

County of El Dorado
Facilities Division



Request for Proposal

for

Design Criteria Consultant Services

for the

County of El Dorado Public Safety Facility

Project

Submittal Deadline:

September 16, 2015 not later than 3:00 PM (Pacific)

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1.0 INTRODUCTION

The County of El Dorado (County) is soliciting sealed proposals from qualified firms to provide Design Criteria Consultant (DCC) services for the new Public Safety Facility to be located on Industrial Drive in Diamond Springs, California. The new facility will merge numerous public safety functions that are currently spread around the greater Placerville and Diamond Springs area.

The County will award a single contract for the work to be performed. The County will also select, under a separate Request for Proposal (RFP), a qualified Design-Build firm to complete the development of the on-site construction.

This RFP includes a description of the evaluation and selection process, Scope of Work, proposal requirements and insurance requirements. Direct all inquiries regarding this RFP in writing to:

El Dorado County, CAO Facilities Division
Attn: Brent Collins
3000 Fairlane Court, Suite One
Placerville, CA 95667

-or-

Brent.Collins@edcgov.us

Do not contact County departments or other County staff directly. Information provided by other than the above contact may be invalid and proposals which are submitted in accordance with such information may be declared non-responsive.

In the event that it becomes necessary to revise any part of this RFP, written addenda will be issued. Any amendment to this RFP is valid only if in writing and issued by County, Procurement and Contracts Division. Verbal conversations or agreements with any officer, agent, or employee of the County that modify any terms or obligations of this RFP are invalid.

All addenda for this RFP will be distributed via email from the Facilities Division to the proposers.

It is the proposer's sole responsibility to monitor their email inbox for possible addenda to this RFP. Failure of proposer to retrieve addenda shall not relieve him/her of the requirements contained therein. Additionally, failure of proposer to return a signed addendum, when required, may be cause for rejection of his/her proposal.

2.0 TENTATIVE PROJECT SCHEDULE

The following represents the tentative schedule for this RFP and subsequent Design/Build process. All dates are subject to change.

| | |
|--|---|
| RFP Issuance | August 19 th , 2015 |
| Pre-Proposal Conference at EDC | August 28 th 2:00-3:00, 2015 |
| Deadline for Final Questions | September 2 nd , 2015 |
| Proposal Submission Deadline | September 16 th , 2015 |
| Proposal Evaluations and (possible) Interview Sessions | September 17 th - September 30 th |
| Contract Award by Board of Supervisors | October, 2015 |
| Notice To Proceed to DCC | November, 2015 |
| Project Documents Prepared by DCC | November, 2015 – April, 2016 |
| Prequalification Process of D/B Entity (DCC to assist) | March, 2016 – May, 2016 |
| RFP Process for D/B Entity (DCC to assist) | June, 2016 – August, 2016 |
| D/B Contract (Design & Construct) | September, 2016 – September 2018 |
| Public Safety Center Completion Date | October, 2018 |
| Commissioning Process and Move-in | October to November, 2018 |

3.0 PRE-PROPOSAL CONFERENCE

A pre-proposal conference has been scheduled for August 28, 2015 at 2:00 pm at the following location:

Planning Commission Room
El Dorado County, Community Development Agency
Building C
2850 Fairlane Ct.
Placerville, CA 95667

Interested firms will have opportunity to submit questions regarding the requirements outlined in this RFP. While attendance is not mandatory, interested proposers are highly encouraged to attend. In order to make the meeting more effective for all participants, attendees should read this document thoroughly prior to the meeting.

Meeting notes will be issued in the form of a written addendum to the RFP. A list of attendees will be distributed.

4.0 PREVAILING WAGE REQUIREMENTS

The services described herein are considered "public works" as defined by California Labor Code Section 1720 et seq. Any Consultant awarded a contract as the result of this RFP shall be responsible for compliance with all applicable prevailing wage laws, as well as any and all applicable state or federal wage laws, for services under the Consultant's contract, including any and all sub-consultant services contracts.

5.0 BACKGROUND

5.1 General

The County Sheriff's Office (SO) is in need of new, expanded, modernized and consolidated facilities. The various divisions of the SO are currently located in spaces deficient for their need and are unnecessarily spread geographically through the County. The separation of the various functions of the SO limits its ability to communicate effectively, maintain cost effective operations due to rental costs, expand technology infrastructure according to needs, and provide adequate public access.

The Proposed County Public Safety Facility (PSF) will provide a long term solution to a facility problem that has evolved over decades. The proposed PSF will consolidate the following operations:

- 300 Fair Lane, Placerville. The 21,354 SF structure is currently occupied by Command, Patrol, Evidence, Records and Crime Scene Investigation.
- 330 Fair Lane, Placerville. Approximately 7,282 SF of the main government center is currently used for Office of Emergency Services (OES), Central Dispatch and Administration.
- 3615 China Garden Road, Diamond Springs. The 4,000 SF facility (plus yard) is currently used as a radio shop, large evidence storage, search and rescue, boat storage and equipment yard.
- 1323 Broadway, Placerville. The 6,020 sf. leased office is currently used for Sheriff's support services and training;
- 471 Pierroz Road, Placerville. Approximately 7,000 sf. is currently leased for detectives and associated functions;
- 300 Forni Road, Placerville. Portions of the Placerville Main Jail are currently used for non-custody operations;
- 3872 Fort Jim Road, Search and Rescue storage facility.
- 5941 Union Mine Road, County. The facility is currently used for training; and
- Other miscellaneous smaller facilities around the County.

A preliminary survey conducted by the Sheriff's Office in July 2011 identified numerous reasons to replace the Sheriff's Office Headquarters. Some of the critical reasons included:

- Extensive yearly rental costs for leased off-site facilities;
- Antiquated and inefficient nature of leased facilities;
- Insufficient space for Sheriff's operations;
- Age of current headquarters building; much of the work spaces are operated out of condemned jail cells, and inadequate storage for equipment and ammunition;
- Lack of security for Sheriff's Office and staff vehicles;
- Operational inefficiencies;
- Cost to properly maintain existing facility is prohibitive; and
- The liability and risk associated with continued operations out of the existing facility.

Recognizing the need to consolidate and improve the facilities and operations of the County Sheriff's Office, County commissioned Vanir Construction Management to develop a Needs

Assessment for a new County Public Safety Facility, and establish various development criteria to accommodate the space program. The *Sheriff's Operational Assessment and Facility Study* prepared by Vanir reviewed previous proposals and assessments going back to 1989. The County Board of Supervisors approved site search criteria concurrent with the preparation of the Operational Assessment. These criteria were used to evaluate over 400 properties. A site selection team for the study consisted of: a County Facilities Division Senior Project Manager, a local civil engineer, a development and construction specialist, a government real estate expert, and a senior representative from the Sheriff's Office. This team worked to rank the properties using the Board-approved criteria. Some of the criteria used to evaluate each property include drive time, utility and infrastructure, traffic impacts, zoning, environmental impacts, long-term costs, site size, government connectivity, public access, development costs and other factors. The site selection team assessed each property and eventually brought a short list with numerical rankings back for Board of Supervisors review. The short list consisted of three sites, including the proposed project site, which was ultimately brought to the Board of Supervisors for review and approval. In July of 2014, the Board of Supervisors authorized a Purchase and Sale Agreement for the proposed project site.

The overall scope of work for this project includes the following:

- Phase 1: Project Initiation
- Phase 2: Assessment Validation and Program Completion
- Phase 3: Conceptual/Schematic Design
- Phase 4: Bridging Documents
- Phase 5: Design-Build Team Prequalification and Team Selection
- Phase 6: Construction Document Review / Design Intent Review
- Phase 7: Design-Build Construction
- Phase 8: Facility Commissioning and Project Closeout

5.2 Building Program

The new Public Safety Facility (PSF) will programming will include, but not be limited to, the design elements as outlined in the Vanir Operational Assessment and Facility Study dated August 30, 2013. The design and programming and design will also be coordinated with the Public Safety Facility EIR documentation as outlined in the NOP as amended on July 9th, 2015.

5.3 Site

The project site is composed of the following APNs: 329-240-55 (proposed Public Safety Facility site) and 329-391-10 (proposed secondary secured site access/egress). See NOP for additional site information.

6.0 DOCUMENTS AVAILABLE FOR REVIEW

The following documents are available for by proposing firms:

- Sheriff's Operational Assessment and Facility Study, Vanir Construction Management dated August 30th, 2013.
- EIR Documentation and studies as prepared by County in coordination with Raney Environmental including but not limited to:

- Traffic Impact Analysis by KD Anderson dated December 23, 2014;
- Preliminary Drainage Report by Lebeck * Young Engineering dated July 14, 2015;
- Geological Assessment as prepared by Youngdahl Consulting Group, Inc. dated September 2014;
- Phase 1 as prepared by Youngdahl Consulting Group dated December 2014;
- EID FIL dated February 27, 2015;
- PCBS Soils Sampling Report as prepared by Youngdahl dated January 2015;
- Acoustical Engineering Report as prepared by AEC;
- Biological and Cultural Analysis as prepared by Barnett Environmental; and
- Notice Of Preparation Project Description amended July 9, 2015.
- Facilities Due Diligence Packet.
- Topographical Map as prepared by Lebeck * Young dated March 2015.

7.0 SCOPE OF WORK

Phase 1 - Project Initiation: Establish overall project schedule and work plan to achieve issuance of Design/Build RFP by project goal dates; review available project documentation; identify County Goals, Objectives and Expectations; finalize list of program meetings to be held with building users and stakeholder's and set tentative dates to facilitate efficient Program Meetings. Review CEQA / EIR Status and mitigation criteria, review County site surveys, Geotechnical Report and Topographical Surveys, utility information and due diligence reports.

Phase 2 - Assessment Validation and Program Completion: Document spatial requirements and relationships for use in preparation of bridging documents as well as to guide and govern potential changes by the Design-Build team. Develop questionnaires and agendas for specific meetings with Sheriff divisions to be distributed prior to scheduled meetings. Draft program (including narratives, space list relationship diagrams, and updated staff projections). The intent of this Phase is to validate or adjust previous programming assumptions. The intent is not to start at base level programming interviews with all Sheriff staff personnel. Perform preliminary Code/Regulatory Agency review(s). Meet with utility company to validate due diligence assumptions. Work with Facilities Project Management to determine sustainable maintenance and energy design goals.

Phase 3 – Conceptual/Schematic Design: The general goal of this phase is to further develop and define the interior and exterior space plans and relationships to incorporate all the Program requirements.

- Architecture: Develop site plans and interior space plans based on updated program requirements. Develop performance specifications for office, specialized space, security and essential service requirements. Develop preliminary finish schedules. Develop facility hardening design parameters.
- Structural: Develop critical clear span and bay spacing along with vertical height requirements. Develop design parameters for specialized systems and equipment design constraints.
- MEP: Define and set system service parameters for basic systems, specialized systems and essential service systems. Establish energy design goals and performance criteria. On-site solar will be a function of this RFP. Adjacent solar farm design will be handled separately.
- Specialized Equipment: Provide design performance criteria to integrate the facility with specialized equipment including but not limited to: Evidence storage equipment, morgue

equipment, CSI equipment, 911 dispatch equipment, specialized security equipment, backup power systems, communications equipment including tower, and radio shop equipment, EOC, range and training.

- Landscape: Develop a conceptual landscaping and irrigation design narrative. Landscape design criteria should include integration of facility security into landscape design.
- Civil / Site Design: Develop design parameters for site design that include CEQA approval constraints, drainage, utilities, traffic, acoustical, site balance and access. The adjacent solar site requirements will be subservient to PSF design needs. Solar farm design will be handled under a separate contract.
- Signage: Provide a signage narrative.
- Develop a cost estimate

Assemble a Schematic Design level documentation package sufficient to describe: Project size, Functional Priorities, Aesthetics: finishes, materials, colors, time critical construction completion requirements, Sustainable features, Cost effectiveness, level(s) of quality desired, Security, Audio/Visual, Technology Systems.

Phase 4 – Bridging Documents: General goal is to refine Phase 3 documents to create bridging documents suitable for the County to obtain design/build proposals through a public agency procurement process. Documents need to allow latitude for the design-build contractor's team to find ways to save time and money, but should clearly state requirements that are essential to the owner. Clarify design Intent to become basis of design for prospective Design-Build teams. Confirm project will meet budgetary, programmatic, and sustainability goals. Final code check of approved Schematic Design. Develop/produce final bridging documents including performance specifications, design narratives for each discipline, describing functional priorities, quality levels, aesthetic requirements, design criteria, basic design loads, and requirements to meet applicable building codes. Exterior/Interior finish materials and color selections. Prepare two (2) presentation boards. Deliver digital/electronic files drawings & specifications to the County.

Phase 5 – Design-Build Team Prequalification and Team Selection: General goal being to lend assistance to the County in pre-qualifying prospective Design-Build (D-B) teams to compete for the project (in an RFQ/RFP fashion), and in selecting the most qualified D-B team, all services/efforts provided in concert with the County Facilities Staff or agent. Review/comment on RFQ prepared by County. Assist in reviewing qualifications. Assist in developing best value criteria and scoring criteria. Attend Pre-bid conference/presentation. Attend one half-day work sessions with each bidder (limited to four meetings). Respond to Requests for Design Clarification and/or modifications. Consult with County concerning the determination or acceptability of D-B proposed substitute materials and systems proposed by D-B bidders. Consult with County concerning the determination or acceptability of D-B proposed changes in design or approach. Submit clarifications as appropriate. Attend bid opening / assist in evaluation of bids. Review bids versus the weighted factors and develop a DCC team response for the County selected design jury. Respond to questions of the County selected design jury as appropriate. DCC shall remain independent as outlined in County Conflict of Interest policy pertaining to design-build work.

Phase 6 – Construction Document Review / Design Intent Review: General goal being to consult or support County by reviewing Design-Build designs and construction documents to assure compliance with Bridging documents design intent. During the design phase, meet approximately monthly with the design-builder's architect and engineers on a discipline by discipline basis for 'over-the-shoulder' reviews. Act as liaison between County, authorities with

jurisdiction, the design-builder's architect and engineers, and the stakeholders to assure design intent compliance. Meet monthly with the County to report findings, review comments, etc. Review D-B team's 50% and 100% design submittals, make recommendations as appropriate. Provide peer review of design-builder's MEP and special systems design and calculations. Review RFI's for Design Intent.

Phase 7 – Design-Build Construction: As requested by the County, the DCC's scope of services for the final Phase 7 is to be available to respond to phone calls and questions regarding design intent advice, to comment upon shop drawings, substitution requests and other submittals for conformance to the requirements of the Bridging Documents, provide limited Site Visits, provide Substantial / Final Completion assistance and verification services.

Phase 8 – Facility Commissioning and Project Closeout: The DCC will provide a final facility review and oversight of project commissioning efforts and documentation to ensure design intent was implemented.

8.0 OTHER PROJECT CONSULTANTS

8.1 The environmental analysis associated with this project is not included in the DCC's scope of work. The County will be responsible for all processing necessary for the project environmental approvals. The results of this process, as well as required mitigation measures, will be incorporated by the DCC into the performance criteria documents to convey this information to all qualified Design/Build entity proposers.

8.2 The boundary and topographic survey and geotechnical analysis associated with this project is not included in the DCC's scope of work. The County will contract with separate consultants as necessary for this work. Results of this process, as well as site features and recommended site construction work, will be incorporated into the project criteria documents to convey this information to all qualified Design/Build entity proposers.

8.3 The materials testing and special inspection services associated with this project will be contracted separately by the County with an independent consultant during the design of this project.

9.0 FEES AND TENTATIVE CONSTRUCTION BUDGET OUTLINE

9.1 The selected firm will be required to submit billings on a monthly basis, based on the project specific Consultant Services Agreement between the Consultant and the County.

9.2 Travel time required by the Consultant to reach the designated meeting place or County staff office shall be included in all quoted fees and shall not be billed separately.

9.3 There shall be no reimbursable expenses on this project unless associated with additional services to be approved in writing, in advance, by the County.

9.4 Fees and other related project "soft costs" are not included in the project construction budgets presented below.

9.5 Fee estimates shall be presented in the following format:

| Phase | Description | Fee Type | Total |
|----------------------------|--|--------------------|-------|
| 1 | Project Initiation | Fixed | |
| 2 | Assessment Validation and Program Completion | Fixed | |
| 3 | Conceptual/Schematic Design | Fixed | |
| 4 | Bridging Documents | Fixed | |
| 5 | Prequalification – Team Selection | Fixed | |
| 6 | CD Review – Design Intent Review | Allowance - Hourly | |
| 7 | Construction | Allowance - Hourly | |
| 8 | Commissioning - Closeout | Allowance - Hourly | |
| 9 | Other | | |
| TOTAL ESTIMATED FEE | | | |

9.6 Construction Budget:

On-site construction costs including specialized equipment and range: **\$35,000,000**

10.0 PROPOSAL FORMAT REQUIREMENTS

Each response to this RFP shall include the information described in this section. Failure to include all of the elements specified may be cause for rejection. Additional information may be provided, but should be succinct and relevant to the goals of this RFP. Excessive information will not be considered favorably. The document shall be 8-1/2 inches by 11 inches in size or shall be folded to that size.

All proposals shall contain the following elements, and in the order given:

10.1 Cover Letter with the following information:

- Title of this RFP
- Name and Mailing Address of Firm (include physical location if mailing address is a P.O. Box)
- Year the firm was established
- Type of organization of firm (partnership, corporation, etc.)
- Firm's organization structure, its constituent parts and size variation of staff in the past five years
- Contact person including telephone number, fax number, e-mail address, and physical mailing address;
- A statement by submitting firm requesting protection of proprietary information if necessary. All proposals may be considered public information. Subsequent to award of this RFP, all or part of any proposal may be released to any person or firm who may request it. Therefore, proposers may request in their Cover Letter if any portion of their submittal should be treated as proprietary and not released as public information.

10.2 Signatory Requirements: In order to receive consideration, the Cover Letter must be signed by an officer empowered by the Consultant to sign such material and thereby commit the Consultant to the obligations contained in the RFP response. **Further, the signing and submission of a response shall indicate the intention of the Consultant to adhere to the provisions described in this RFP and a commitment to enter into a binding contract.** Submittals shall be signed by one of the following representatives:

- If the respondent is a **partnership**, submittal shall be signed in the firm name by a partner or the Attorney-In-Fact. If signed by the Attorney-In-Fact, there shall be attached to the proposal a Power-Of-Attorney evidencing authority to sign proposals, dated the same date as the proposal and executed by all partners of the firm.
- If the respondent is a **corporation**, the submittal shall have the correct corporate name thereon and the actual signature of the authorized officer of the corporation written (not typed) below the corporate name. The title of the office held by the person signing for the corporation shall appear below the signature of the officer.
- If the respondent is an **individual** doing business under a firm name, the submittal shall be signed in the name of the individual doing business under the proper firm name and style.

10.3 Qualifications: A synopsis of each proposed team member's qualifications and experience with public or government projects of similar type and size as described in this RFP, including length of service with the firm and resume. Include an organization chart of the proposed staff to be assigned to this project. For all subconsultants to be used provide firm name, area of expertise, the names of individual staff assigned to this project and their role on the team.

10.4 Experience of Firm: A narrative of the firm's qualifying background and experience with public or government projects of similar type and size as described in this RFP.

10.5 Design/Build Process Experience: A narrative with examples of demonstrated experience and performance of the Master Architect role in Programming, Performance Criteria, and Outline Specification process within the Design/Build project delivery method for either public or privately funded projects.

10.6 Proposed Workplan, Time Schedule and Workload: Provide a workplan description addressing all scope of work tasks along with a proposed timeline schedule reflecting each task and its deliverables and identifying appropriate progress checkpoints along with draft or interim deliverables. Also provide a narrative of firm staffing size, current firm workload, and with consideration of the firm's current projects, confirm the firm's ability to perform the scope of work as described herein.

10.7 References for Past Performance: Provide a narrative of past performance and service. Include three references of related projects, including contact person with current direct phone number along with a brief description of the project.

10.8 Deliverables: Describe your firm's ability to provide deliverables in the required formats:

- a. CADD drawings in AutoCAD (version)

- b. Word documents in Microsoft Word
- c. Spreadsheets in Microsoft Excel
- d. Schedules in Microsoft Project or Primavera
- e. Databases as necessary for compiling, storing and accessing the Project records in a commonly available format.

10.9 Cost Proposal: Provide a total cost proposal (not to exceed) for all services to be delivered, including a breakdown of costs itemized for each Task as defined in the Scope of Work. This cost proposal shall follow the format as provided in Section 9.5 of this RFP and shall encompass the complete proposed project costs for meetings and project expenses for reproduction, postage, mileage, travel time and all related miscellaneous expenses. Also provide an hourly rate schedule for all assigned team members, including hourly rates for participation in public meetings.

The Cost Proposal shall be submitted in a separate sealed envelope, clearly marked with the name of your firm, the name of this project, and identified as "Sealed Cost Proposal".

10.10 Required Statements: Include statements of assurance regarding the following requirements:

- Non-substitution for the designated members of the proposed staff members and subcontractors without prior approval by the County;
- Non-conflict of interest
- Non-collusion affidavit
- Statement listing of litigation and/or claims related to past projects for the past ten years.
- Ability to fulfill the indemnification and insurance requirements contained in the Sample Contract . Please note that actual certificates of insurance are not required as part of your submittal.

11.0 PROPOSAL SUBMITTAL INSTRUCTIONS

11.1 Submit one (1) original and six (6) copies of your proposal not later than the time and date indicated on the cover page of this RFP. All submittals shall be submitted in a sealed envelope or container and clearly marked with the RFP number and title on the outside of the parcel.

Submit one (1) original and two (2) copies of your Sealed Cost Proposal in a separate sealed envelope and marked as identified.

11.2 Proposals shall be submitted ONLY to:

**El Dorado County, CAO Facilities Division
3000 Fairlane Court, Suite One
Placerville, CA 95667**

11.3 The County shall not be responsible for proposals delivered to a person or location other than specified herein. Proposals submitted to a location other than the above will not be considered duly delivered or timely. The County of shall not be responsible for re-routing proposals delivered to a person or location other than that specified above.

11.4 Faxed or emailed proposals shall not be accepted.

11.5 Late submittals shall not be accepted or considered.

11.6 All submittals, whether selected or rejected, shall become the property of County and will not be returned.

11.7 The County of reserves the right to waive minor defects and/or irregularities in proposals, and shall be the sole judge of the materiality of any such defect or irregularity.

11.8 All costs associated with proposal preparation shall be borne by the offeror.

11.9 In the event that it becomes necessary to revise any part of this RFP, written addenda will be issued. Any amendment to this RFP is valid only if in writing and issued by County.

11.10 All proposals shall remain firm for one hundred twenty (120) days following the closing date for the receipt of the submittals.

12.0 EVALUATION PROCESS

Proposals will be evaluated by a selection committee and the firms submitting the most highly rated proposals may be invited for interviews. The following evaluation criteria and rating schedule will be used to determine the firm that provides the best value:

| | Evaluation Criteria | Maximum Possible Points |
|----|---|--------------------------------|
| A. | Qualifying background and relevant experience of firm, consultants and personnel, in similar public and government projects. | 15 |
| B. | Demonstrated familiarity and past performance experience as a Design Criteria Consultant within the Design/Build project delivery method. | 15 |
| C. | Proposed Workplan, Time Schedule and Workload capacity to perform as evidenced by the firm size and current Workload. | 20 |
| D. | Past performance and service (reference checks) | 15 |
| E. | Cost | 35 |
| | TOTAL POSSIBLE POINTS | 100 |

13.0 SELECTION PROCEDURE

- 13.1** Proposals will be reviewed for responsiveness. A selection committee will then evaluate responsive proposals in accordance with the above criteria. The firm(s) submitting the highest rated proposals may be invited for an interview. Interviews will be conducted solely at the County's option. The County reserves the right to select the most qualified firm solely on the content of the proposal. If the County chooses to conduct interviews, the firm's proposed Project Manager shall represent the firm at the interview. After evaluation of the interviews, the Committee will recommend the firm with the highest overall value, based on evaluation score, for approval by the Board of Supervisors.
- 13.2** The County reserves the right to make an award without further discussion of the submittal with the submitter. Therefore, the proposal should be submitted initially on the most favorable terms that the firm or individual may propose.
- 13.3** The County reserves the right to award a contract to the firm or individual who, in the sole judgment of the County, presents the most favorable response to this RFP pursuant to the evaluation criteria indicated above.
- 13.4** The County reserves the right to reject any or all proposals, to waive minor irregularities in said proposals, or to negotiate minor deviations with the successful firm.
- 13.5** In the case of differences between written words and figures in a proposal, the amount stated in written words shall govern. In the case of a difference in unit price versus the extended figure, the unit price shall govern. The County reserves the right to reject any and all proposals, or to waive minor irregularities in said proposals, or to negotiate minor deviations with the successful firm. The County shall be the sole judge of the materiality of any such defect or irregularity.

14.0 ASSURANCE OF DESIGNATED PROJECT TEAM

The proposer shall assure that the designated staff, including subconsultants, is used for the work described in this RFP. Departure or reassignment of, or substitution for, any member of the proposed project team or sub-consultant(s) shall not be made without the prior written approval of the County.

15.0 GENERAL TERMS AND CONDITIONS

- 15.1 Protests and Appeals.** The protest shall be submitted in writing to the Manager of Procurement and Contracts within seven (7) calendar days after such aggrieved person or company knows, or should have known, of the facts giving rise thereto.
- 15.2 Standard Contract:** Upon completion of the evaluation and recommendation for award, the selected firm will be required to execute a Consultant services agreement, a sample of which is included. Proposers are advised to carefully review the attached contract. Any proposed exceptions, alterations, or amendments shall be specified in your submittal, the nature of which may affect the evaluation of your submittal and the perceived ability to successfully award a contract to your firm/individual.

- 15.3 Independent Contractor:** At all times the Consultant shall represent himself/herself to be an independent contractor offering such services to the general public and shall not represent himself/herself, or his/her employees, to be an employee of the County of . Therefore, the Consultant shall assume all legal and financial responsibility for taxes, FICA, employee fringe benefits, workers compensation, employee insurance, minimum wage requirements, overtime, etc., and agrees to indemnify, save, and hold the County of , its officers, agents, and employees, harmless from and against, any and all loss, cost (including attorney fees), and damage of any kind related to such matters.
- 15.4 Non-Appropriation:** The County may terminate any resulting contract at the end of any fiscal year, June 30th, without further liability other than payment of debt incurred during such fiscal year, should funds not be appropriated by its governing body to continue services for which the contract was intended.
- 15.5 Conflict of Interest:** The Consultant shall warrant that no official or employee of the County has an interest, has been employed or retained to solicit or aid in the procuring of the resulting contract, nor that any such person will be employed in the performance of such contract without immediate divulgence of such fact to the County.
- 15.6 Non-Collusion:** Firms submitting proposals shall warrant that their offer is made without any previous understanding, agreement or connection with any person, firm or corporation submitting a separate proposal for the same project and is in all respects fair, without outside control, collusion, fraud or otherwise illegal action. This condition shall not apply to proposals which are submitted by firms who have partnered with others to submit a cooperative proposal that clearly identifies a primary contractor and the associated sub-contractors.
- 15.7 Indemnification and Insurance Requirements:** The County's standard indemnification and insurance requirements are provided in the sample contract.