

**NEW HANOVER COUNTY
REQUESTS LETTERS OF INTEREST (LOI) AND QUALIFICATION
ON-CALL PROFESSIONAL ENGINEERING DESIGN SERVICES AND
ON-CALL CONSTRUCTION ENGINEERING AND INSPECTIONS**



COUNTY COMMISSIONERS

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CHRIS COUDRIET, COUNTY MANAGER

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New Hanover County (NHC) desires to engage private consulting firms for on-call professional services agreements for the purpose of providing the full range of engineering design and construction services required for NHC projects including roadway, bridge, sidewalk, and multi-use trail/greenway.

Submit LOI by email to: lbutler@nhcgov.com

The deadline for receipt of LOI is **3:00 P.M. EST, Friday, August 6, 2021.**

Submitted LOI are not subject to public inspection until a contract is awarded and executed. Statements of Qualifications will be evaluated, and firms may be contacted for interviews which may be conducted by phone or in person.

Instructions for submitting LOI and complete requirements may be obtained by visiting the County at <https://finance.nhcgov.com/purchasing-solicitation/open-and-closed-bids>.

New Hanover County reserves the right to accept or reject any or all Letters of Interest and Qualifications and to make the award which will be most advantageous to the County.

Released: Tuesday, July 20, 2021

Section 2 Instructions

2.1 Schedule

Advertisement	Tuesday, July 20, 2021
Deadline for Questions	Tuesday, July 27, 2021 @ 5:00 PM
Answers to Questions	Friday, July 30, 2021
Deadline for Receipt of Letters of Interest	Friday, August 6, 2021 @ 3:00 PM

2.2 Letters of Interest

2.2.1 Submit your LOI by email to lbutler@nhcgov.com. Include “**LOI-On-Call Professional Services**” in the subject line of your email.

The successful firm must have the capability of receiving and submitting all documents in an electronic format. Also, the successful firm must have Internet access for browsing and receipt of electronic documents via email.

2.2.2 LOI received after the time and date for closing will not be accepted.

2.3 Communications: After the release date, all communications between the County and prospective respondents regarding this Request for LOI shall be in writing. Any inquires, requests for interpretation, technical questions, clarifications, or additional information shall be directed to **Lena Butler, Purchasing Supervisor** by emailing lbutler@nhcgov.com. All questions concerning this Request should reference the section number and page. Questions and responses will be compiled and shared with all interested Respondents known to the County and posted as an addendum. **All questions shall be received no later than Tuesday, July 27, 2021, at 3:00 PM, EST.**

Respondents may not have communications, verbal or otherwise, concerning this Request with any personnel or boards from New Hanover County, other than the person listed in this section. If any vendor attempts any unauthorized communication, the proposal will be rejected.

2.4 Intent to Submit: All Respondents who intend to submit a LOI on this project should send an email to lbutler@nhcgov.com including pertinent contact information. This will ensure that you receive all addenda issued for this Request; if applicable.

2.5 Addendum: Any changes to the Request will be issued by addenda and sent by email to all respondents that have notified the County of their intent to submit a LOI. The

addenda will also be posted on the County's website at <https://finance.nhcgov.com/purchasing-solicitation/open-and-closed-bids>.

- 2.6 Minor Deviations:** New Hanover County reserves the right to allow or disallow minor deviations or technicalities should the County deem it to be in the best interest of the County. New Hanover County shall be the sole judge of what is to be considered a minor deviation or technicality.
- 2.7 Incurred Cost:** New Hanover County is not liable for any cost incurred by any firm prior to an award. Costs for developing a response to this request for qualification packages are entirely the obligation of the respondent and shall not be chargeable in any manner to New Hanover County.
- 2.8 Small Professional Service Firm (SPSF) Participation:** It is the policy of New Hanover County that minority/women business enterprises shall have maximum opportunity to compete for and participate in its procurement and contracting activities. In this regard, the County has established an overall annual goal of 10% for minority/women business enterprise participation in its various procurement contracts. The County and its contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of its contracts. The Firm, at the time the Letter of Interest is submitted, shall submit a listing of all known SPSF firms that will participate in the performance of the identified work. The participation shall be submitted on the NCDOT's Prime Form RS-2 and/or Subconsultant Form RS-2. Form RS-2 forms may be accessed on the website at <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

The SPSF must be qualified with NCDOT to perform the work for which they are listed.

Real-time information about firms doing business with the NCDOT and firms that are SPSF certified through North Carolina's Unified Certification Program is available in the Directory of Transportation Firms. The Directory can be accessed by the link on the NCDOT's homepage or by entering <https://apps.dot.state.nc.us/vendor/directory/> in the address bar of your web browser.

The listing of an individual firm in the NCDOT's directory shall not be construed as an endorsement of the firm.

- 2.9 Right to Reject:** The County reserves the right to reject any and all qualification packages with or without cause, to waive technical errors and informalities, or to accept that qualification packages or combination of qualification packages which in the County's sole and absolute judgment best serves the public interest.
- 2.10 No Public Opening:** Qualification packages shall **NOT** be publicly opened. Submitted Statements of Qualifications are not subject to public inspection until contract is awarded and executed. Qualification packages that are received by telephone, facsimile, telegram, or electronic mail are not acceptable and will be rejected.

2.11 Pricing: No fee proposal is to be included in the qualification package. This solicitation is for qualifications only.

2.12 Conflict of Interest: The award hereunder is subject to provisions of State Statutes and/or County Ordinance. Respondents must disclose with their qualification packages the name of any officer, director, or agent who is also an employee of New Hanover County. Further, all respondents must disclose the name of any County employee who owns, directly or indirectly, any interest in the respondent's firm or any of its branches.

Any Firm placed under contract with the County must further notify the County in writing within five (5) days of their discovery of a potential conflict of interest and make such continuing disclosure throughout the term of the contract. A full disclosure shall include a description of the action that the Firm has taken, or proposes to take, to avoid or to mitigate such conflicts of interest. The County may terminate the contract if the County deems such termination to be in the best interest of the County or may terminate the Firm's assignment to a project based upon its assessment of potential conflict.

2.13 Professional Registration, and Accounting System Requirements: Any firm wishing to be considered must be properly registered with the Office of the Secretary of State and with the North Carolina Board of Registration for Professional Engineers and Land Surveyors. The Engineers performing the work and in responsible charge of the work must be registered Professional Engineers in the State of North Carolina and must have a good ethical and professional standing.

The firm must have the financial ability to undertake the work and assume the liability as well as an adequate accounting system to identify costs chargeable to the project.

2.14 Insurance Requirements: Firm must maintain Commercial General Liability (CGL) and if necessary, Commercial Umbrella Liability (CUL) insurance with a total limit of not less than \$1,000,000 each occurrence for bodily injury and property damage. If such CGL insurance contains a general aggregate limit, it shall apply separately to this project/location or the general aggregate shall be twice the required limit.

Firm must maintain Workers' Compensation as required by the general statutes of the State of North Carolina and Employer's Liability Insurance. The Employer's Liability, and if necessary, CUL insurance shall not be less than \$1,000,000 each accident for bodily injury by accident, \$1,000,000 each employee for bodily injury by disease, and 1,000,000 policy limits.

Firm must maintain Business or Personal Auto Liability and, if necessary, CUL insurance with a limit of not less than \$1,000,000 each accident. Such insurance shall cover liability arising out of any auto, including owned, hired, and non-owned autos used in performance of services.

Firm must maintain in force for the duration of this Contract professional liability or errors and omissions liability insurance appropriate to Engineer's profession. Coverage as required in this paragraph shall apply to liability for professional error, act, negligence, or omission

arising out of the scope of Engineer's services as defined in this Contract. Coverage shall be written subject to limits of not less than \$1,000,000 per loss.

- 2.15 Trade Secret Confidentiality:** According to General Statutes 132 - 1.2, trade secrets contained in a bid may be kept confidential if the bidder, at the time the bid is submitted, designates that is secret and requests that it be kept confidential. Any information considered to be confidential should be placed in a separate and clearly marked "Confidential." **Marking the entire proposal confidential may be grounds for rejection of proposal.**
- 2.16 Certificate of Authority:** **Subject to several statutory exceptions, a business entity incorporated or organized in a state other than North Carolina must obtain a certificate of authority from the North Carolina Secretary of State prior to transacting business in the State.** See G.S. 55-15-01(a) (business corporations); G.S. 55A-15-01(a) (nonprofit corporations); G.S. 57D-7-01(a) (limited liability companies); G.S. 59-902(a) (limited partnerships); G.S. 59-91(a) (registered limited liability partnerships); G.S. 55B-16(a) (professional corporations). When the requirement applies, the foreign entity transacting business in the State is responsible for obtaining a certificate of authority—not the domestic (i.e., North Carolina) corporations, public entities, or individuals with whom the foreign entity might contract.
- 2.17 Federal Uniform Guidance:** If the source of funds for this contract was federal funds, the following federal provisions would apply pursuant to 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II (as applicable): Equal Employment Opportunity (41 C.F.R. Part 60); Davis-Bacon Act (40 U.S.C. 3141-3148); Copeland "Anti-Kickback" Act (40 U.S.C. 3145); Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708); Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387); Debarment and Suspension (Executive Orders 12549 and 12689); Byrd Anti-Lobbying Amendment (31U.S.C. 1352); Procurement of Recovered Materials (2 C.F.R. § 200.322); and Record Retention Requirements (2CFR § 200.324).
- 2.18 E-Verify:** Pursuant to Session Law 2013-418, Bidder shall fully comply with the U.S. Department of Homeland Security employee legal status E-Verify requirements for itself and all its subcontractors. Upon execution of contract, County requires an affidavit attesting to Bidder's compliance. Violation of the provision, unless timely cured, shall constitute a breach of contract.

Section 3 Pre-qualification

The engineering firm and any/all sub-consultant firm(s) shall be Pre-qualified by the North Carolina Department of Transportation and New Hanover County to perform all work required for a particular project. Depending upon the project, pre-qualification may include any or all the following:

- Code 00023 Bridges – Spans Over 200';
- Code 00024 Bridges - Spans Under 200';
- Code 00029 Capacity Analysis (Intersections);
- Code 00032 Categorical Exclusions;
- Code 00035 Community and Stakeholder Involvement;
- Code 00063 Environmental Assessments/Findings of No Significant Impacts;
- Code 00070 Erosion and Sediment Control Design;
- Code 00094 Field Data Collection;
- Code 00096 Ground Penetrating Radar& Analysis;
- Code 00112 Hydrographic Surveys;
- Code 00115 Independent Review of Traffic Impact Studies/Analysis;
- Code 00116 Indirect& Cumulative Impacts Assessment;
- Code 00132 Landscape and Streetscape Design;
- Code 00149 Pavement Analysis;
- Code 00150 Pavement Condition Surveys;
- Code 00152 Pavement Design;
- Code 00155Pavement Marking Plans;
- Code 00161Planning, Design, & Construction of Stormwater BMP'S;
- Code 00168Project Management;
- Code 00171 Public Involvement;
- Code 00172 Public Participation& Planning;
- Code 00173 Public Water Distribution Systems;
- Code 00195 Roadway Construction Engineering and Inspection;
- Code 00199 Route Location Surveys;
- Code 00200 Feasibility Studies;
- Code 00204 Sanitary Sewer Outfall Systems;
- Code 00206 Scour;
- Code 00207Signal Design;
- Code 00228 Stream Mitigation Site Design and Construction Oversight;
- Code 00229 Stream Mitigation Site Plan;
- Code 00231 Stream Restoration/Mitigation Monitoring;
- Code 00235 SUE;
- Code 00247 Traffic Control Plans;
- Code 00269 Urban Roadway Design;
- Code 00270 Utility Coordination;
- Code 00279 Watershed Analysis& Modeling;
- Code 00280 Wetland and Stream Delineation;
- Code 00287 Wetland, Stream, and Buffer Permitting;
- Code 00294 Roadway Foundation Investigation& Design;

Code 00296 Retaining Wall Investigation& Design;
Code 00299 Cantilever Retaining Wall Design;
Code 00300 Anchored Retaining Wall Design;
Code 00314 Roadway Lighting;
Code 00316 Multi-use Trail Design, Survey & Layout;
Code00364 MSE Retaining Wall Design;
Code 00433 Hydraulic Design - Tier I;
Code 00434 Hydraulic Design - Tier II

Section 4 Services Required

It is not a requirement that firms be able to provide all of the services outlined below. The services required will vary depending upon the scope of services requested for a particular project. Services required may include all or a part the following:

- Engineering design of roadways, bridges, roundabouts, retaining walls, multi-use trails/greenways, potable water systems, sanitary sewer systems, and storm water systems to meet NHC/NCDOT standards.
- Surveying and property mapping to meet NHC standards.
- Plan/profile sheets showing the existing features and all proposed construction features.
- Notes, summaries, and details to supplement design drawings.
- Typical sections.
- Cross sections.
- Determination of the presence of jurisdictional streams and wetlands.
- Identification of off-site drainage impacting the project, location of areas of cross drainage and other drainage features, identification of sediment sensitive areas, and review of potential outfall channels.
- Provide Construction Engineering and Inspections (CEI) services for upcoming construction projects. The selected PEF will report directly to the New Hanover County Parks & Gardens Department and is to administer the contract and ensure all work is performed in accordance with the contract requirements.
- Design of storm drainage systems, including ditches, culverts, closed systems, and outfalls, in accordance with local standards and the NCDOT's "Guidelines for Drainage Studies and Hydraulic Design," latest revision.
- Adherence to all applicable watershed rules and all other applicable local, state, and federal guidelines.
- Plans for erosion and sediment control measures to be approved by NCDENR-DLQ.
- Plans detailing existing and proposed rights-of-way, utility easements, drainage easements, slope easements, and temporary construction easements. Property drawings and legal descriptions meeting NHC standards.
- Landscape plan sheets and landscaping detail plan sheets.
- Site furnishings and site electrical detail plan sheets.
- Traffic control plans showing how traffic flow will be maintained during construction.
- Pavement marking plans showing proposed pavement markings and signage.
- Geotechnical explorations and pavement design recommendations.
- Existing utilities investigation and coordination.
- Limited environmental assessment.
- Permitting of projects through NCDOT, NCDENR-DLQ, NCDENR-DWQ, and USACE.
- Conduct public meetings at key points during the design process.
- Engineer's estimate.
- Complete plans and specifications.
- Project schedule.

Section 5 Format

Letters of interest and qualification should include the following:

- Consulting firm's official name, address, telephone number, e-mail address and desired primary contact for purposes of a professional services agreement.
- Expression of firm's interest in a professional services agreement.
- Brief history of firm's practice in North Carolina.
- Name and brief resume of firm's principals.
- Statement of specific areas for which firm has received pre-qualification by NCDOT.
- Date of most recent pre-qualification by NCDOT.
- Statement regarding firm's possible conflict of interest regarding the work.
- Identify firm's qualifications and experience as related to this work. Please address requirements outlined above.
- Organization chart with a brief summary addressing the experience and qualifications of the firm's key personnel who may be working on New Hanover County projects.
- Identify unique qualifications of key team members.
- Experience with other municipalities providing similar services.
- Give examples of similar work performed within the past 5 years.
- Indication of an understanding and a commitment to the New Hanover County's MWBE program as it relates to professional services.
- Statement regarding availability of personnel for this work.
- References (preferably from North Carolina municipalities).
- Other pertinent information.

Letters of interest and qualification should be limited to 25 pages or less, inclusive of cover page. Please use 8 ½" x 11" sheets, single spaced, one sided. RS-2 forms are not included in the page count.

Section 6 Consultant Certification Form RS-2

A completed Form RS-2 shall be submitted with the firm's letter of interest.

Submit Form RS-2 for the following:

- Prime Consultant firm (Prime Consultant Form RS-2, latest revision) and
- ANY/ALL sub-consultant firms (Sub-consultant Form RS-2, latest revision) to be utilized or anticipated to be utilized by your firm.

Complete and sign each Form RS-2 (instructions are listed on the form).

In the event the firm has no sub-consultant, it is required that this be indicated on the Sub-consultant Form RS-2 by entering the word "None" or the number "Zero" and signing the form.

The required forms are available at: <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

Section 7 Selection Process and Contract

All qualified firms who submit responsive letters of interest and qualification will be considered.

A qualification-based selection process, administered by our selection committee, will be used to determine the firms to whom on-call Professional Services Agreements will be awarded. Qualifications considered will include those listed below. These Agreements do not address specific work. Specific work will be awarded via a Supplemental Agreement to the Professional Services Agreement and will be based on overall qualifications for the particular project.

1. Proven experience and expertise in the service areas described under “Services Required” above. See following section for relative importance of each area of service. (30 pts.)
2. Demonstrated experience in performing similar work for other NC municipalities or the NCDOT. (25 pts.)
3. Professional qualifications of the Project Teams. (15 pts.)
4. Demonstrated ability to adequately staff the project to meet varying time schedules and demands. (10 pts.)
5. Firms that can provide most or all of the services described under “Services Required.” (10 pts.)
6. Firms that demonstrate exceptional strengths in certain areas of the “Services Required.” (10 pts.)

The relative importance of key areas of the services required is broken down as follows:

- Roadway, sidewalks and multi-use trail/greenway design and specifications 30%
- Surveying and property mapping 10%
- Environmental assessment 10%
- Permitting 10%
- Landscaping design and specifications 10%
- Hydraulic and structural design and specifications for bridges 10%
- Storm drainage system design and specifications 10%
- Public meetings 5%
- Potable water and sanitary system design and specifications 5%

A committee selected by NHC will review the qualifications statements and select the most qualified firm(s) for an interview. The committee anticipates to shortlist firms on or before **August 16, 2021** and conduct interviews on or about **August 26, 2021**. After the most qualified firm(s) is selected by NHC, the firms will be used on an as needed basis to expedite work. The scope of work will vary greatly and will be determined on a project-by-project basis. The contract amounts have not been determined. There is no guarantee that selected firms will be assigned work over the three-year contract period.

If for any reason NHC and the selected firm cannot agree on a scope, term of service or any other matter, NHC will enter into negotiations with the next most qualified firm.

The Professional Services Agreement will have a duration of three (3) years.

Section 8 Forms

- 1. Minority Form**
- 2. E-Very Form**

(Submit with your Response)

**Minority & Women Business Enterprise (MWBE) Program
FORM**

A. Authorized Representative

I HEREBY AFFIRM THAT:

I am [name] _____, [title] _____,
and the duly authorized representative of [Business Name] _____
and that I possess the legal authority to make this statement on behalf of myself and the Business
for which I am acting.

B. Affirmation Regarding MWBE Program Acknowledgement and Compliance

I FURTHER AFFIRM THAT:

I am aware of and intend to comply with the County's MWBE Program. As such [check one]:

_____ The Business is certified as a woman- or minority-owned business by an accepted agency.
(Attach proof certification)

_____ The Business is a woman- or minority-owned business but has not been certified by an
accepted agency. (Attach document of ownership such as articles of incorporation, current
business license, K-1 of the most recent business tax return.)

_____ The Business is not a woman- or minority-owned business; however, the bidder
acknowledges the MWBE policy and if it should become necessary to subcontract some portion
of the work at a later date or obtain materials or services in conjunction with this
solicitation, the bidder will institute good faith efforts to comply with all requirements of the
MWBE program in providing equal opportunities to MWBEs.

Signature: _____

Date: _____

E-VERIFY FORM

(To be submitted with your response)

STATE OF _____

COUNTY OF _____

AFFIDAVIT OF COMPLIANCE WITH N.C. E-VERIFY STATUTES

I, _____ (hereinafter the "Affiant"), duly authorized by and on behalf of _____ (hereinafter the "Employer") after being first duly sworn deposes and says as follows:

1. I am the _____ (President, Manager, CEO, etc.) of the Employer and possess the full authority to speak for and on behalf of the Employer identified above.
2. Employer understands that "E-Verify" means the federal E-Verify program operated by the United States Dept. of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law.
3. Employer employs 25 or more employees, and is in compliance with the provisions of N.C. General Statute §64-26. Employer has verified the work authorization of its employees through E-Verify and shall retain the records of verification for a period of at least one year.

 Employer employs fewer than 25 Employees and is therefore not subject to the provisions of N.C. General Statute §64-26.
4. All subcontractors engaged by or to be engaged by Employer have or will have likewise complied with the provisions of N.C. General Statute §64-26.
5. Employer shall keep the State of North Carolina informed of any change in its status pursuant to Article 2 of Chapter 64 of the North Carolina Statutes.

This ____ day of _____, 20____.

Signature of Affiant

Printed Name and Title

State of _____
County of _____

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public _____

(SEAL)

My Appointment Expires _____