

NOTICE – REQUEST FOR PROPOSAL

Notice is hereby given that the Governing Body of the City of Brigantine, County of Atlantic, New Jersey, is requesting proposals for **Consulting Engineering and Inspection Services Using Federal Funds**. Copies of the Federally Funded Request for Proposals are available in the Office of the City Clerk, Brigantine City Hall, 1417 W Brigantine Ave, Brigantine, NJ 08203, 609-266-7600, **during regular business hours, or can be downloaded from the Brigantine website.**

Proposals must be submitted to the Office of the City Clerk, Brigantine City Hall, 1417 W Brigantine Ave, Brigantine, NJ 08203. Proposals are scheduled to be opened on **Wednesday, February 1, 2023 at 11 am**. Any proposals received after said opening, whether by mail or otherwise will be returned unopened. No proposals will be accepted after the above referenced date. Proposals must be submitted in sealed envelopes with the name of the RFP clearly marked on the outside of the envelope. Proposals may **not** be e-mailed, faxed or transmitted over the telephone.

It is recommended that each proposal be hand delivered to the Office of the City Clerk. The City assumes no responsibility for delays in any form of carrier, mail or delivery service causing the proposal to be received at the Office of the City Clerk later than the above-referenced scheduled opening.

This project involves Federal funding participation. The County will conform to the procurement requirements by “Competitive Proposal Method” under the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualification-based selection process. The process and any resulting contract must first be reviewed by the Department of Transportation prior to use or execution.

Prior to negotiations, the prime consultant, and each sub-consultant (A/E firm) must be approved by NJDOT for Cost Basis. Please visit:

<http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm>

The Governing Body of the City of Brigantine reserves the right to accept or reject any or all proposals submitted in the best interest of the City and the Governing Body further reserves the right to waive any defect or informality in any proposal should it be in the best interest of the City.

Proposers are required to comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27) and N.J.S.A. 10:5-31.

The DBE requirement for this agreement is 13.23%. The MBE/WBE requirement is 0%.

**Lighthouse District Streetscape Improvement Program
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PART I

Instructions To Vendors

This is a 27 page document. Please be sure to read each and every page, including, without limitation, all attachments.

Please note: the terms “CI/CM Firm”, “firm”, “provider”, “contractor”, “proposer”, “ vendor” and “respondent” may be used interchangeably throughout this document.

1.0 PURPOSE

The intent of this Request for Proposals and resulting contract is to obtain Consulting Engineering and Inspection Services for the Brigantine Lighthouse District Streetscape Improvement Program project including but not limited to the construction management and inspection services for the City of Brigantine (“City”).

Firms responding to this Request for Proposals should have extensive experience and a knowledgeable background and qualifications in the provision of the services described herein.

Despite any language contained herein to the contrary, this Request for Proposals does not constitute a bid and is intended solely to obtain competitive proposals from which the City of Brigantine may choose a professional service that best meets the City’s needs. It is the City’s intent that no statutory, regulatory, or common law bidding requirement apply to this Request for Proposals. The City of Brigantine intends to award this contract pursuant to federal requirements.

Atlantic County currently owns the right-of-way of Brigantine Boulevard, (CR 638) and maintains the roadway for vehicular traffic between the curbs. All construction work, Construction Management and Inspection work is to comply with Atlantic County requirements. During Construction the County Engineer will have access to the work performed within the County right-of-way for the purpose of performing inspections. The CI/CM Firm shall provide the County Engineer with copies of all reviews, test results, submittals and/or design changes. The County shall be named as a dual obligee on all insurance certificates. Upon completion, the CM/CI Firm shall provide the County Engineer with all close-out documents including As-built Plan prepared by a New Jersey professional land surveyor, material testing results, warranties, operating manuals, inspection records, etc. Coordinate all traffic control or detours with local businesses and residents within project limits, Atlantic County Engineer’s Office, local police department, fire department, school, and public transportation agencies (i.e. Bus routes, Caring Adult Day Care transportation, etc.)

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The Atlantic County Federal Project "The Resurfacing of Brigantine Avenue (CR 638) – Section 2 A/B; Federal Project No.: STBGP-0638(303)" is going to construction in Spring 2023, likely concurrent with the Streetscape Improvements. Coordinate construction traffic patterns between the two projects. Note that if conflict between the two projects cannot be resolved for whatever reason, then the County Administered "The Resurfacing of Brigantine Avenue (CR 638) – Section 2" (Federal Aid) project will likely take precedence over the Brigantine Streetscape Improvement project.

Official City RFP documents are available from the City of Brigantine as described herein at no cost to the vendor. Potential proposers are cautioned that they are proposing at their own risk if a third party supplied the RFP document that may or may not be complete. The City of Brigantine is not responsible for third party supplied RFP documents.

2.0 BACKGROUND INFORMATION

The City of Brigantine is undertaking the Lighthouse District Streetscape Improvement Program project using federal funds, each of which requires the procurement of professional services for construction management, and construction inspections related services.

The specific extent and character of the professional services to be performed shall be subject to the general control and approval of the City of Brigantine.

3.0 COMPLIANCE WITH LAWS

The successful firm(s) shall comply with all applicable Federal, State and Local statutes, rules and regulations. In addition to any other Federal requirements that apply, including specific and/or additional Buy America and Davis Bacon Act Prevailing Wage requirements or other specific requirements that apply under Title 23 and Title 49 of the Code of Federal Regulations, performance by the professional services firm providing Construction Management/Construction Inspection to the City of Brigantine shall be governed by and in compliance with the following requirements as applicable to the type of organization of the recipient and any applicable sub-recipients:

- 3.1 The awarding of contract for professional engineering services as defined in 23 U.S.C. § 112 (b) (2) (A) and 23 C.F.R. §172 include program management, construction management or other professional engineering related services, or incidental services that may be performed by a professional engineer, or individuals working under their direction, who may logically or justifiably perform these services.

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In accordance with FHWA policy, an indirect cost rate proposal will not be accepted by the City of Brigantine from a construction management firm and no agreement will be made between the City of Brigantine and any professional construction management firm establishing final indirect cost rates, unless the costs have been certified by an official of the construction management firm as being allowable in accordance with the applicable FAR cost principals of 48CFR, part 31, and approved by a cognizant government agency.

In accordance with FHWA policy, a percentage of cost and percentage of construction cost method of compensation will not be accepted by the City of Brigantine.

3.2 Section 902 of the Recovery Act, requiring that each contract awarded using Recovery Act funds must include a provision that provides the U.S. Comptroller General and his representatives with the authority to

1. Examine any records of the contractor or any of its subcontractors or any government agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract and,
2. Interview any officer or employee of the contractor or any of its subcontractors, or of any government agency administering the contract, regarding such transactions.

3.3 Section 1515 of the Recovery Act, authorizing the DOT Office of the Inspector general to:

1. Examine any records of the contractor or any of its subcontractors or any government agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract and
2. Interview any officer or employee of the contractor or any of its subcontractors, or of any government agency administering the contract, regarding such transactions.

3.4 Buy America Provision under 23 U.S.C. § 313 and 23 C.F.R. §635.410.

3.5 Section 1606 of the Recovery Act (Davis Bacon Act Wage rate requirements (regulations at 2C.F.R. part 176.190)) to the extent that the City of Brigantine uses federal funds for construction, alteration, maintenance or repair work.

3.6 Section 1604 of the Recovery Act, which prohibits the City of Brigantine from expending funds under the Federal Grant agreement on any casino, or other gambling establishment, aquarium, zoo, golf course or swimming pool.

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3.7 Section 1553 of the recovery Act, which requires the City of Brigantine to provide Whistleblower protections. As a non-federal employer, the City is required to post a notice of the rights and remedies provided under this section. The whistleblower program requirements and poster are available at the following web sites

<http://www.recovery.gov/Contact/ReportFraud/Pages/WhistleBlowerInformation.aspx>

<http://www.recovery.gov/Contact/ReportFraud/Documents/Whistleblower%20Poster.pdf>

3.8 Section 49 C.F.R. Part 20 entitled “New Restrictions on Lobbying” found at <http://www.dot.gov/ost/m60/grant/49cfr20.htm#20.100>

4.0 PROCEDURE FOR RESPONDING TO REQUEST FOR PROPOSALS

4.1 SUBMISSION OF PROPOSALS

Five (5) copies of the Proposal, each consisting of the technical proposal and the related price proposal, INCLUSIVE OF ALL INFORMATION required in Part II, Proposal Requirements should be provided. Proposals must be provided to

Jim Bennett
City Manager
City of Brigantine
1417 W Brigantine Ave
Brigantine, NJ 08203

Proposals are scheduled to be opened on **Wednesday, February 1, 2023 at 11 am**. Any proposals received after said opening whether by mail or otherwise, will be returned unopened. No proposals will be accepted after the above referenced date. Proposals must be submitted in sealed envelopes, **with the technical and related price proposal in separate and sealed envelopes**, and with the title of the RFP clearly marked on the outside of the envelope. Proposals may not be emailed, faxed or transmitted over the telephone.

It is recommended that each proposal package be hand delivered to the City Clerk’s Office. The City assumes no responsibility for delays in any form of carrier, mail, or delivery service causing the proposal to be received at the Office of the City Clerk after the above-referenced due date and time. Submission by fax, telephone, or e-mail is NOT PERMITTED.

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Final selection of firm(s) shall be made by the Governing Body of the City of Brigantine by formal resolution. Contract(s) for services will be provided by the City Solicitor.

4.2 QUESTIONS REGARDING REQUEST FOR PROPOSALS

Any questions regarding this Request for Proposals must be made in writing to:

Jim Bennett
City Manager
City of Brigantine
1417 W Brigantine Ave
Brigantine, NJ 08203
jbennett@brigantinebeachnj.com
Lighthouse District Streetscape Improvement Program

4.3 ADDENDA/REVISIONS TO REQUEST FOR PROPOSALS

Addenda/revisions to this Request for Proposals shall be provided to all firms who have received this Request for Proposals.

4.4 ACCEPTANCE OF OFFER

The signed proposal shall be considered an offer on the part of the offeror. Such offer shall be deemed accepted upon execution of a signed contract.

5.0 INSURANCE

Prior to commencing work under contract, the successful firm(s) shall furnish the City and the Atlantic County Engineer with a certificate of insurance as evidence that it has procured the insurance coverage required herein. This coverage must be provided by a carrier approved by the City and the Atlantic County Engineer rated appropriately through A.M. Best. Firms must give the City and the Atlantic County Engineer a sixty-day notice of cancellation, non-renewal or change in insurance coverage.

The successful firm(s) shall provide and maintain the following minimum limits of insurance coverage during the period of performance required under the contract resulting from this Request for Proposals:

5.1 PROFESSIONAL LIABILITY

\$1,000,000.00 errors and omissions/malpractice for occurrence.

5.2 WORKERS COMPENSATION AND EMPLOYERS' LIABILITY

Statutory coverage for New Jersey;

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\$500,000.00 Employer's Liability;
Broad Form All-States Endorsement.

5.3 GENERAL LIABILITY

\$1,000,000.00 per occurrence/ \$3,000,000.00 aggregate for bodily injury and property damage. The City shall be named as additional insured with respect to general liability.

5.4 AUTO LIABILITY

\$1,000,000.00 per occurrence. This coverage is required if the operation of any vehicle is required in the performance of the services detailed herein (including but not limited to the use of a vehicle to make any on-site visits).

6.0 INDEMNIFICATION

The selected firm(s) shall defend, indemnify and hold harmless the City of Brigantine and County of Atlantic, its officers, contractors, subcontractors agents and employees from any and all claims, suits, actions, damages or costs, of any nature whatsoever, whether for personal injury, property damage or other liability, arising out of or in any way connected with the selected firm's acts or omissions in connection with this agreement.

7.0 MISCELLANEOUS REQUIREMENTS

7.1 The City of Brigantine will not be responsible for any expenses incurred by any firm in preparing or submitting a proposal. All proposals shall provide a straightforward, concise delineation of the firm's capabilities to satisfy the requirements of this Request for Proposals. Emphasis should be on completeness and clarity of content.

7.2 The contents of the proposal submitted by the successful firm(s) and this Request for Proposals may become part of the contract for these services. The successful firm(s) will be expected to execute said contract with the City of Brigantine.

7.3 Proposals shall be signed in ink by the individual or authorized principal of the responding party. Proposals submitted shall be valid for a minimum of 60 days from the date of opening.

7.4 The City of Brigantine reserves the right to reject any and all proposals received by reason of this Request for Proposals, or to negotiate separately in any manner necessary to serve the best interests of the City. Firms whose proposals are not accepted will be notified in writing.

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7.5 Any selected firm is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this agreement or its rights, title, or interest therein or its power to execute such agreement to any other person, company or corporation without the prior written consent of the Governing Body of the City of Brigantine.

7.6 The selected firm(s) and subcontractors shall be required to comply with the requirements of P.L. 1975, c. 127 (see attached affirmative action language) and submit an employee information report or certificate of employee information report approval. This requirement will be addressed upon execution of agreement.

7.7 The selected firm(s) and subcontractors shall be required to complete the Certification Regarding the Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions (see attached certification) prior to the commencement of services. Debarred Contractors or Consultants, Prime or Sub are not eligible to work on a public project. This requirement will be addressed upon execution of agreement.

7.8 All responses to this Request for Proposals shall be subject to public scrutiny in accordance with New Jersey statutes, rules, and regulations.

7.9 Any contract for services shall be subject to the availability and appropriation of sufficient funds for this purpose annually.

7.10 Contracts awarded pursuant to this Request for Proposals may be amended to provide for closely related services, the need for which may arise or become apparent after the original contract award. Any contract amendment for closely related services must be approved by resolution of the Governing Body of the City of Brigantine.

7.11 All Firms are advised that, pursuant to N.J.S.A. 19:44A-20.13, it is their responsibility to file an annual disclosure statement with the New Jersey Election Law Enforcement Commission (“ELEC”) if, during the calendar year, they receive a contract(s) in excess of \$50,000 from public entities, including the City of Brigantine. It is the firm’s responsibility to determine if such filing is necessary. Additional information on this requirement is available from ELEC at 888-313-3532.

7.12 All Firms are further advised that effective September 1, 2004, c. 7 expands the State Contractor Business Registration Program to contracting units as defined in the Local Public Contracts Law. Effective January 18, 2010, P.L. 2009, c.315 revises the State Contractor Business Registration requirement and permits filing a BRC prior to award of contracts if not filed with bid or RFP. ALL BIDDERS (AND THEIR SUBCONTRACTORS) COMPETING FOR CITY CONTRACTS MUST PROVIDE A COPY OF THEIR BUSINESS

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REGISTRATION CERTIFICATE **BY THE DATE THE BID OR RFP IS AWARDED. FAILURE TO DO SO WILL RESULT IN A REJECTION OF YOUR BID OR PROPOSAL. (see also Part II, Section I, herein).**

7.13 APPROVAL AND CERTIFICATION OF BILLING STATEMENT: Authorization for payment of periodic billing, final payments or retainage monies requires approval and certification by formal resolution of the City Council. Meetings are held on the first and third Wednesday of each month. Bills must be turned in to the finance office by the preceding Friday.

7.14 Regardless of any language to the contrary, the City of Brigantine shall not be responsible for the payment of any interest or late fees.

7.15 It is assumed that the City of Brigantine RFP Selection Committee will **need two to four weeks to review**, negotiate, select, and approve through the Governing Body of the City of Brigantine the professional services through federal funds. Pursuant to NJSA 40A:11-15(9), the Engineer's obligation to render services shall begin at the notice to proceed and start with attendance at the pre-construction conference and extend through construction, punch list work, final payment authorization, and final close-out of the project in accordance with the construction project schedule. Any modifications must be approved by the County.

The consulting engineering services called for in these General Conditions and in Detailed Scope of Services shall be completed within the stipulated and/or proposed time periods indicated. Failure to provide the contract services within the stipulated time periods shall constitute a breach of contract entitling the County to proceed with all available legal remedies at its disposal

7.16 Following receipt of proposals, some consultants may be invited to an interview for the purpose of clarification, verification of evaluations, review of personnel, or other reasons. Upon a decision to interview consultants, the selection committee may ask the consultants being interviewed to include specific personnel from their staff to attend. The decision to conduct interviews of either individual consultants, all consultants, or no consultants is at the sole discretion of the selection committee. If selected for an interview, consultants will be contacted to schedule the date and time of the interview.

7.17 The selection committee will negotiate with the consultant having the highest ranked proposal in order to procure the professional consulting services at a fair and reasonable cost. If negotiations are unsuccessful, negotiations will be terminated and started with the second ranked consultant and so on until a contract for professional services is successfully negotiated.

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7.18 NJDOT Cost Basis Approval is required for prime consultant and each sub-consultant (prior to negotiations). Please visit:

<http://www.state.nj.us/transportation/business/procurement/ProfServ/CostBasisApprov.shtm>

To use Federal-aid funds, the firm selected must either be cost basis approved by NJDOT, or must have its accounting system and a provisional overhead rate approved by NJDOT, prior to A/E firm negotiations. This will require submittal of a self-certified or CPA certified financial package or a cognizant agency audit. A final overhead or indirect cost rate will be required prior to project close-out for cost-plus fixed fee type contracts.

8.0 CRITERIA FOR PROPOSAL EVALUATION

The RFP Committee will independently evaluate each submission and selection will be made upon the basis of the criteria listed below. Price will **NOT** be included in the criteria for evaluation. The use of sub-consultants to relieve the prime of the duties and responsibilities define herein may affect a firms evaluation, where it's expected to have one firm in responsible charge of the construction management and inspection under the direction of the City of Brigantine.

Section	Criteria	Points	Percent
8.1	<u>Senior Project Manager</u>		10%
	Project Specific Qualifications	4	
	Experience in Key Components	3	
	Past Performance on Similar Projects	3	
8.2	<u>Key Staff</u>		30%
	Resident Engineer Qualifications	12	
	Inspector Qualifications	12	
	Administrative Requirements	6	
8.3	<u>Overall Organization</u>		2%
	Organization Chart	2	
8.4	<u>Overall Experience</u>		20%
	FHWA, DOT, County of Atlantic	5	
	Referrals	5	
	Experience with Similar Projects CM/CI	10	
8.5	<u>Project Approach</u>		36%
	Project Understanding	8	
	Completeness and Clarity of Submission	8	
	Key Issues and Critical Problems	6	

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	Project Delivery to City of Brigantine	5	
	Project Control Method	4	
	Construction Quality Assurance Program	5	
8.6	Firm’s Capability / Performance	100	100%

The following definitions apply to this specific project:

Senior Project Manager – A Senior Project Manager is the individual who is a firm’s direct representative to the City of Brigantine. The Senior Project Manager duties include providing appropriate Construction Management/Construction Inspection personnel, oversight of the entire project scope, oversight of the budget and quality of the work provided by the firm. **The Senior Project Manager should be a Professional Engineer licensed in the State of New Jersey with 10 years of relevant highway construction experience.**

Resident Engineer – The Resident Engineer is the individual who is the City’s on-site representative with the Contractor. The Resident Engineer’s duties include performing quality assurance oversight of work in progress and ensuring that project(s) are constructed in accordance with the plans and specifications for the owner, the Resident Engineer coordinates meetings and completes all field documentation. **The Resident Engineer should be a Professional Engineer licensed in the State of New Jersey, or NICET level IV. The Resident Engineer must have a minimum of five (5) years documented experience in construction administration services including preparation of change orders and payment certificates.**

Project Inspector(s) – Inspector(s) are individuals with material inspection certifications in the testing of HMA, concrete, and soils aggregate in order to be the City’s on-site representatives for inspection during the installation of concrete sidewalks, road restoration, utility relocations within roadways, bulkhead construction and other material inspections required during the course of construction. Inspection certifications and levels should be documented. **The Project Inspector(s) should be NICET level II or better or an Engineer In Training (EIT).**

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**PART II
PROPOSAL REQUIREMENTS**

Vendors are requested to propose Professional Services for the City of Brigantine, New Jersey.

Format

To assure consistency, responses must conform to the following format:

- A. Scope of Services
- B. Resume
- C. Facilities
- D. Conflict of Interest
- E. Fees
- F. Form of Contract
- G. Other Information
- H. MBE/WBE Tracking Information
- I. State Contractor Business Registration Program
- J. Mandatory Equal Employment Opportunity Language
- K. Certification of Debarment

All sections are to be addressed and specifically referenced.

The following explains what we expect in each of the major sections.

SECTION A - SCOPE OF SERVICES

The City of Brigantine is requesting the following professional services:

CONSTRUCTION MANAGEMENT/INSPECTION: The City of Brigantine is requesting construction management/construction inspection services for the federal project. The professional services firm selected will provide all of the services necessary during construction to meet federal grant requirements, inspection requirements, from the pre-construction meeting through final inspection.

GRANT ADMINISTRATION: The professional services firm selected will be required to administer FEDERAL Grant funds and construction projects in accordance with the terms and conditions set forth in the Brigantine Lighthouse District Streetscape Improvement Program Grant Agreement as approved by NJDOT/FHWA, including but not limited to the Scope of Work, Quarterly Progress Reports, Project Budget, Project Milestone Completion Schedules, and Milestone/Deliverable Schedule.

PROGRESS REPORTS: Provide the City of Brigantine and project stakeholders with a written Project Progress report detailing the status of the project at the start of every month via email.

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Provide original of Project Progress Report City of Brigantine via United States Postal Service or hand delivery.

MEETINGS AND SITE VISITS: Coordinate monthly progress meeting on site with project stakeholders. The Project partners may include City of Brigantine, Atlantic County Engineering, Cape-Atlantic Soil Conservation District and others. A site visit at each project location with the City of Brigantine Engineer will be required prior to the monthly progress meeting.

PROJECT OVERSIGHT: The professional services firm must provide a system to track project progress, including project budgets. Copies of all documentation must be provided to **City of Brigantine and Atlantic County Engineer**. The project oversight system must:

- Monitor project budgets to ensure that all projects expend funds in accordance with all Federal policies and regulations.
- Coordinate administrative details of Brigantine Lighthouse District Streetscape Improvement Program , including budget, billing, and documentation required for federal construction project for any contractors and subcontractors performing construction on the projects.
- Maintain records and documentation as required for federally funded projects.
- Close out construction projects in accordance with federal requirements.

The general tasks for the chosen professional shall include but not be limited to the following:

1. Coordinate, schedule, attend and document, all necessary construction meetings.
2. Manage and oversee the construction of each project, including daily interface with the contractor and weekly meetings to ensure that the work is progressing as specified and is on-time.
3. Verify that all services are provided in accordance with applicable federal, state and local codes, rules and requirements.
4. Defective Work: The Engineer during construction inspection may disapprove of or reject the Contractor's work if the Engineer believes that the work does not conform to the contract documents or design integrity of the project.
- 5.
6. Maintain data and records of activity performed by contractor and subcontractor(s).
7. Track all material and shop drawing submittals.
 - a. For standard items, review all material submissions for conformance with the NJDOT Qualified Products lists.
 - b. For non-standard items, coordinate the review of non-standard materials with the Design Engineer.
 - c. Coordinate shop drawing review of inlet structure with the Design Engineer.
8. Ensure compliance with applicable requirements including Affirmative Action, prevailing wage, and fair hiring practices.

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9. Track for the City all requests for information (RFI) and subsequent actions as a result of RFI's submitted during the course of construction. Review and evaluate for the City RFI's that are not overly technical and sent technical RFI to the design firm for information.
10. Review and evaluate for the City all change order requests made of additional work, for extension of time, or for any other matter during the course of construction.
11. Review and make recommendation to the City of Brigantine on all request for payment submitted during construction. Document all quantities constructed. Provide material tickets and certifications from construction.
12. Ensure the project meets federal quality control standards.
13. Coordinate with the City of Brigantine to minimize impact to major recreation events and business community.
14. Ensure that construction schedules are maintained.
15. Verify that the construction of all handicap ramps meet the current version of ADA standards of Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way. Grades for ramps and walkways must be checked in the field using the consultant's survey instruments or electronic smart level.
16. The consultant will be responsible for the coordination of third party testing of materials such as asphalt and concrete testing. The consultant will also be responsible for the review of the core reports and coordination of any penalty assessments if applicable.
17. Prepare red-lined markup for As-Built drawings.

Construction Management and Inspection Tasks:

1. Provide documentation that the project has been completed in reasonably close conformity with approved plans and specs including authorized changes and extra work including time extensions.
2. Provide a basis for acceptance and reimbursement of project costs with federal funds.
3. Coordinate construction changes.
4. Provide documentation of solutions to problems or commitments.
5. Offer technical and procedural advice.
6. Recommend improved construction techniques and engineering supervision.
7. Communicate with project staff.
8. Monitor and evaluate progress of work.
9. Follow-up on previous inspection findings.

Construction Inspection Reports Expectations:

Purpose:

- Provide permanent file evidence that inspections are being made as required by federal regulations.
- Provide a basis for acceptance of completed work.

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- Document field conditions and contractor performance.
- Document inspection measurement/calculations, observations, findings, resolution of identified problems, claims, and any other topic of interest.

Inspection reports are subject to Freedom of Information Act, so reports should only contain facts, observations, and professional recommendations and may be used in evaluating or refuting contract claims. Reports need to be comprehensive and coherent and cover these areas:

- Activities taking place on project during the inspection.
 - Observations and actions taken regarding quality and progress of work.
 - Adequacy of addressing traffic control, safety, and environmental commitments.
 - Documentation of change or extra work including proper justification for the work and adequacy of supporting documentation.
 - Must be signed and dated.
 - Prepare to develop inspection diaries, daily reports, progress reports, and other documentation to facilitate project control.
 - Prepared to begin a complete audit trail for work performed, measured, and paid.
 - Assess the prime contractor's general administration of subcontractor work.
 - Document that DBE subcontractors are performing a commercially useful function.
 - Provide verification documentation that staking and survey work is correct.
 - Document coordination of work between the contractor and a railroad / utility company, the supervision and inspection by the proper personnel, and efficiency and economy of work being performed.
 - Document erosion control implementation techniques and quantities.
 - Examine and comment on the uniformity of embankment and cut sections, compliance with contract requirements, and proper slope for drainage.
 - Document control was exercised to secure finished grades.
 - Measurement of cross-slopes as to conformity to plans.
 - Review and comment on underdrain installations.
 - Review and comment on waterway, ditches, and drainage structures, including proper elevations / slopes.
 - Document and verify compliance with approved storm water management plan.
1. Document and verify that alignment, bedding, and joint construction were examined prior to backfilling.
 2. Observe backfilling and witness density tests to ensure proper controls.
 3. Documentation and approval of formwork and assurance that deflection doesn't occur during concrete placement operations.
 4. Documentation of installation, condition, tying, and support of reinforcing steel.
 5. Document methods used for placing and finishing concrete.

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6. Document and assure riding surface, curbs, curb ramps, and sidewalks conform to proper grades and cross-section.
7. Document and identify the location of measurement by stations.
8. Follow-ups from previous reports.

Recommended Inspection Techniques:

1. Verify that the items reviewed were measured in the units called for in the contract provisions and that the methods of measurements prescribed in the contract and in authorized instructions were followed.
2. Examine project records to insure that all materials measured for payment were delivered and incorporated into the project.
3. When payment is based on weight or mass, verify the accuracy of the measurements; consider the calibration of scales, checking of truck tare weights, and weighing of haul trucks.
4. Where payment is based on loads delivered to the project, either on a weight or volume basis, verify the procedures followed for assuring validity in receipt of haul tickets.
5. Where area methods of measurement are specified, make dimension checks to the extent necessary to verify the actual work performed. Ensure measurements were made at the proper time and prior to the subsequent placement of other courses of materials.
6. Where final quantities are determined by volume computations, verify the method of measurement and documentation of calculations.
7. Write it all down.

COMPLIANCE

The professional services firm must ensure that City of Brigantine meets all applicable laws, statutes, funding guidelines and deadlines for the three construction projects in accordance with the terms and conditions set forth in the Federal Grant Agreement as signed and as further amended and approved by NJDOT.

SCHEDULE

The construction project schedule for the Brigantine Lighthouse District Streetscape Improvement Program is included in agreement between City of Brigantine and NJDOT Local Aid.

The Engineer's obligation to render services begins at the notice to proceed and starts with attendance at the pre-construction conference and extends through the utility relocation phase, construction, punch-list work, final payment authorization, and final close-out of the project in accordance with the construction project schedule. Any modifications must be approved by the County.

The consulting engineering services called for in these General Conditions and in Detailed Scope of Services shall be completed within the stipulated and/or proposed time periods indicated.

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Failure to provide the contract services within the stipulated time periods shall constitute a breach of contract entitling the County to proceed with all available legal remedies at its disposal. The following is the anticipated project schedule:

Milestone/Activity	Duration (weeks)	Sr. PM	RE	Inspector
Milestone – Advertise Construction				
Bidding & Award	6	PT		
Milestone – Construction NTP				
Preconstruction Meeting	1	PT	PT	
Submittal & Review	6	PT	PT	
Milestone - Start Construction				
Construction Period	14	PT	FT	PT
Milestone – Substantial Completion				
Punchlist	2	PT	PT	
Closeout (As-Builts)	8	PT		
Milestone - Project Complete				

PT – Part Time, FT – Full Time

SECTION B - RESUME

This section shall address areas as outlined:

1. Name and address of your firm and the corporate officer authorized to execute agreements.
2. Briefly describe your firm's history, ownership, organizational structure, location of its management, and licenses to do business in the State of New Jersey.
3. Describe in general your firm's regional, statewide, and local service capabilities.
4. Provide and identify the names, experience, qualifications, and applicable licenses held by the individual primarily responsible for servicing the City and any other person(s), whether as employees or subcontractors, with specialized skills that would be assigned to service the City.
5. Provide a listing of local governmental clients with which you have similar contracts; include the name, address and telephone number of the contact 5person.
6. Provide a statement that your firm will comply with the insurance coverage requirement as set forth in Part I, Section 5 of this RFP.
7. Provide a statement of assurance to the effect that your firm is not currently in violation of any regulatory rules and regulations that may have an impact on your firm's operations.

SECTION C – FACILITIES

This section should address areas as outlined:

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OFFICE LOCATIONS

1. For your firm's facilities which are located closest to the City of Brigantine (County of Atlantic), New Jersey, provide:
 - A. The location
 - B. Firm personnel assigned to this location
 - C. The activities of the firm performed at this location

2. For those facilities and activities located elsewhere, please explain the activities performed elsewhere and why these are best performed at a different office. Firms where all activities are performed at one location should leave this paragraph blank.

SECTION D - CONFLICT OF INTEREST

This section should disclose any potential conflicts of interest that the firm may have in performing these services for the City of Brigantine. As defined in 23 CFR 1.33, a conflict of interest may exist if the firm, its employees, and/or its subcontracts have directly or indirectly been in connection with the development of the project.

SECTION E – FEES

In accordance with the Davis Bacon Act, the selection committee will negotiate with the consultant having the highest ranked proposal in order to procure the professional consulting services at a fair and reasonable cost. If negotiations are unsuccessful, negotiations will be terminated and started with the second ranked consultant and so on until a contract for professional services is successfully negotiated. **DO NOT SUBMIT A COST PROPOSAL OR FEE SCHEDULE WITH THIS PROPOSAL.**

SECTION F - FORM OF CONTRACT

The City Solicitor will supply the form of contract. If your firm has a proposed form of contract, please supply a copy with your proposal.

SECTION G - OTHER INFORMATION

This section is for any further pertinent data and information not included elsewhere in the RFP and found necessary by your firm.

PART III

Proposal Forms & Attachments

Important Note: Complete the following and include it with your response to this Request for Proposal.

SECTION H - MBE/WBE TRACKING INFORMATION

Definitions:

Minority Business Enterprise (MBE): is defined as "a business which is independently owned and operated and is at least 51% owned and controlled by minority group members". Minority group members are defined in the New Jersey Affirmative Action Plan as "persons who are Black, Hispanic, Portuguese, Asian-American, American Indian or Alaskan Natives"

Women Business Enterprise (WBE): is defined as "a business which is independently owned and operated and is at least 51% owned and controlled by women".

Using the definitions above, please check the following space which best describes your firm:

_____ **Minority Business Enterprise (MBE)**

_____ **Women Business Enterprise (WBE)**

_____ **Neither**

NAME OF FIRM: _____

ADDRESS: _____

Date: _____

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SECTION I– STATE CONTRACTOR BUSINESS REGISTRATION PROGRAM

Effective September 1, 2004, P.L. 2004, c. 57 expands the State Contractor Business Registration Program to contracting units as defined in the Local Public Contracts Law. (see attached sample Business Registration Certificate). Effective January 18, 2010, P.L. 2009, c.315 revises the State Contractor Business Registration requirement and permits filing a BRC prior to award of contracts if not filed with bid or RFP. **ALL BIDDERS (AND THEIR SUBCONTRACTORS) COMPETING FOR CITY CONTRACTS MUST PROVIDE A COPY OF THEIR BUSINESS REGISTRATION CERTIFICATE BY THE DATE THE BID OR RFP IS AWARDED. FAILURE TO DO SO WILL RESULT IN A REJECTION OF YOUR BID OR RFP.** Questions regarding this law may be directed to the New Jersey Department of Taxation. To obtain a Business Registration Certificate go to: www.state.nj.us/treasury/revenue Click on: Business Registration & Formation. Click on: Obtain a certificate of registration. Click on: Obtain a certificate online.

The City of Brigantine strongly recommends that all vendors provide their BRC (and BRC's for each subcontractor) with submission of bids or RFP's. Sample Attached.

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STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE
FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS


DEPARTMENT OF TREASURY
DIVISION OF REVENUE
PO BOX 252
TRENTON, N.J. 08646-0252

TAXPAYER NAME: TAX REGISTRATION TEST ACCOUNT
TAXPAYER IDENTIFICATION#: 970-097-382/500
ADDRESS: 847 ROEBLING AVE
TRENTON NJ 08611
EFFECTIVE DATE: 01/01/01
FORM-BRC(08-01)

TRADE NAME: CLIENT REGISTRATION
SEQUENCE NUMBER: 0107330
ISSUANCE DATE: 07/14/04

Acting Director
John S. Tully

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.



STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name: TAX REG TEST ACCOUNT
Trade Name:
Address: 847 ROEBLING AVE
TRENTON, NJ 08611
Certificate Number: 1093907
Date of Issuance: October 14, 2004

For Office Use Only:
20041014112823533

SECTION J

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27**

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

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The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

1. Letter of Federal Affirmative Action Plan Approval; or
2. Certificate of Employee Information Report; or
3. Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at www.state.nj.us/treasury/contract_compliance) The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested

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by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

**AMERICANS WITH DISABILITIES ACT
Mandatory Language**

Equal Opportunity for Individuals with Disabilities

The Contractor and the City do hereby agree that the provisions of Title II of the Americans With Disabilities Act of 1990 (the "Act") (42 U.S.C. s12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs, and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereunto, are made a part of this contract. In providing any aid, benefit, or service on behalf of the City of Brigantine pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the Act. In the event that the Contractor, its agents, servants, employees, or subcontractors violate or are alleged to have violated the Act during the performance of this contract, the Contractor shall defend the City in any action or administrative proceeding commenced pursuant to this Act. The Contractor shall indemnify, protect, and save harmless the City, its agents, servants, and employees from and against any and all suits, claims, losses, demands, or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend, and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the City's grievance procedure, the Contractor agrees to abide by any decision of the City, which is rendered pursuant to, said grievance procedure. If any action or administrative proceeding results in an award of damages against the City of Brigantine or if the City incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the contractor shall satisfy and discharge the same at its own expense.

The City of Brigantine shall, as soon as practicable after a claim has been made against it, give written notice thereof to the contractor along with full and complete particulars of

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the claim. If any action or administrative proceeding is brought against the City or any of its agents, servants, and employees, the City shall expeditiously forward or have forwarded to the contractor every demand, complaint, notice, summons, pleading, or other process received by the City or its representatives.

It is expressly agreed and understood that any approval by the City of the services provided by the contractor pursuant to this contract will not relieve the contractor of the obligation to comply with the Act and to defend, indemnify, protect, and save harmless the Owner pursuant to this paragraph.

It is further agreed and understood that the owner assumes no obligation to indemnify or save harmless the contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this agreement. Furthermore, the contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the contractor's obligations assumed in this agreement, nor shall they be construed to relieve the contractor from any liability, nor preclude the owner from taking any other actions available to it under any other provisions of this agreement or otherwise at law.

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SECTION K – CERTIFICATION OF DEBARMENT

**CERTIFICATION REGARDING THE DEBARMENT, SUSPENSION, INELIGIBILITY
AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, titled Participants' Responsibilities. The Regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211)

I am _____ of the firm _____
(Your Title) (Name of Your Organization)

(Address of Your Organization)

CHOOSE THE FOLLOWING

- () A. I hereby certify on behalf of _____ that
(Name of Your Organization)
neither it, nor its principals, are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- () B. I am unable to certify to any of the statements set forth in this certification. I have attached an explanation to this form.

(Signature)

Name & Title

Date