certify your TIN when required (see the Part II instructions on page 2 for details), or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions on page 2.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name. If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first and then circle the name of the person or entity whose number you enter in Part I of the form.

Sole proprietor. Enter your **individual** name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, **enter the owner's name on the "Name" line.** Enter the LLC's name on the "Business name" line.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Part I - Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box.

If you are a **resident alien** and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a **sole proprietor** and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are an **LLC** that is **disregarded as an entity** separate from its owner (see **Limited liability company (LLC)** above), and are owned by an individual, enter your SSN (or "pre-LLC" EIN, if desired). If the owner of a disregarded LLC is a corporation, partnership, etc., enter the owner's EIN.

Note: See the chart on this page for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get **Form SS-5**, Application for a Social Security Card, from your local Social Security Administration office. Get **Form W-7**, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN or **Form SS-4**, Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS's Internet Web Site www.irs.gov.

If you do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments.

The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Part II - Certification

To establish to the paying agent that your TIN is correct or you are a U.S. person, or resident alien, sign Form W-9.

For a joint account, only the person whose TIN is shown in Part I should sign (when required).

Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to give your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold a designated percentage, currently 29% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

What Name and Number to Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹ The minor ²
3. Custodian account of a minor (Uniform Gift to Minors Act)	The grantor-trustee ¹
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship	The owner ³

For this type of account:	Give name and EIN of:
6. Sole proprietorship	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name, but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

If you have questions on completing this form, please contact the Office of the State Comptroller. (617) 973-2311 or 973-2655

Upon completion of this form, please send it to the Commonwealth of Massachusetts Department you are doing business with.

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

(Signature of individual submitting bid or proposal)

(Name of Business)

(Date)

CHAPTER 803 DISCLOSURE STATEMENT

In compliance with Chapter 60, Section 77B of the Massachusetts General Laws as amended by Chapter 803 of the Acts of 1985, I hereby certify, that I have never been convicted of a crime involving the willful and malicious setting of a fire, or of a crime involving the aiding, counseling, or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim for fire insurance; nor am I delinquent in the payment of real estate taxes in the City of New Bedford, or being delinquent, an application for the abatement for such tax is pending or a pending petition before the appellate tax board has been filed in good faith.

This statement is made under the pains and penalties of perjury this _____ day of _____, 2008.

Applicant (Signature)

Co-Applicant (Signature)

Co-Applicant (Signature)



City of New Bedford, Massachusetts

VOTE OF CORPORATION AUTHORIZING EXECUTION OF CONTRACT

At a meeting of the Board of Directors of _____
duly called and held on _____ at which a quorum was
present and acting throughout, the following vote was duly adopted.

VOTED: That _____ of the corporation, be and hereby is authorized
to sign the contract and deliver in the name and on behalf of the _____ corporation a
contract with:

The City of New Bedford, MA

for supplying _____, and also to seal and executive
as bonds above surety company bonds to secure the performance of said contract and payment for labor and
materials, all in such form and on such terms and conditions as he, by the execution thereof, shall deem proper.
A true copy;

ATTEST:

If the vendor accepts this contract and then fails to supply the commodity as ordered by the City of New
Bedford, and if the City decides to legally pursue this non-supply, then the vendor agrees to the jurisdiction of
the appropriate court in the state of Massachusetts.

(Affix Corporate seal)

Clerk of the Corporation

Date: