

***Request for Proposals***  
***for***  
***Water Purification Division Master Plan***

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***March 26, 2021***

***City of Sioux Falls, South Dakota***

***Proposal Request No. 21-0078***

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**Request for Proposals  
for  
Water Purification Division Master Plan**

**Section 1  
Introduction and Instructions**

**1.01 Purpose of the RFP**

This Request for Proposal (RFP) is issued by the City of Sioux Falls (hereinafter referred to as the “City”). The purpose of this RFP is to establish an agreement with a qualified firm interested in updating and developing a master plan to help guide future projects and investment prioritization for the City of Sioux Falls future water distribution.

**1.02 Contact Person, Telephone, Fax Number, and Email**

David Dekker, Business Analyst, Finance Department, is the Point of Contact (POC) for this RFP. Unauthorized contact regarding the RFP with other City employees may result in the vendor being disqualified.

POC: David Dekker, Business Analyst, Finance Department

Phone: 605-367-8833

Email: [DDekker@siouxfalls.org](mailto:DDekker@siouxfalls.org)

**1.03 RFP Schedule of Events**

This schedule of events represents the City’s best estimate of the schedule that will be followed for this RFP. If a component of this schedule, such as the deadline for receipt of proposals, is delayed, the rest of the schedule will be shifted by the same number of days.

The approximate RFP schedule is as follows:

- Publish RFP March 26, 2021
- Question Submittal Deadline April 15, 2021, at 12 p.m.
- RFP Addenda Deadline April 19, 2021, at 5 p.m.
- Proposal Deadline April 29, 2021, at 2 p.m.
- Shortlist for Interviews, if needed May 13, 2021
- Interviews if necessary Week of May 24–28, 2021
- Consultant Selection June 7, 2021

#### **1.04 Return Mailing Address and Deadline for Receipt of Proposals**

Firms must submit one (1) original hard copies (marked "Original") and an appropriately marked portable USB drive containing an electronic copy of the submitted proposal in a sealed envelope or package. Submit pricing information in a separate envelope.

Envelopes or packages containing proposals must be clearly addressed as described below to ensure proper delivery and to avoid being opened by the City before the deadline for receipt. Envelopes or packages must be addressed as follows:

City of Sioux Falls City Hall, Ground Floor  
Attention: David Dekker  
Water Purification Division Master Plan

RFP No. 21-0078  
224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402

Proposals must be received by the Purchasing Office at the location specified no later than **2 p.m., Central standard time, on April 29, 2021, at 2 p.m.** Proposals will not be publicly read at the opening.

Proposals may not be delivered orally, by facsimile transmission, by other telecommunication, or electronic means.

Firms assume the risk of the method of dispatch chosen. The City of Sioux Falls ("City") assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt by the City. A Firm's failure to submit its proposal prior to the deadline will cause the proposal to be rejected. Late proposals or amendments will not be opened or accepted for evaluation.

#### **1.05 Questions and Addenda**

Questions regarding this RFP shall be submitted in writing to David Dekker, Business Analyst, at [DDekker@siouxfalls.org](mailto:DDekker@siouxfalls.org). Answers to questions will be posted to the City's website. The deadline for questions is **12 p.m., Central standard time, April 15, 2021.**

If deemed necessary, addenda to the RFP will be issued and will be emailed to the proposers. **No addenda will be issued after 5 p.m., April 19, 2021.**

Responding Firms are prohibited from communicating in any other manner about this project with any other City employee from the date of issuance of this proposal until the final selection, unless otherwise directed by the Business Analyst. Other means of communications or contact may disqualify the submitting Firm.

## **Section 2 Scope of Work**

### **2.01 Introduction and Background**

Sioux Falls Public Works prioritizes planning for the future as the City continues to see steady growth and existing infrastructure continues to age. Although the Water Team regularly makes decisions with the future in mind, it has been a number of years since the last comprehensive water master plan. For a number of reasons, City Staff decided now is the right time for an updated water master plan. This master plan will guide capital improvement and infrastructure investment prioritization and to support growth and asset sustainability. The goal of this master plan is to review the City's source water rights, extraction, transmission along with the City's Water Purification Plant treatment, capacity and facilities to the meet the needs for the City of Sioux Falls in the next 10, 20, 50, and 100-year periods.

### **2.02 Budget**

The approved Water Distribution Capital Improvement Program has budgeted funds for 2021 to finance this project and the City estimates that approximately \$300,000 will be needed for this project with the understanding that proposals may come in higher based on the Scope or Work requested.

### **2.03 Additional Information**

- Recommendations on efficiencies, necessary modifications, and upgrades throughout the master plan is encouraged.
- A third-party peer review of documents may be utilized.
- Consultant interviews will be performed if deemed necessary.
- The successful applicant will be responsible for communication and coordinate with Advanced Engineering and Environmental Services (AE2S) to incorporate the Population Growth and Water Distribution Master Plan which is being completed concurrently in a separate project for the City.

### **2.04 Contract Award**

It is the City's intent to enter into a contract with a Firm who best demonstrates the ability to **provide the scope of work as described by the evaluation criteria in Section 4**. After review of the proposals, if the City decides to not enter into contract, the City will notify all Firms.

## **Section 3 Proposal Format and Content**

### **3.01 Submittal Requirements**

The following table provides a summary of applicable sections to include in the RFP. Relevant information pertaining to each section can be found below. The proposals should

be in an 8 1/2-inch by 11-inch bound package. 11-inch by 17-inch size sheets folded into 8 1/2-inch by 11-inch size within the package will be acceptable. The front and back of each page will be considered one page.

| <b>Proposal Section</b>                            | <b>Maximum Page Limit</b> |
|--|---------------------------|
| Cover Letter                                       | 1                         |
| Project Understanding and Approach                 | 4                         |
| Team Members                                       | 5                         |
| Project Qualifications, Experience, and References | 6                         |
| Scope of Services through Preliminary Design       | As necessary              |
| Work Breakdown and Schedule                        | As necessary              |

It is strongly encouraged to adhere to brevity and concise articulation with regard to project understanding, qualifications, experience, scope, and schedule portions of the RFP submittal.

### **Cover Letter**

Provide name and address of the Firm and project contact person with address, telephone number, and email address. Acknowledge receipt of any addenda if applicable. Summarize your understanding of the project. Provide a statement indicating your ability to provide timely services and meet the requirements of the proposed schedule. Indicate your acceptance of the requirements of this RFP.

The cover letter **must be signed** by a duly authorized official of the Firm. Consortiums, joint ventures, or teams submitting proposals must establish contractual responsibility rests solely with one company or one legal entity. Each submittal should indicate the entity responsible for execution on behalf of the proposal team. The firm offer must be good for 180 days.

### **Project Understanding and Approach**

Prepare document outlining key project components and how your team’s understanding and experience of these components will be used to complete the initial scope of work through design, bidding, and construction administration. Explain why your understanding of the project is important to the City through every system involved in the Water Purification Division Master Plan project.

Identify scope of service items that if not properly approached will lead to poor results and what the project team will do to mitigate these risks.

## **Team Members**

Provide a chart outlining key team members and the applicable roles/tasks they will complete. Include staff that will provide the majority of the labor effort. Provide an overview of the key team members' qualifications with their relevant experience. Address contingency plans should one of the key team members be unavailable during the project. Preference will be given to teams with team members that have been directly involved in recent projects of similar size and nature. Subconsultants including geotechnical, subsurface utility explorations, materials testing, and special inspection services which are recommended to complete the water purification division master plan design services shall be hired by the consultant and listed as a part of the project team.

## **Project Qualifications, Experience, and References**

Consultant is required to have skills and experience in performing or managing the aspects of work described in this Request for Proposal. Consultant to provide a summary of the following items in the proposal:

1. Water source/well field development, transmission, treatment, and distribution systems master planning experience (required).
  - Detail experience on master planning for systems of similar size and larger, regional networks preferred.
  - Include what software will be used for modeling in this project. Any potential modeling must be done with software compatible with ArcMap GIS, this will ensure that data will be compatible with what the software the City utilizes to evaluate system capacity, deficiencies, expansion needs, and optimization needs.
  - Expertise related to land use planning as it relates to infrastructure needs.
2. Purification Plant Master Planning experience (required).
  - Detail experience on master planning for systems of similar size and larger.
  - Purification of the water process. Biological treatment, nutrient removal, and disinfection experience.
  - Experience with modifications, upgrades, and expansions to Water Purification Plant to meet the required future needs of the City.

3. Provide contact information of three (3) to five (5) relevant clients to provide references (required).
4. Knowledge of the City's distribution and purification systems is preferred.

### **Scope of Services through Design**

The following is offered to describe the general extent of services to be provided by the consultant. This is not necessarily all-inclusive and the consultant shall include in the proposal any tasks and services deemed necessary to satisfactorily complete the project. The City will rely on the firm to develop a final scope of services identifying necessary tasks, meetings, and deliverables.

### **Deliverables**

The City prefers the work delivered in a series of technical memorandums (TM). Each TM is to be prepared as a draft, presented to City staff, reviewed by City staff, and finalized incorporating City comments. Prepare an Executive Summary summarizing the work completed with the TMs included as supplemental attachments. Review history and provide example of a TM from a previous project.

Include the descriptions, rationale, and estimated budgetary costs for the City's water purification system improvements determined necessary in order to address aging infrastructure and projected City growth. Projects should meet existing and anticipated regulatory requirements, anticipate planned growth, optimize energy use, and maximize funding options and capital expenditures.

Consideration should be made to reduce or prevent recommending improvement projects that will later be abandoned or require upsizing before realizing full lifecycle.

### **3.02 Project Task Criteria**

Task Series 1—Project Management/General:

Task 1.1—Project Management

- Develop project management plan.
- Complete invoices.
- Monitor quality control and quality assurance plan, including communication with City task holders.
- Manage deliverables and overall project schedule.

Task 1.2—Project Meetings

Consultant is to schedule and coordinate meetings as necessary. A minimum list of meetings is outlined below.



1. Kick-off meeting:
  - a) Kick-off meeting with City to review the scope of required services, design criteria and expectations, obtain background information, and establish/review tentative schedule for completion.
  - b) Develop meeting schedule and develop communication processes.
  - c) Prepare a memorandum defining understanding of project scope, objectives, schedule, line of communication, and budget. Provide memo to City staff for review and approval.
2. Progress meetings.
  - a) Facilitate biweekly progress meetings with applicable project team members. Prepare meeting agenda and meeting minutes.

### **Task 1.3—Existing Information Review**

Review previous studies and reports provided in the General Information section of the RFP. In an effort to streamline the master plan preparation and results, applicable information is to be incorporated as necessary.

Prepare formal information requests for additional information as necessary to complete the report.

- Population and Land Use Planning—Sioux Falls Wastewater Treatment and Collection System Master Plan, Chapter 2—HDR (2018)
- Update to the Water Treatment Plant Master Plan—HDR Engineering, Inc. (2001)
- Water Distribution System Master Plan Update—ULTEIG Engineers, Inc. (2003)
- Source Water Improvements, Airport Well Treatment—Sections 6 & 7, AE2S (2017)
- Sioux Falls Raw Water Transmission Improvements—HDR (2017)
- USGS Big Sioux Aquifer Evaluation and ground water modeling report—USGS (2019)
- Technical Memorandum: Future Water Supply Needs—City of Sioux Falls Water Division (2020)
- Well Alternative Summary—HR Green & LRE (2020)
- Population Growth and Water Distribution Master Plan—AE2S (2021)—concurrent study (might not be available).

### **Task 1.4—Future Conditions**

1. Coordinate forecasted growth needs with the City.

## **Task Series 2.0—Professional Services**

### **Task 2.1 Combine Reports**

Incorporate the *Population Growth and Water Distribution Master Plan* information from AE2S with this Source Water and Purification Plant information into a single, unified Water Division Master Plan document.

**In Tasks 2.2 to 2.7 please address the following planning periods:**

- 10 years (Near-Term)—presumed focus including but not limited to: raw water transmissions, existing well field extractions and facilities.
- 20 years (Mid-Term)—presumed focus including but not limited to: raw water transmissions, existing well field extractions, facilities, peak flow solutions, and treatment methods.
- 50 years (Long-Term)—presumed focus including but not limited to: land acquisitions for full water rights, future water sources, and infrastructure concerns.
- 100 years (Long Range Projection)—presumed focus including but not limited to: future growth solutions.

### **Task 2.2 Source Water**

- A Review USGS Big Sioux Aquifer Evaluation and ground water modeling report—USGS (2019).
- i. Identify optimal areas for well field development in order to maximize existing water rights allocations owned by the City.
  - ii. Map out the water tight allocations owned by the City of Sioux Falls—Big Sioux River, and Skunk Creek Aquifers, Big Sioux River Surface Water, and Missouri River Surface Water.
    1. Notate water rights allocated for each existing well.
    2. Identify the areas available for extraction of future water rights.
- B. Develop a Well Field Development Plan.
- i. Review and compile the existing well asset information.
    1. Coordinate with Water Purification Maintenance personnel to evaluate existing wells.
    2. Tabulate existing well information including design capacity, existing capacity (max yield or safe yield), rehabilitation frequency, and expected life expectancy.
    3. List, in order of priority, existing wells identified for cost effective reconditioning:
      - a. List the reconditioning method(s) utilized and identify any alternative methods or technologies that should be considered.

- b. Include estimated time (duration), equipment, and personnel (individuals and total man hours) necessary for the reconditioning activities.
      - 4. List, in order of priority, the wells that do not return to acceptable levels of operation after reconditioning and should be considered for replacement or reallocation rights.
    - ii. Outline a plan for allocation or reallocation of water rights for extraction of the full water rights owned by the City of Sioux Falls.
      - 1. Evaluate the option to reallocate the water rights from existing wells in the Airport Well Field (Wells #3, 4, 10–15, 17, 18, 20, 21, 23, 24, 27–30, 34A, 64, and 65) to well fields north of the city.
      - 2. Outline the process, timeline, risks, opportunities, and any efficiencies to reallocate water rights.
      - 3. Create a map and identify:
        - a. Existing and proposed future well locations.
          - i. Identify necessary land and easement acquisitions.
        - b. Utility easement needs for extraction and transmission infrastructure to extract full water right allocations owned by the City.
- C. Big Sioux River Surface Water Rights Conversion.
  - i. Investigate and identify the process to convert existing surface water rights into additional ground water rights.
  - ii. Identify stakeholders and potential regulatory and legal limitations to increasing ground water extraction rights.
  - iii. Summarize artificial aquifer recharge methods identifying potential benefits, feasibility, and cost effectiveness.
  - iv. Provide cost benefit analysis of treatment of surface water versus ground water.

### **Task 2.3 Ground Water Extraction**

Operations assessment of existing wells and raw water transmission water mains.

- i. Existing Well Operational Efficiency
  - 1. Tabulate the electrical consumption (KWH) and efficiency (MGD/KWH) of the existing wells and transmission line.
  - 2. Identify viable cost and resource saving technology upgrades.
- ii. Review the Well Alternative Summary from HR Green and LRE regarding costs and benefits of well designs and identify any additional, viable, ground water extraction technologies.
  - 1. Provide assessment of ground water extraction technologies including:
    - a. Construction and capitol cost.
    - b. Operation and maintenance, rehabilitation method and costs.

- c. Overall life cycle costs per MGD produced.
  - iii. Effects of drought conditions on well field operation.
    - 1. Model aquifer levels, extraction operations and limitations during the following conditions:
      - a. Normal Conditions.
      - b. Average Dry Conditions.
      - c. Drought Conditions.
      - d. Extended Drought Conditions.
    - 2. Identify limitations to extraction during drought conditions (legal/regulatory, environmental, operational, etc.)
    - 3. Identify the minimum raw water volumes necessary for maintaining limited municipal water use to essential health and safety functions as listed in the Sioux Falls Code of ordinances for each planning period of this master plan.
  - iv. Coordinate with HDR, Inc. to compile the raw water transmission main assets and modeling information and provide a summary evaluation including:
    - 1. Review the Sioux Falls Raw Water Transmission Improvements report from HDR, Inc. as well as existing infrastructure documentation and GIS data from the City.
    - 2. Optimal operating conditions for the Raw Water Transmission system (Pressure, velocity, etc.)
    - 3. Bottlenecks in the existing transmission system.
    - 4. Identify necessary improvements and opportunities to improve resiliency and redundancy for each planning period.
- D. Outline the phased approach to address raw water supply infrastructure based on City growth projections over each planning period which considers:
- i. Well reconditioning priorities.
  - ii. Replacement wells in existing locations.
  - iii. New well construction to develop new well fields.
  - iv. Land and easement acquisition.
  - v. Coordination with Raw Water Transmission infrastructure planning.
  - vi. Necessary communication system for SCADA monitoring data, well operation control, and security monitoring and alarm systems for existing and future extraction well and water transmission system components.
    - 1. Include assessment of possible upgrades and alternative communication technology options.

2. Address resiliency, redundancy, and life cycle cost effectiveness of the communication technology to connect well field systems the City Water Purification Plant.
- vii. Power distribution and back-up power.
1. Identify and map electrical provider territories and electrical rates.
  2. Outline optimal, cost effective power distribution plan.
  3. Outline plan for back-up power systems to provide ground water extraction and transmission for minimum essential water supply as specified in the Sioux Falls codes of ordinances.

#### **Task 2.4 Water Purification Plant Facilities and Equipment**

Evaluate peak flowrate and recommended, sustainable, steady state flowrate of the sand filtration system:

- i. Provide peak, instantaneous flow rate (gpm) of the existing Water Purification Plant.
  - ii. Verify maximum production capacity (MGD) of the existing Water Purification Plant.
- A. Create updated process flow schematic of water purification plant identifying:
- i. Critical components.
  - ii. Requirements of power, flow, capacity, etc. to produce peak flow through the plant (sand filtration peak flowrate).

#### **Task 2.5 Water Purification Plant Capacity**

- A. Develop hydraulic model for peak flow through the plant identifying limiting operations, equipment, and infrastructure.
- B. Develop a prioritization for repair, replacement, or upgrade plans to achieve peak flow capability of the plant hydraulics.
- C. Assess disinfection system and finished water basins for adequate disinfection time at peak flow conditions & Identify operational peak flow for existing system.
- D. Provide recommendations to improve disinfection time as necessary to accommodate peak flows from the filtration system.
- E. Perform condition assessment and inventory of critical components and process operations.

- i. Identify practical (repair/replace) end of life date of electrical, mechanical, and operational components for replacement.
- ii. Recommend upgrades for efficiency and resiliency of operations.
- iii. Generate list of critical repair & maintenance materials, tools, spare parts, electronics, etc. to recommended to have on-hand or readily available to maintain continuity of operations.
- iv. Perform facility evaluation of existing building.
  1. Verify that existing facility accommodations comply with state and federal laws.
  2. Provide recommended improvements for:
    - a. support and function of personnel
    - b. operations
    - c. maintenance
    - d. information technology
    - e. security
    - f. laboratory capabilities
    - g. training/testing
    - h. meetings space
    - i. administration work space
  3. Identify timeline to expand or replace facility to meet future flow capacity projections.

## **Task 2.6 Water Treatment Methods**

- A. Provide summary evaluation of the treatment technology and implementation currently utilized for ground water and surface water treatment at the water purification plan.
  - i. Include a flow diagram for each treatment process.
  - ii. Identify the rate (per MGD) of inputs—electrical, mechanical, chemical, etc.
  - iii. Estimate quantity of full-time employees (FTE) to operate and maintain each system on an annualized average basis.
- B. Identify other known and/or potential regulatory changes and requirements that may impact treatment operations.
  - i. Include additional treatment processes or changes to existing processes that may be necessary for compliance and safety:

- C. Recommend and outline an optimal plan and procedures for a corrosion control study the City should use if it chooses, or is required, to perform which would be:
  - i. Compliant with state and federal requirements for updated Lead & Copper regulations and best practices for corrosion control standards.
  - ii. Addresses the Lewis & Clark Rural Water System contribution and complexity in the corrosion control study plan outline.
  - iii. Evaluates potential system improvements and the corresponding risks and cost effectiveness of each.
    - 1. Potential improvements should include pH/Alkalinity adjustment, Orthophosphate and/or silicate doses to maintain Optimal Corrosion Control Treatment (OCCT).
    - 2. Include downstream impact to water reclamation and/or environmental impact.
- D. Summarize technological advancements currently employed or accepted for implementation by modern water treatment facilities and operations in our region as well as technologies in development with the potential for increased operational efficiencies, water and energy conservation, and/or improved treatment efficacies.

#### **Task 2.7 Future Growth and Peak Demand Solutions**

- A. Identify and provide summary evaluation of options for additional treatment (MGD) and peak-flow treatment (cfs) to match existing water rights owned by the City.
- B. Generate a high-level, one-page report along with an exhibit and budgetary cost estimate to develop the following additional source water resources:
  - i. Missouri River Surface Water Rights:
    - 1. Identify potential ways to use this source water to supply to the City.
    - 2. Convert surface water rights to ground water rights.
    - 3. Address drought resistance potential.
    - 4. Identify how and where this water would enter our distribution system.
  - ii. Aquifer south of Sioux Falls:
    - 1. Investigate potential source water supply.
    - 2. Identify available water rights.
    - 3. Detail physical characteristics—geology, size, depth, known water quality, etc.
    - 4. Address drought resistance potential.
    - 5. Identify how and where this water would enter our distribution system.

- iii. Provide summary evaluation of regional water rights for potential pooling of water right allocations toward regional treatment, transmission, and distribution infrastructure.
  1. Identify major water right owners and percent utilization.
  2. Outline what the scope for development of a regional treatment system may include (ex. regulatory and agreement necessities, infrastructure, treatment technology, etc.)
  3. Identify potential locations for a regional treatment system and how and where this treated water would connect to our distribution system.
  4. Address impact to efficient utilization of water resources and how drought conditions would impact ability to utilize this water resource.
  
- iv. Review planning for Lewis & Clark Rural Water System II.
  1. Summarize progress, timeline, and future benchmarks toward successful implementation of Lewis and Clark Rural Water System II.
  2. Estimate potential Lewis & Clark Rural Water System II water allocations that could be secured by the City.
  3. Identify how and where this water would enter our distribution system.

### **Task Series 3—Work Pricing, Breakdown, and Schedule:**

1. Provide pricing for project scope of work and include an hourly rate sheet for any additional related items which may be added to the scope during the duration of the project.
2. Provide a detailed spreadsheet breaking down the project by individual applicable tasks, project team members and roles, personnel hours, anticipated subconsultants, and pricing for each task listed above.

## **Section 4 Review of Proposals and Selection of Finalists for Interviews**

### **4.01 Selection Criteria**

Upon receipt of the proposals, an evaluation team will determine the best proposal deemed most qualified based on the following criteria:

The evaluation team will rely on the qualitative information contained and presented in the proposals, the reference checks made, and the ability to work well with other project team members in making the decision to select the most qualified Firm to provide services for the City. Selection criteria will be based on:



## Evaluation Criteria (100-Point Potential Score)

| Proposal Section                                   | Potential Score |
|--|-----------------|
| Project Understanding and Approach                 | 50              |
| Project Qualifications, Experience, and References | 20              |
| Team Members                                       | 15              |
| Work Pricing, Breakdown, and Schedule              | 15              |

Upon review of the proposals, the City will score the proposals and may shortlist and interview the highest ranking Firms. Upon completion of the interviews, the City will re-score the remaining proposals and the highest ranking Firm may be asked to enter into contract negotiations with the City of Sioux Falls. If an agreement cannot be reached with the highest ranked Firm, the City may move to the next highest ranked Firm. The same process will be repeated with the other ranked Firms if no such agreement can be reached. The City of Sioux Falls reserves the right to not select a Firm as part of this process if an agreement cannot be reached or for any other reason.

### 4.02 Special Conditions

Excluding proprietary information, the successful Firm's proposal and contract are deemed public records and shall be available to the public upon request. In addition, the City shall maintain a "Register of Proposals for this Contract," which shall contain the names of companies who submitted a proposal and the name of the company who was awarded the contract; however, the proposals of the submitting Firms not awarded the contract are nonpublic records and will remain confidential.

## Section 5 Standard Proposal Information

### 5.01 Authorized Signature

An individual authorized to bind the Firm to the provisions of the RFP must sign all proposals.

### 5.02 City Not Responsible for Preparation Costs

The City will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any proposal.

### 5.03 Conflict of Interest

Firms must disclose any instances where the Firm or any individuals working on the contract has a possible conflict of interest and, if so, the nature of that conflict (e.g., employed by the City of Sioux Falls). The City reserves the right to cancel the award if any interest disclosed from any source could either give the appearance of

a conflict or cause speculation as to the objectivity of the Firm's proposal. The City's determination regarding any questions of conflict of interest is final.

#### **5.04 Offeror's Certification**

By signature on the proposal, the Offeror certifies that it complies with:

- The laws of the state of South Dakota.
- All applicable local, state, and federal laws, codes, and regulations.
- All terms, conditions, and requirements set forth in this RFP.
- A condition that the proposal submitted was independently arrived at without collusion.
- A condition that the offer will remain open and valid for the period indicated in this solicitation and any condition that the Firm and/or any individuals working on the contract do not have a possible conflict of interest (e.g., employed by the City of Sioux Falls).

If any Firm fails to comply with the provisions stated in this paragraph, the City reserves the right to reject the proposal, terminate the contract, or consider the contractor in default.

#### **5.05 No Contact Policy**

Any contact with any City representatives, related officials, or representatives other than those outlined in the RFP is prohibited. Such unauthorized contact may disqualify your Firm from this procurement.

#### **5.06 Indemnification**

To the fullest extent permitted by law, the provider, its subcontractors, agents, servants, officers, or employees, shall indemnify and hold harmless the City of Sioux Falls, including, but not limited to, its elected and appointed officials, officers, employees, and agents, from any and all claims brought by any person or entity whatsoever, arising from any act, error, or omission of the provider during the Firm's performance of the agreement or any other agreements of the Firm, entered into by reason thereof. The Firm shall indemnify and defend the City of Sioux Falls, including, but not limited, to its elected and appointed officials, officers, employees, and agents, with respect to any claim arising, or alleged to have arisen from negligence, and/or willful, wanton, or reckless acts or omissions of the Firm, its subcontractor, agents, servants, officers, or employees, and any and all losses or liabilities resulting from any such claims, including, but not limited to, damaged awards, costs, and reasonable attorney's fees. The indemnification shall not be affected by any other portions of the agreement relating to insurance requirements. The Firm agrees that it will procure and keep in force at all times at its own expense insurance in accordance with these specifications.

## 5.07 Insurance Requirements

The Firm shall secure the insurance specified below. All insurance secured by the Firm under the provisions of this section shall be issued by insurance companies acceptable to the City. The insurance specified in this section may be in a policy or policies of insurance, primary or excess. Certificates of all required insurance shall be provided to the City upon execution of this agreement.

1. Workers' compensation insurance providing the statutory limits required by South Dakota law. In addition, it shall provide Coverage B, Employer's Liability Coverage, of not less than \$1,000,000 each accident, \$1,000,000 disease-policy limits. The required limit may be met by excess liability (umbrella) coverage.
2. Commercial general liability insurance providing occurrence form contractual, personal injury, bodily injury, and a property damage liability coverage with limits of at least \$1,000,000 per occurrence, \$2,000,000 general aggregate, and \$2,000,000 aggregate products and completed operations. The required limit may include excess liability (umbrella) coverage. The policy shall name the City and its representatives as an additional insured. If "occurrence form" insurance is not available, "claims made" insurance will be acceptable. The policy shall be maintained for three years after completion of this agreement.
3. Automobile liability insurance covering all owned, nonowned, and hired automobiles, trucks, and trailers. The coverage shall be as broad as that found in the standard comprehensive automobile liability policy with limits of not less than \$1,000,000 combined single limit each occurrence. The required limit may include excess liability (umbrella) coverage.
4. Professional liability insurance providing occurrence basis coverage for the claims that arise from the errors of the Firm or its consultants, omissions of Firm or its consultants, failure to render a service by the Firm or its consultants, or the negligent rendering of the service by the Firm or its consultants in the amount of \$1,000,000 each occurrence and \$1,000,000 annual aggregate. If occurrence form insurance is not available, claims made coverage shall be maintained for two years after final completion of the services. The City does not represent that the above coverages and limits are adequate to protect the Firm or its consultant's interest and assumes no responsibility therefor.

The Firm will provide the City with at least 30 days' written notice of an insurer's intent to cancel or not renew any of the insurance coverage. The Firm agrees to hold the City harmless from any liability, including additional premium due because of the Firm's failure to maintain the coverage limits required.

The City's approval or acceptance of certificates of insurance does not constitute the City's assumption of responsibility for the validity of any insurance policies nor does the City represent that the above coverages and limits are adequate to protect any individual/group/business, its consultants' or subcontractors' interests, and assumes no liability therefore.

## 5.08 General Conditions

The City of Sioux Falls reserves the right to reject any and all proposals, to waive formalities, and to select the proposal and developer(s) that, in the City's sole discretion, are in the best interests of the City of Sioux Falls, South Dakota.

The City reserves the right to:

- Amend, modify, or withdraw this RFP.
- Revise any requirements under this RFP.
- Require supplemental statements of information from any responding party.
- Extend the deadline for submission of responses hereto.
- Negotiate or hold discussions with any bidder to correct insufficient responses that do not completely conform to the instructions contained herein.
- Waive any nonconformity with this RFP.
- Cancel, in whole or in part, this RFP if the City deems it is in its best interest to do so.
- Request additional information or clarification of information provided in the response without changing the terms of the RFP.
- Waive any portion of the selection process in order to accelerate the selection and negotiation with the top ranked Firm.
- Not award a contract as a part of, or result of, this RFP process.

The City may exercise the foregoing rights at any time without notice and without liability to any bidder, or any other party, for expenses incurred in the preparation of responses hereto or otherwise.

Part or all of this RFP and the successful proposal may be incorporated into the contract.

**Federal Tax ID Number:** Each bidder shall state its federal tax identification number on the line provided on the bid form. The City is required to report to IRS on Form 1099 all payments involving labor or services provided by vendors, and lack of this number may delay contract payments until the number is provided.

**Right to Protest:** Any bidder who is aggrieved in connection with the award of a contract may contact the Business Analyst to discuss the basis for an award. Venue and jurisdiction for any appeals from the award decision are in the South Dakota Circuit Court in Minnehaha County. Such protests and appeals regarding the request for bids and bid proposals are governed by and must be construed in accordance with South Dakota law.

**Civil Rights Requirements:** The successful bidder shall be subject to the provisions of Chapter 98 of the Code of Ordinances of Sioux Falls, SD. It is declared to be discrimination for the successful bidder, because of race, color, sex, creed, religion, ancestry, national origin, or disability, to fail or refuse to hire, to discharge an employee, or to accord adverse, unlawful, or unequal treatment to any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, discharge, or any term or condition of employment.

If the successful bidder is guilty of discrimination, this invitation for bid may be terminated in whole or in part by the City and the successful bidder shall be liable for any costs or expense incurred by the City in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under the invitation for bid so terminated or canceled.

Should the Sioux Falls Human Relations Commission in a proceeding brought as provided by the Code of Ordinances of Sioux Falls, SD, find that the successful bidder has engaged in discrimination in connection with this invitation for bid and issue a cease and desist order with respect thereto, the City shall withhold up to 15 percent of the contract price until such time as the Commission's order has been complied with or the successful bidder has been adjudicated not guilty of such discrimination.

The successful bidder will permit access to any and all records pertaining to hiring and employment and to other pertinent data and records for the purpose of enabling the Commission, its agencies or representatives, to ascertain compliance with the above provisions.

This section shall be binding on all subcontractors or suppliers.