

# REQUEST FOR QUALIFICATIONS

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PROFESSIONAL ENGINEERING SERVICES for the  
PHASE I WASTEWATER COLLECTION & TREATMENT SYSTEM for  
TRI-CITY REGIONAL SANITARY DISTRICT

Request for Qualifications Issued:

**March 24, 2021**

Statements of Qualifications Due:

**April 15, 2021**

**Tri-City Regional Sanitary District**

5515 S. Apache Ave., Suite 200

Globe, AZ 85501-4430

PO Box 2198

Claypool, AZ 85532

[www.trsd.org](http://www.trsd.org)

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## **REQUEST FOR QUALIFICATIONS**

### PROFESSIONAL ENGINEERING SERVICES for the PHASE I WASTEWATER COLLECTION & TREATMENT SYSTEM for TRI-CITY REGIONAL SANITARY DISTRICT

#### **1. GENERAL**

The Tri-City Regional Sanitary District (TRSD) is seeking a qualified engineering consulting firm (“Engineer”) to provide design, permitting, bidding, construction and post-construction services (Scope of Services) for its Phase I Wastewater Collection & Treatment System (System) described herein. This Request for Qualifications (RFQ) addresses only Phase I of the system.

#### **2. PROJECT DESCRIPTION**

##### **2.1 Background**

The TRSD is implementing a comprehensive plan to install a new wastewater collection and treatment system to serve the un-sewered, developed portions of the TRSD service area. The system will be divided into three (3) individual phases. TRSD is seeking an Engineer to provide professional engineering services for **Phase I** of its planned system. The services, which include design, permitting, bidding, construction and post-construction tasks, are to be provided in accordance with the Scope of Services in this **Phase I Wastewater Collection & Treatment System Request for Qualifications (“RFQ”)**.

##### **2.2 Description**

**Phase I** of the three-phased system consists of the decommissioning and the abandoning-in-place of 806+/- existing residential onsite treatment systems (cesspools and septic tanks) and the installation of 61,000+/- linear feet (LF) of gravity mains, 7,600+/- LF of force main, 270+/- new manholes, a new main lift station, a new 0.25 MGD membrane bioreactor (“MBR”) water reclamation facility (“WRF”), and 806+/- residential lateral service connections. The Engineer is expected to follow the design intent of the Preliminary Engineering Report (“PER”) and Environmental Assessment (“EA”) prepared for this project. The PER and EA can be downloaded from the website: [www.TRSDWastewater.org](http://www.TRSDWastewater.org).

Facilities must be designed and constructed in accordance with sound engineering practices and must meet the requirements of federal, state and local authorities and agencies, including the United States Department of Agriculture Rural Development (“Agency”). The Engineer is expected to follow the facility design based on the Phase I PER and EA prepared for the project as concurred by the Agency.

### 2.3 Engineering Funding

Phase I of the project has been funded, primarily with monies allocated by the Agency. These funds are in the form of a loan, and, subsequently, a grant, but are not yet available to TRSD. However, the Agency has indicated that it will allocate approximately \$735,000 from available Colonia funds as a partial payment for engineering services contemplated by this RFQ. These funds will be available 8-10 weeks after the Notice of Award is provided under this RFQ.

Additionally, TRSD is investigating a possible application with the Water Infrastructure Finance Authority of Arizona (WIFA) for funds which may be available as an additional partial payment of engineering costs and fees. This additional funding is not a certainty.

At the time of the commencement of construction, TRSD anticipates that it will receive an interim loan which will be backed by the loan and grant from the Agency. The monies from the interim loan will provide for the remaining payment of the engineering services contemplated by this RFQ. TRSD anticipates, however, that the interim loan will not fund until early 2023.

Consequently, any applicant to provide the services contemplated by this RFQ must agree to defer the payment of all or a portion of the engineering fees and costs until possibly early 2023.

## 3. SCOPE OF SERVICES

The services to be provided by the Engineer include, but are not limited to, the following activities:

### A. Project Management, Scheduling, Progress & Board Meetings

- i. Manage overall efforts to ensure work quality, schedule control, and cost control.
- ii. Attend necessary TRSD Board, Staff and stakeholder meetings to provide updates and to address any questions or concerns regarding progress.
- iii. Conduct progress meetings on a jointly agreed as-needed.
- iv. Provide schedule management. As a part of this service, develop and maintain a current project schedule that will be provided to TRSD and discussed at the Progress Meetings.

## B. Funding Administration

- i. Communicate and coordinate with the Agency throughout project progression.
- ii. Prepare and administer contracts in concurrence with Agency requirements.
  - a. Engineering contract using EJCDC E-500 according to RUS Bulletin 1780-26
  - b. Construction contract(s) using EJCDC C-700 according to RUS Bulletin 1780-26

## C. Data Gathering

- i. Conduct/Coordinate Aerial Surveys
  - a. LIDAR Flight Services
  - b. Mapping Services
  - c. Imagery Services
  - d. Processing Services
- ii. Conduct/Coordinate Design Surveys
  - a. Topographic Survey and Results of Surveys
  - b. Utility Survey
  - c. Design Survey Additional Scope (As needed)
    1. Finished Floor Elevations
    2. Legal Boundaries
    3. Descriptions/Exhibits
    4. Additional Supplemental Topography
- iii. Contract/Coordinate Underground Utilities Investigations
  - a. Contract, as necessary, a subcontractor to perform task
  - b. Coordinate with utility companies to determine any potential utility conflicts and notify TRSD's Attorney of any such conflicts.

- c. Investigate, with the utility companies, the actual location, size and depth of a conflicted utility and recommend whether any potholing or subsurface exploration needs to be completed.
    - d. Notify the TRSD Attorney and Board prior to work being initiated for approval to proceed.
  - iv. Contract/Coordinate Geotechnical Investigations
    - a. Contract, as necessary, a subcontractor to perform task
    - b. Coordinate a subsurface exploration program that is based on the general geotechnical conditions in the area, including laboratory testing of samples obtained.
    - c. Provide or coordinate the preparation of geotechnical investigation analyses and reports.
  - v. Assist with Right-of-Way and Easement issues
    - a. Assist TRSD with the following tasks by determining and addressing existing onsite system location issues.
      - 1. Obtain information related to existing residential homes and businesses
      - 2. Provide necessary documentation for the connection from the collection system to the existing house/business connections.
    - b. Assist TRSD with the following tasks by determining and addressing collection system ROW issues and frontage access issues:
      - 1. Determine whether there are ROW/Easement Issues
      - 2. Document whether non-frontage ROW/Easement acquisition is required
      - 3. Document and co-ordinate acquisition of railroad easements

#### D. Engineering Design

- i. Design milestones to include 60%, 90%, and 100% design stages
- ii. Design major TRSD Components
  - a. Wastewater Collection System
  - b. Residential and Business Service Connections

- c. Main lift Station and Force Main
  - d. Water Reclamation Facility (WRF)
- iii. Permitting
  - a. Coordinate, ~~and~~ prepare and submit applications for all required Arizona Department of Environmental Quality (ADEQ) permits:
  - b. Attend all meetings and respond to all comments related to the application and securing of the ADEQ required permits:
- iv. District Policies and Procedures Standards
  - a. Develop Policies and Procedures (P&Ps) using appropriate standards and specifications.
  - b. Incorporate standards in the project that are necessary for normal Sanitary District operations.

E. Construction Bid Documents and Bidding Process Activities

- i. Provide bid services in close coordination with the Agency and in accordance with applicable Arizona Revised Statutes (ARSs) to ensure the proper procurement protocols are implemented.
- ii. Bid Packages
  - a. Prepare bid documents according to associated Rural Utility System (RUS) Bulletins, using the applicable ARSs
  - b. Where applicable, assist in the preparation of required Engineers Joint Contract Documents Committee (EJCDC) documents.
- iii. Provide Pre-Bid Conference Coordination & Moderation
- iv. Receive and respond to contractor questions regarding the RFQ and issue Necessary Addendum(s) to assure all interested contractors are provided relevant changes and information.
- v. Evaluate Bids in accordance with the ARSs and, as appropriate, provide selection recommendations to TRSD Board for consideration.

F. Construction Phase

- i. Provide Construction Phase Services in close coordination with the Agency and TRSD to ensure proper protocols are followed



- ii. Prepare construction contracts using EJCDC C-700 according to RUS Bulletin 1780-26 for review and approval by the TRSD Attorney, the TRSD Board and the Agency
- iii. Conduct/Coordinate Project Management(PM)/Engineer-of-Record (EOR) Progress Meetings
- iv. Provide a full-time Resident Project Representative (RPR) Construction Engineer
  - a. RPR will be Engineer's representative at the Site and will act as directed by and under the supervision of Engineer.
  - b. RPR will assist Engineer In observing progress and assuring quality of the Work performed meets Agency requirements.
- v. Conduct special Inspections
- vi. Assist in System Startup & Commissioning

#### **G. Post Construction Phase**

- i. Provide Post Construction Services in close coordination with the Agency and TRSD to ensure the proper protocols are followed.
- ii. Manage/Coordinate Post Construction Activities
- iii. Prepare Engineering Completion Certificates (Substantial & Final)
- iv. Prepare/Compile Record Drawings
- v. Prepare Operations & Maintenance (O&M) Manual
- vi. Compile, organize, and transfer to TRSD custody all files and documentation associated with the project as required by State of Arizona records retention statutes and policies, or as defined by TRSD.

#### **4. REGISTRATION**

Be advised that, no later than April 2, 2021, if a firm contemplates responding to the RFQ, the firm must register with TRSD's General Counsel, Michael Harper, so that TRSD can notify the firm of any changes/additions via Addendum or Amendment.

The firm must register by sending an email to Michael Harper at [mjh@harperazlaw.com](mailto:mjh@harperazlaw.com) with a copy to [lac@harperazlaw.com](mailto:lac@harperazlaw.com). Please include the company's name, address, phone and email address, as well as a designated contact person. TRSD will confirm receipt of a firm's registration. Failure to register on or before April 2, 2021 may result in TRSD rejecting the firm's response to the RFQ.

## **5. PRE-SUBMITTAL CONFERENCE**

### **5.1 Time and Location**

A non-mandatory pre-submittal conference for the selection process will be held on **April 2, 2021**, at 1:00 p.m. (local time) at the IBEW Local 518 Hall; 1383 North Highway 188; Globe, AZ 85501. Interested parties may also participate in the pre-submittal conference virtually (via the Zoom platform). TRSD will provide participant log-in information in advance to each registered firm's designated contact person.

### **5.2 Questions & Answers**

Attendance at the pre-submittal conference will provide an opportunity for proposers to ask questions about the required services and the selection process. All questions, whether at the pre-submittal conference or otherwise, must be submitted in writing by sending an email to Michael Harper at [mjh@harperazlaw.com](mailto:mjh@harperazlaw.com) with a copy to [lac@harperazlaw.com](mailto:lac@harperazlaw.com). Both the question(s) and answer(s) will be posted promptly on TRSD's website ([www.TRSD.org](http://www.TRSD.org)) and distributed to each registered firm's designated contact person, who will be required to acknowledge receipt. The last date to submit questions is **April 9, 2021 at 5:00 PM MST.**

### **5.3 No Oral Instructions**

TRSD shall not be held responsible for any oral instructions. Any changes to this RFQ will be in the form of an Addendum or an Amendment, which will be posted promptly on TRSD's website ([www.TRSD.org](http://www.TRSD.org)) and distributed to each registered firm's designated contact person, who will be required to acknowledge receipt.

## **6. SUBMITTAL REQUIREMENTS**

### **6.1 Statement of Qualifications**

Firms interested in the above project should submit a Statement of Qualifications ("SOQ") that includes a one (1) page cover letter plus a maximum length of twenty-five (25) pages (excluding resumes, table of contents, tabs, and the required Qualification and Certification Forms, but including an organizational chart) to address the RFQ's Evaluation Criteria stated in Section 7.

Each SOQ shall include the information required by this RFQ. Failure to include all of the elements specified may, in TRSD's sole discretion, be cause for rejection of the proposal. Additional information may be provided, but should be succinct and relevant to the requested information contained within this RFQ. Excessive information will not be considered favorably.

Resumes for each key team member (including subconsultants) shall be limited to a maximum length of two pages and should be attached as an Appendix to the SOQ. The resumes should contain only employee information, not additional company information. Adherence to the maximum page criterion is critical; each page side (maximum 8 1/2" x 11") with criteria information will be counted as a page. Pages that have project photos, charts, and graphs will be counted towards the maximum number of pages.

## 6.2 Submittal Instructions

A total of four (4) hard copies and one (1) electronic copy (on CD/thumb drive) of the Statement of Qualifications ("SOQ") shall be submitted by **5:00 p.m.** local time on **April 15, 2021**. Submittals shall be enclosed in a sealed envelope plainly identified on the outer envelope with the firm's name and address, along with "Tri-City Regional Sanitary District RFQ-Professional Engineering Services-PHASE I WASTEWATER COLLECTION & TREATMENT SYSTEM" and delivered to:

Tri-City Regional Sanitary District  
c/o Michael Harper  
Harper Law Offices, P.C.  
111 West Cedar Lane, Ste. C  
Payson, AZ 85541

TRSD will notify each registered firm's designated contact person of the time and date of TRSD's receipt of its submittal.

## 6.3 Notices to Firms

- 6.3.1 It is the firm's responsibility to ensure that its SOQ is received at the proper location by the specified time. Submittals delivered to a location other than the above will not be considered duly delivered. Late SOQs will not be considered and will be returned unopened.
- 6.3.2 Telephone, facsimile, or electronic offers will not be accepted.
- 6.3.3 Please be advised that failure to comply with the following criteria may be grounds for disqualification:
  - 6.3.3.1.1 Receipt of submittal by the specified cut-off date and time;
  - 6.3.3.1.2 The number of originals and/or copies of the submittal specified;
  - 6.3.3.1.3 Adherence to maximum page requirement; and
  - 6.3.3.1.4 Receipt of the submittal at the correct location.

- 6.3.4 TRSD reserves the right to reject any or all SOQs and to waive informalities, irregularities, and technicalities in the SOQ process.
- 6.3.5 All submittals, whether selected or rejected, shall become the property of TRSD and will not be returned.
- 6.3.6 All submittals will be considered public information subject to Arizona's Public Record Laws, A.R.S. § 39-121, *et seq*, and, subsequent to award of this RFQ, all or part of any submittal will be released to any person or firm who requests it unless TRSD determines to withhold it as permitted by Arizona law. A firm shall specify within its cover letter if it desires that any portion of its SOQ submittal be treated as proprietary and not releasable as public information. All requests to withhold proprietary information shall include a detailed explanation that supports this request and shall specifically identify everywhere this information appears in its SOQ. The explanation shall include the period of time the information will remain confidential. All such requests are subject to TRSD legal review. TRSD will notify the firm in writing of its determination.
- 6.3.7 Each firm is solely responsible for all costs and expenses of any nature associated with responding to the RFQ, including attending the pre-submittal meeting and providing supplemental information. TRSD will not reimburse such costs in whole or in part under any circumstance.

## **7. EVALUATION OF SOQs**

The objective of the RFQ is to select an Engineer with the technical, financial, and management capability, capacity, and experience to successfully undertake and complete Phase I of the project. Accordingly, SOQs will be reviewed for responsiveness, evaluated against pass/fail criteria, and evaluated and scored against qualitative evaluation factors, as described in this Section 7. The information provided in this section is intended to assist firms in organizing their structure and preparing their SOQs.

Candidates should have and describe the following experience for similar projects:

- Experience in public sector procurement
- Experience in federally and/or state funded projects
- Experience in the development of project plans and production of project status reports
- Experience in developing and preparing bid documents for construction contracts
- Experience in construction services

- Experience in providing any of the above services in the State of Arizona
- Team Leadership skills

Firms interested in providing Professional Engineering Services for the Phase I Wastewater Collection & Treatment System for TRSD must submit a SOQ that addresses each of the requirements and evaluation criteria addressed in this Section 7.

#### 7.1 Responsiveness Review

TRSD will review each SOQ for: (a) the Respondent's responsiveness to the requirements set forth in this RFQ, including with respect to provisions of this RFQ that describe grounds for disqualification, (b) conformance to the RFQ instructions regarding organization and format, and (c) nonconformities, irregularities, and apparent clerical mistakes that are unrelated to the substantive content of the SOQ. Any SOQs deemed not responsive to this RFQ may be excluded from further consideration and the firm will be so notified. TRSD may also exclude from consideration any firm whose SOQ contains a material misrepresentation or failure to fully disclose required information.

#### 7.2 Pass/Fail Evaluation

A firm's willingness to accept the project's funding mechanism is a pass/fail component of this RFQ. Firms who do not provide a completed and signed EXHIBIT A will be disqualified from further consideration.

As set forth in Section 2.3, Engineering Funding, Phase I of this project has been funded, primarily, with monies allocated by the Agency. These funds are in the form of a loan and, subsequently, a grant, by are not yet available to TRSD. However, the Agency has indicated that it will allocate approximately \$735,000 from available Colonia funds as a partial payment for engineering services contemplated by this RFQ. These funds will be available 8-10 weeks after the Notice of Award is provided under this RFQ.

Additionally, TRSD is investigating a possible application with the Water Infrastructure Finance Authority of Arizona (WIFA) for funds which may be available as an additional partial payment of engineering costs and fees. This additional funding is not a certainty.

At the time of the commencement of construction, TRSD anticipates that it will receive an interim loan which will be backed by the loan and grant from the Agency. The monies from the interim loan will provide for the remaining payment of the engineering services contemplated by this RFQ. TRSD anticipates, however, that the interim loan will not fund until early 2023.

Consequently, any applicant to provide the services contemplated by this RFQ must agree to defer the payment of all or a portion of the engineering fees and costs until possibly early 2023.

### 7.3 Evaluation Criteria

In addition to the requirements set forth in Section 7.1 & 7.2 above, the following Evaluation Criteria will be used to determine which SOQ best meets the RFQ's objectives:

#### **A. Project Approach (45 points).**

1. Demonstrate firm and/or project team comprehension of the objectives and services for the proposed project. Do not merely duplicate the anticipated Scope of Work described in this RFQ.
2. Identify and discuss critical items for this project and how those items will be addressed.
3. Describe experience with USDA-RD funded projects and demonstrate understanding of the requirements for compliance with funding requirements.
4. Describe your firm's project management approach. Describe systems used for planning, scheduling, estimating and managing these services. Briefly describe the firm's experience with quality control.

#### **B. Experience on Similar Projects (20 points).**

1. Firm and/or Project Team shall demonstrate its wastewater infrastructure experience over the last 10 years.
2. Identify at least three comparable wastewater projects in which the Firm/ Project Team served as either the prime or sub-consultant. Special consideration will be given to comprehensive experience with USDA-RD funded wastewater projects In Arizona.
3. For each comparable project identified, provide:
  - a. Description of the project, including project cost.
  - b. Role of the firm/project team (specify whether prime or sub-consultant).
  - c. Project owner.
  - d. Reference information.
  - e. Identify involvement of any of the proposed key personnel.

**C. Staff Qualifications/Resumes (20 points).**

1. Identify the proposed project manager who will be directly responsible and engaged in the work. Describe the project manager's specific qualifications and experience for related services.
  - a. Include professional registrations if applicable.
  - b. Indicate length of time with firm.
  - c. Indicate state of residency.
  - d. Describe the individuals' qualifications in terms of education and experience.
2. Identify key personnel of the firm and/or project team and its subconsultants who will perform the functions deemed necessary to accomplish services for the proposed project. For each key staff member of the firm and its consultants who will be involved in the project, provide the information requested below.
  - a. Include professional registrations If applicable.
  - b. Indicate length of time with firm.
  - c. Describe the individuals' qualifications in terms of education and experience.
  - d. Identify the home office location of key staff.
3. Provide an organization chart showing key personnel of the firm and/or project team.
4. List proposed sub-consultants, including names of key staff and the experience and qualifications of the individuals.
5. Provide resumes for each key personnel. Resumes shall be limited to a maximum length of two (2) pages and should be attached as an Appendix to the SOQ.
6. TRSD reserves the right to approve the assignment and reassignment of the project manager and key personnel. TRSD shall not arbitrarily withhold approval.

**D. Firm's Stability and Capabilities (15 points).**

1. Provide a general description of the Firm and/or Project Team that is proposing to provide Phase I engineering support services. Explain the legal organization of the proposed Firm.

2. Provide a list of professional licenses, including license number, held by the firm and the key personnel who will be assigned to the project.
3. Summarize firm and/or project team qualifications and capabilities for similar projects.
4. Summarize firm and/or project team experience with state regulatory agencies.
5. Summarize firm and/or project team experience with federally and state funded projects and associated agencies.
6. Identify any contract or subcontract held by the firm or officers of the firm, which has been terminated within the last five years. Identify any claims arising from a contract that resulted in litigation or arbitration within the last five years. Briefly describe the circumstances and the outcomes.

## **8. SELECTION SCHEDULE & PROCESS**

### **8.1 Selection Schedule**

The following tentative schedule has been prepared for this project. Although none are anticipated, any changes to the schedule below will be made by amending this RFQ. Any amendment will be posted promptly on TRSD's website ([www.TRSD.org](http://www.TRSD.org)) and distributed to each registered Engineer's designated contact person, who will be required to acknowledge receipt.

<b>SQQ Pre-Submittal Conference</b>	<b>April 2, 2021</b>
<b>SOQ Submittals Due</b>	<b>April 15, 2021</b>
<b>SOQ Interviews/Presentations</b>	<b>April 20, 2021</b>
<b>Notice of Award - Successful Respondent</b>	<b>April 22, 2021</b>
<b>Notice to Proceed - Successful Respondent</b>	<b>May 21, 2021</b>

### **8.2 Selection Process**

- 8.2.1 An Evaluation Committee, including members of the TRSD Board, will evaluate each SOQ according to the above criteria. Evaluations and rankings of SOQs are subject to the sole discretion of the Evaluation Committee and any professional or other advisors TRSD may designate.



- 8.2.2 The Evaluation Committee will make the final determinations of the firms to be interviewed, in its sole discretion, and in the best interests of TRSD. No firm is guaranteed an interview by submitting an SOQ.
- 8.2.3 Firms interested in submitting an SOQ must be available on the interview meeting date identified in Section 8.1, Selection Schedule.
- 8.2.4 Each firm will be notified in writing via e-mail and a hard copy letter whether it has been selected for an interview.
- 8.2.5 Interviews will be held at the IBEW Local 518 Hall; 1383 North Highway 188; Globe, AZ 85501, or via Zoom. Each interview will be limited to one (1) hour.
- 8.2.6 Each team may have a maximum of four (4) key team members attend the interview. The proposed project manager shall be included among those attending the interview.
- 8.2.7 After the completion of the interviews the firms will be re-evaluated according to the specified criteria and ranked in order. The overall highest ranked firm will be recommended by the Evaluation Committee to the full TRSD Board of Directors for selection and contract negotiations.
- 8.2.8 TRSD will enter into negotiations with the selected firm and execute a contract upon completion of negotiation of fees and contract terms for Board and Agency approvals.
- 8.2.9 If TRSD is unsuccessful in negotiating a contract with the highest ranked team, TRSD may then negotiate with the second and then third most qualified team until a contract is executed, or may decide to terminate the selection process.
- 8.2.10 TRSD reserves the right to reject any and all submittals and cancel the advertisement, procurement, or negotiation of a contract at any time which TRSD deems to be in the best interest of TRSD.
- 8.2.11 TRSD reserves the right to reject any or all submittals, or to waive minor irregularities in said submittals, or to negotiate minor deviations with the successful firm.
- 8.2.12 Under no circumstances will TRSD reimburse any firm for the cost of responding to this RFQ.

## **9. AFFIRMATIVE ACTION**

Although TRSD does not have a formal Affirmative Action registration program, TRSD strongly supports the goals and objectives of the Affirmative Action program and

encourages firms interested in this project to make efforts to comply with all of the requirements and to demonstrate support of Affirmative Action through their hiring and employment processes.

## **10. PROTESTS, LAWS AND ORDINANCES**

### 10.1 Protests

Any interested party may protest the RFQ, a determination regarding which firms are granted an interview, or the award of a contract. The interested party shall file the protest in writing with TRSD's General Counsel, Michael Harper, Harper Law Offices, P.C., 111 West Cedar Lane, Ste. C, Payson, AZ 85541, and via email at [mjh@harperazlaw.com](mailto:mjh@harperazlaw.com), and shall include the following information:

1. The name, address and telephone number of the interested party;
2. The signature of the interested party or the interested party's representative;
3. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
4. The form of relief requested.

### 10.2 Protest Deadlines

- 10.2.1 If the protest is based upon alleged improprieties in the RFQ that are apparent before the offer due date and time, the interested party shall file the protest three (3) business days after the RFQ is issued.
- 10.2.2 If the protest is based upon the Evaluation Committee's determination regarding which firms are granted an interview, the interested party shall file the protest two (2) business days after notification that the interested party was not selected for an interview.
- 10.2.3 An interested party's failure to observe any protest timeline is a waiver of its right to the corresponding protest.
- 10.2.4 In cases other than those covered in Sections 10.2.1 and 10.2.2, the interested party shall file the protest within ten (10) business days after the contract award.
- 10.2.5 Notice of protesting action shall be given to the successful contractor if the award has been made or, if no award has been made, to the recommended firm.

- 10.2.6 TRSD shall issue a written decision within fourteen (14) days after a protest has been submitted which shall contain the basis for the decision. TRSD shall furnish a copy of the decision to the interested party. The decision shall be furnished to the protestor or appellant by certified mail, return receipt requested or by any other method that provides evidence of receipt.
- 10.2.7 The time limit for decisions set forth herein may be extended not to exceed thirty (30) days without consent of the protestor. The protestor shall be notified in writing that the time for the issuance of a decision has been extended and the date by which a decision will be issued.
- 10.2.8 If TRSD sustains a protest, in whole or in part, TRSD shall implement an appropriate remedy, which may include, but is not limited to: terminating the contract, amending the RFQ, issuing a new RFQ, awarding a contract consistent with procurement statutes and regulations, or such other relief as determined necessary to ensure compliance with procurement statutes and regulations.
- 10.2.9 If TRSD denies a protest, the interested party that filed the protest shall be liable for TRSD's costs reasonably incurred to defend against or resolve the protest, including legal and consultant fees and costs, and any unavoidable damages sustained by TRSD as a consequence of the protest.
- 10.2.10 Each firm, by submitting its SOQ, expressly recognizes and agrees to the limitation on its rights to protest provided in this Section 10, and expressly waives all other rights and remedies that may be available under the law. These provisions are included in this RFQ expressly in consideration for such waiver and agreement by the firms responding to this RFQ. If a firm disregards, disputes, or does not follow the exclusive protest remedies provided in this section, it shall indemnify and hold TRSD and its officers, employees, agents, and consultants harmless from and against all liabilities, fees and costs, including legal and consultant fees and costs, and damages incurred or suffered as a result of such Respondent's actions. Each firm, by submitting an SOQ, shall be deemed to have irrevocably and unconditionally agreed to this indemnity obligation.

10.3 Laws and Ordinances

10.3.1 This RFQ shall be governed by the laws of the State of Arizona.

10.3.2 Firms shall maintain all applicable and required federal, state and local licenses, certifications, registrations, and permits.

10.3.3 Firms shall comply with the applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and applicable federal regulations under the act.

10.4 No Contact Provision

10.4.1 All firms interested in this project (including the firm's employees, representatives, agents, lobbyists, attorneys, and sub-consultants) will refrain, under penalty of disqualification, from direct or indirect contact for the purpose of influencing the selection or creating bias in the selection process with any person who may play a part in the selection process, including, but not limited to, the Evaluation Committee or any member of the TRSD Board of Directors. This policy is intended to create a level playing field for all potential firms, assure that contract decisions are made in public and to protect the integrity of the selection process. All contact relating to this selection process must only be addressed to TRSD's General Counsel, Michael Harper.

10.4.2 No firm, including anyone directly or indirectly on behalf of such firm, shall attempt to influence any part of the process. From the time the RFQ is issued until TRSD makes the contract award (the "Black-Out Period"), firms directly or indirectly through others, are restricted from attempting to influence in any manner the decision making process through, including, but not limited to, the use of paid media; contacting or lobbying the TRSD Board of Directors; contacting reporters; contacting SOQ evaluators; submitting letters, e-mail messages or other similar forms of communications to the editor of newspapers and other media for publication or ghostwriting or otherwise requesting others to submit such letters, e-mail messages or other similar forms of communication; responding to questions from media or other sources regarding the RFQ or their submittal during the "Black-Out Period" or in any other way which could be construed to influence any part of the decision making

process relating to this RFQ. Violation of this provision will cause the SOQ of the firm found in violation to be rejected.

## **11. RIGHT TO AUDIT RECORDS**

11.1 TRSD may, at reasonable times and places, audit the financial books, records and back-up documentation of any firm who is awarded a Contract. Any firm who receives a contract, change order or contract amendment, revision or renewal shall maintain the books, records, accounts, statements, reports, files, and other records and back-up documentation that relate to the contract for six (6) years from the date of final payment under the Contract, or until after the resolution of any audit questions which could be more than six (6) years, whichever is latest.

11.2 TRSD is entitled to audit the books, records, accounts, statements, reports, files, and other records and back-up documentation of any firm or any subcontractor under any contract or subcontract to the extent that the books, records and back-up documentation relate to the performance of the contract or subcontract. The books, records, accounts, statements, reports, files, and other records shall be maintained by the firm for a period of six (6) years from the date of final payment under the prime contract and by the subcontractors for a period of six (6) years from the date of final payment under subcontract, or until after the resolution of any audit questions which could be more than six (6) years, whichever is latest.

## **12. EXHIBIT A - PHASE I FUNDING UNDERSTANDING CERTIFICATION**

This exhibit shall serve to acknowledge that the respondent understands and accepts the project funding mechanism set forth in Section 2.3, Engineering Funding. Please include the Exhibit A form as an appendix in the submitted SOQ. SOQs that do not include the completed and signed **EXHIBIT A FORM** will be rejected as non-responsive to the RFQ.

## **13. EXHIBIT B - QUALIFICATION & CERTIFICATION**

This exhibit shall serve as a requirement to enable the Evaluation Committee to assess the qualifications of Firms under consideration for final award. Please include the EXHIBIT B FORM as an appendix in the submitted SOQ.

**EXHIBIT A**

Phase I of the project has been funded, primarily with monies allocated by the Agency. These funds are in the form of a loan and, subsequently, a grant, but are not yet available to TRSD. However, the Agency has indicated that it will allocate approximately \$735,000 from available Colonia funds as a partial payment for engineering services contemplated by the RFQ. These funds will be available 8-10 weeks after the Notice of Award is provided under this Request for Qualifications.

Additionally, TRSD is investigating a possible application with the Water Infrastructure Finance Authority of Arizona (WIFA) for funds which may be available as an additional partial payment of engineering costs and fees. This additional funding is not a certainty.

At the time of the commencement of construction, TRSD anticipates that it will receive an interim loan which will be backed by the loan and grant from the Agency. The monies from the interim loan will provide for the remaining payment of the engineering services contemplated by the RFQ. TRSD anticipates, however, that the interim loan will not fund until early 2023.

Consequently, any applicant to provide the services contemplated by this RFQ must sign an agreement to defer the payment of all or a portion of the engineering fees and costs until possibly early 2023. **The firm submitting this SOQ certifies its understanding and agreement to the above.**

Name, Address, and Telephone Number of Firm:

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\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**EXHIBIT B**

**QUALIFICATION & CERTIFICATION FORM**

The firm submitting the Qualifications warrants the following:

1. Has the firm (under its present or any previous name) ever failed to complete a contract?

*If "Yes," provide details, including the date, the contracting agency, and the reasons the firm failed to perform.*

2. Has the firm (under its present or any previous name) ever been disbarred or prohibited from competing for a contract?

*If "Yes," provide details, including the date, contracting agency, the reasons for the firm's disqualification, and whether the disqualification remains in effect*

3. Has a contracting agency ever terminated a contract for cause with the firm (under your firm's present or any previous name)?

*If "Yes," provide details, including the date, contracting agency, and the reasons the firm was terminated.*

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**Additional Information Narrative:**

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