

CITY OF HIALEAH, FLORIDA



REQUEST FOR QUALIFICATIONS

RFQ NO. 2009/10-3210-00-001

**American Recovery and Reinvestment Act of 2009
Engineering Consultants for Competitive Selection for Construction
Engineering Inspection / Construction Management (CEI/CM) Services**

**SPECIFICATIONS PREPARED BY:
STREETS DEPARTMENT**

**BID DOCUMENTS PREPARED BY:
PURCHASING DIVISION**

CITY OF HIALEAH
ADVERTISEMENT
and
INVITATION FOR REQUEST FOR QUALIFICATIONS

Sealed, written Request for Qualifications (RFQs) will be received by the Office of the City Clerk of the City of Hialeah, Florida, 501 Palm Avenue until **11:00 A.M., TUESDAY, October 6th, 2009**, at which time all request for qualifications will be publicly opened and read aloud in the Council Chambers, 3rd Floor, for furnishing the following:

American Recovery and Reinvestment Act of 2009
Engineering Consultants for Competitive Selection for Construction
Engineering Inspection / Construction Management (CEI/CM) Services
RFQ NO. 2009/10-3210-00-001

A copy of the scope of services may be obtained at the Purchasing Office, City Hall, 501 Palm Avenue, 4th Floor, Hialeah, Florida, by calling or emailing Carlos F. Lopez at 305-883-5846 / clopez@hialeahfl.gov or at our website: <http://www.hialeahfl.gov> under department listing OMB/Purchasing; bids and rfps.

This project is funded in whole or in part by the American Recovery and Reinvestment Act of 2009 (ARRA 2009). The award is subject to criteria and conditions established under the ARRA 2009; Presidential Executive Order 11246, 41 CFR Part 60-4; the Davis-Bacon Act, as supplemented by 29 CFR Part 5; the Copeland (Anti-Kick Back) Act; the Contract Work Hours and Safety Standards Act as supplemented by 29 CFR Part 5 and all other applicable federal, state and local ordinances. Prospective bidders must ensure that employees and applicants for employment are not discriminated against because of race, color, religion, sex or national origin. A Disadvantaged Business Enterprise (DBE) goal of 8.1% participation has been established for ARRA projects. Construction materials shall be purchased consistently with ARRA provisions of the Buy American Act.

All respondents must be FDOT qualified contractors for CEI services.

Evaluation criteria will consist of 100 points based on Awareness of Project Issues, 25 points; Approach to the Project, 25 points; Project Staffing, 25 points; other considerations, 25 points.

Request for Qualifications shall be submitted in sealed envelopes and shall bear on the face, thereof, the RFQ Number, and the complete name and address of the respondent.

The City of Hialeah reserves the right to reject any and all rfqs including nonconforming, nonresponsive, unbalanced or conditional responses, or to waive any informality in the bidding. Rfqs may be held by the City of Hialeah for a period not to exceed thirty (30) days from the date of opening for the purpose of reviewing the rfqs and investigating the qualifications of the respondents, prior to awarding of the contract.

CITY OF HIALEAH, FLORIDA

Advertisement Date:
Monday, September 21, 2009

Michael Flores
Purchasing Director

PUBLIC ANNOUNCEMENT RFQ 2009/10-3210-00-001
NOTICE UNDER THE CONSULTANT'S COMPETITIVE NEGOTIATION ACT:
Florida Statutes: 287.055

The City of Hialeah, desires to receive technical proposals from engineering consultants, for competitive selection for Construction Engineering Inspection / Construction Management (CEI/CM) services to the Department of Streets of the City of Hialeah, Florida.

The scope of services includes, but is not limited to, providing CEI/CM for the construction of
Project Description:

426193-1 East 4th Avenue from 25th to 32nd Street

426196-1 West 53rd Street from 4th to 8th Avenue

426196-2 West 53rd Street from 8th to 12th Avenue

426194-1 West 29th Street from 4th Avenue to Okeechobee Road

426195-1 Palm Avenue from 45th to 47th Street

The selected Consultant will assist Hialeah with project management and oversight of the project and will provide administration, monitoring and reporting and insuring that performance and/or technical specifications for construction are being followed in accordance with FDOT Federal Requirements for Construction Projects of Local Agencies (attached).

All bidders must be FDOT qualified contractors for CEI services.

Evaluation criteria will consist of 100 points based on Awareness of Project Issues, 25 points; Approach to the Project, 25 points; Project Staffing, 25 points; other considerations, 25 points.

All of the above should be required prior to final acceptance of the project. Provide resumes and detail information on any sub-consultant proposed. The City retains the sole right of approving any sub-consultant that is proposed for this project prior to the contracting of the sub-consultant. Provide a detail description of the technical experience of the field personnel (resident engineer) you propose to assign to this project. The City retains the sole right of approving the proposed resident engineer and retains the right to have the engineer removed if necessary at the sole decision of the City.

The City of Hialeah's final selection will be made directly from the proposal letters. Letters should address the items under the EVALUATION CRITERIA and will be limited to THREE (3) PAGES IN LENGTH, 10 POINT FONT OR LARGER. The following items are to be INCLUDED in the submittal, but will not be counted towards the page limit.

ONE (1) PAGE STAFFING CHART,
ONE (1) PAGE STAFFING SCHEDULE,
TWO (2) PAGE RESUME FOR EACH STAFF MEMBER INCLUDING SUBCONSULTANTS,
A BID OPPORTUNITY LIST (FORM 375-040-62).

Finally please describe the availability and experience of the personnel to handle this assignment and the CEI workload your firm currently has under contract and the time line for these projects.

Please submit seven (7) copies of your proposals to:

Mr. Rafael Granado
City Clerk
City of Hialeah
501 Palm Avenue, 3rd Floor
Hialeah, Florida 33010

no later than 11:00am on Tuesday, October 06th, 2009.

Only written questions submitted to the Purchasing Director will be considered up until Thursday, October 1st, 2009 at 5:00 p.m. Please you are asked not to contact staff at the Department of Streets.

NON-COLLUSION AFFIDAVIT OF PRIME BIDDER

State of _____

County of _____

I _____, being first duly sworn, deposes and says that:

1. He is _____ of _____, the Bidder that has submitted the attached Bid;
2. He is fully informed respecting the preparation and contents of the attached Bid and all pertinent circumstances respecting such Bid;
3. Such Bid is genuine and is not a collusive or sham Bid;
4. Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this Affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the prices in the attached Bids or of any other Bidder, or to fix any overhead, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the _____ (Local Public Agency) or any person interested in the proposed Contract; and
5. The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this Affiant.

LEGAL SIGNATURE OF AFFIANT

(Print or Type Legal Name of Affiant)

Sworn to and subscribed before me this _____ day of _____, 2_____

Notary Public - State of Florida

My Commission Expires: _____

Print, Type or Stamp commissioned name of Notary Public

NOTARY SEAL

Personally known _____ OR Produced Identification ____
Type of Identification Produced _____

*Post office box addresses not acceptable.

**PURCHASING DIVISION
CITY OF HIALEAH DISCLOSURE AFFIDAVIT**

I _____ being first duly sworn, state:

The full legal name and business address* of the person or entity contracting or transacting business with the City of Hialeah are:

Phone Number: _____ Fax Number: _____

If the contract or business transaction is with a corporation, the full legal name and business address* shall be provided for each officer and director and each stockholder who holds directly or indirectly five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a partnership, the full legal name and business address* shall be provided for each partner. If the contract or business transaction is with a trust, the full legal name and address* shall be provided for each trustee and each beneficiary. All such names and addresses are:

The full legal names and business address* of any other individual (other) than subcontractors, material men, suppliers, laborers, or lenders who have, or will have, any interest (legal, equitable beneficial or otherwise) in the contract or business transaction with the City of Hialeah are:

Tax ID Number (F.E.I.N) or Social Security Number: _____

LEGAL SIGNATURE OF AFFIANT

(Print or Type Legal Name of Affiant)

Sworn to and subscribed before me this _____ day of _____, _____

Notary Public - State of: _____

My Commission Expires: _____

Print/Type and Stamp commissioned name of Notary Public

NOTARY SEAL

Personally known _____ or Produced Identification _____

Type of Identification Produced _____

**Post office box addresses not acceptable.

SWORN STATEMENT PURSUANT TO SECTION 287.133
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO BE THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____
(Print name of the public entity)
by _____
(Print individual's name and title)
for _____
(Print name of entity submitting sworn statement)
whose business address is _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____ (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____)

2. I understand that a "public entity crime" as defined in Section 287.133(1)(g), **Florida Statutes**, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in Section 287.133(1) (b), **Florida Statutes**, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Section 287.133 (1) (a), **Florida Statutes**, means:
1. A predecessor or successor of a person convicted of a public entity crime; or
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a "person" as defined in Section 287.133(1)(e), **Florida Statutes**, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.
7. Based on information and belief, the statement that I have marked below is true in relation to the entity submitting this sworn statement. (indicate which statement applies.)

_____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The Entity submitting this sworn statement, or one or more of its officers, directors, executive, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (attach a copy of final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

LEGAL SIGNATURE OF AFFIANT

(Print or Type Legal Name of Affiant)

Sworn to and subscribed before me this _____ day of _____, 2_____

Notary Public - State of Florida

My Commission Expires: _____

Print, Type or Stamp commissioned name of Notary Public

NOTARY SEAL

Personally known _____ OR Produced Identification _____

Type of Identification Produced _____

*Post office box addresses not acceptable.

FDOT

Federal Requirements for Construction Projects of Local Agencies

Economic Stimulus Information Meeting

Rudy Garcia, Assistant District Construction Engineer
3/17/2009

Construction Administration Requirements for Local Agencies (LAP Program)

These requirements apply to Local Agencies operating under Local Agency Certification who choose to administer construction contracts. On the State Highway System, construction will be administered in accordance with the FDOT **Construction Project Administration Manual**. Materials will be inspected in accordance with the FDOT **Sampling Testing and Reporting Guide by Material Description** and the **FDOT Materials Manual** (Topic No. 675-000-000). Off the State Highway system, the Local Agency is encouraged to use these same standards. Federal aid projects are subject to **EEO Compliance Reviews** by FDOT.

Preconstruction Requirements:

1. **Preconstruction Conference** – After the contract is awarded the Local Agency Project Engineer shall schedule and coordinate a conference with the contractor. He shall notify the District Local Agency Program Administrator, contractor, subcontractors, utilities, and other interested and involved parties of the time and place of the conference. Representatives of any concerned utility, law enforcement, and other interested parties should be invited to attend. The purpose of the conference is to discuss the project plans and specifications, any unusual conditions, federal or state requirements, EEO requirements, training (if applicable), and any other items that will result in better understanding among the involved parties. In addition, the contractor will discuss the schedule of operation, type and adequacy of equipment, sources of labor and labor requirements, maintenance of traffic, and precautions for the safety of employees and the public. For a sample conference agenda, please see attachments.
2. **Pre-Activity Meetings** – It may be desirable to hold separate conferences for some specialized items of construction such as paving, roadside planting, electrical work, etc.
3. **Meeting Minutes** – Minutes of the meeting shall be made and copies transmitted to the District Local Agency Programs Administrator and each agency, organization, and firm that has involvement or interest in the project. For a sample of meeting minutes, please see attachments.

Requirements During Construction:

1. **Maintain Project Diary** – The Local Agency is responsible for maintaining a project diary throughout the life of the construction project. The diary refers to all documents that present a recorded collection of events, data, occurrences, instructions, situations, circumstances and work performed each day during a construction project. Project Diary includes, Daily Report of Construction (FDOT Form No. 700-010—13), Engineer's Weekly Summary (FDOT Form No. 700-010-14), and a Work Plan Controlling Item of Work (FDOT Form No. 700-010-15).
2. **Conduct Progress Meeting** – The Local Agency is responsible to conduct progress meetings with the contractor to discuss schedule, upcoming work, project issues, outstanding issues, etc. For a sample of progress meeting minutes, please see attachments.
3. **Monitor DBE Requirements** – The Local Agency must monitor the contractor to ensure that it submits the "Anticipated DBE Participation Statement," (FDOT Form No. 275-030-11A) at the pre-construction conference and then forwards it to the Equal Opportunity Office. Each month the Local Agency must report actual payments to all DBE subcontractors and suppliers. Reports can be made through the Equal Opportunity Reporting System (EOR) on the internet at www.dot.state.fl.us/equalopportunityoffice/.

4. Monitor Contract Wage Requirements – The Local Agency shall check certified payrolls for completeness and accuracy.
5. Monitor EEO Requirements – The Local Agency must monitor the contractor's performance to make sure they comply with its EEO policy. To accomplish this, the Local Agency must designate an EEO Officer. The EEO Officer must conduct employee interviews (FDOT Form No. 700-010-63) with the contractor, maintain records and reports concerning the contractor's performance, and ensure that the local agency, itself, complies with its EEO policy. The Local Agency should use the Equal Opportunity Contract Compliance Procedure (275-020-002-f) to monitor the contractor's performance.
6. Material Approval – The source for each type of material must be approved by the Local Agency before the delivery is started. The source of material is pre-approved if it is on the current FDOT "Qualified Products List" (QPL). A copy of the QPL is available on the internet at <http://www2.dot.state.fl.us/SpecificationsEstimates/ProductEvaluation/QPL/QPLIndex.aspx>. The QPL is published as an assurance that certain products and materials have a basic approval subject to additional testing of individual lots, batches or shipments to construction projects.
7. Document Delivery of Materials – Delivery tickets for asphalt concrete, Portland cement concrete or other batched or truck weighed material must be used to document the delivery of the material. These receipted tickets become a part of the final records.
8. Acceptance Testing – Local Agency staff (Local Agency's CEI included), another Local Agency, or a private testing facility employed by the Local Agency shall perform acceptance sampling and testing on the job site. The Local Agency should use these results to determine compliance with contract documents.
9. Acceptance Testing of Structural Products – When structural products or components such as precast concrete bridge beams, piles or drainage products or structural steel components such as bridge beams, sign structures, lighting structures, and traffic signal structures are fabricated in a plant remote from the immediate site of the project then acceptance sampling, testing and inspection must be performed in the plant by the Local Agency staff (Local Agency's CEI included), another Local Agency, or a private testing facility employed by the agency.
10. Independent Assurance Testing – The Local Agency shall perform independent assurance sampling and testing to check the reliability of the results obtained in acceptance sampling and testing. A prompt comparison of acceptance test results with independent assurance test results must be made by the Local Agency. This comparison must be documented in the project records. If the comparison indicates a problem, either with the materials or with the testing methods, action must be taken immediately to resolve the problem.
11. Document Progress Payments – The Local Agency Project Engineer must document the quantities shown on each monthly estimate to ensure payments are based on accurate measurements of work performed so that the contractor can be fairly compensated and so that public funds will not be expended on work that has not been done.
12. Affidavits – Before any payment can be made, the Local Agency must ensure that the contractor submits monthly a Certification Disbursement of Previous Periodic Payment to Subcontractors (FDOT Form No. 700-010-38).
13. Document Changes and Extra Work – Whenever a change in the contract is required, the Local Agency shall prepare a Supplemental Agreement and submit it to the approving authority for approval. The submittal shall include an explanation in sufficient detail so that everyone involved will understand the need for the change. A detailed justification of the cost associated with the change shall be included with the explanation. The format of FDOT Form No. 700-010-45 is recommended.

14. Semifinal Inspection – The Local Agency Project Engineer will conduct a semifinal inspection within seven days after notice from the Contractor of presumptive completion of the entire project. If, at the semifinal inspection, all construction provided for and contemplated by the contract is found completed to the Project Engineer's satisfaction, such inspection shall constitute the final inspection. If, however, at any semifinal inspection any work is found unsatisfactory, in whole or in part, the Project Engineer shall give the Contractor the necessary instructions as to replacement of material and re-performance of work necessary for final completion. Upon satisfactory replacement of material and re-performance of such work, another inspection shall be made, which shall constitute the final inspection if the required material is found to have been replaced and the work completed satisfactorily.
15. Final Inspection/ Final Acceptance – Whenever all materials have been furnished, all work has been performed, and all punch list items have been satisfactorily addressed, the Local Agency Project Engineer shall conduct the final inspection. When, upon completion of the final construction inspection, the work is found to be completed satisfactorily, the Local Agency Project Engineer shall give the Contractor written notice of final acceptance. The Local Agency should complete the form, **Final Inspection and Acceptance of Federal aid Project**, (FDOT Form No. 525-010-42) and send this form to the District Local Agency Program Administrator. When the Local Agency submits its final invoice to FDOT, it should indicate that the project is complete.

Post Construction Requirements:

1. Final Estimate – The Local Agency Project Engineer will prepare a final estimate showing the value of the work. All prior estimates and payments shall be subject to correction in the final estimate and payment. The amount of this estimate, less any sums that may have been deducted or retained under the provisions of the contract, will be paid to the Contractor as soon as practicable after final acceptance of the work.
2. Final Records – The Local Agency Project Engineer must document the work performed on the contract. Documentation consists of field books, inspector's record of field tests, Local Agency Project Engineer's and inspector's diaries, all invoices, weigh bills, truck measurements, quantity tickets, receiving reports, field office ledgers, mass diagrams, cross-sections, computer listings, and work profiles. Final Records will be kept by the Local Agency in accordance with the LAP Manual.
3. Material Certification – The Local Agency must send a copy of the material certification to the District Local Agency Program Administrator before the Local Agency's final invoice on the Local Agency Program Agreement will be paid. For a sample materials certification and sample letter requesting FDOT and FHWA project inspection and acceptance, please see attachments.

ATTACHMENTS

1. Sample Preconstruction Meeting Agenda
2. Sample Preconstruction Meeting Minutes
3. Form No. 700-010-13 Daily Report of Construction
4. Form No. 700-010-14 Engineer's Weekly Summary
5. Form No. 700-010-15 Work Plan Controlling Item of Work
6. Sample Progress Meeting Minutes
7. Form No. 275-030-11A Anticipated DBE Participation Statement
8. Form No. 700-010-63 Employee Interview Form – Labor/EEO
9. Form No. 700-010-38 Certification Disbursement of Previous Periodic Payment to Subcontractors
10. Form No. 700-010-45 Supplemental Agreement
11. Form No. 525-010-42 LAP Final Inspection and Acceptance of Federal Aid Project
12. Sample Materials Certification
13. Sample Letter Requesting FDOT and FHWA Project Inspection and Acceptance