



**RFP # 2022-019**

**REQUEST FOR PROPOSALS FOR  
ENGINEERING SERVICES**

## REQUEST FOR PROPOSALS

The City of Donna is soliciting Requests for Proposals (RFP) for Engineering Services and are to be addressed to City Secretary 307 S. 12<sup>th</sup> Street, Donna, Texas, 78537 and will be received through Friday, November 4, 2022 until 4:00 p.m., at which time they will be taken to the City Hall Council Chambers, and the names of the firms will be read aloud.

### REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

**RFP #2022-019**  
**CITY OF DONNA**  
**307 S. 12th Street**  
**Donna, TX 78537**

Specifications can be obtained by downloading them from the City's web-site, <https://cityofdonna.org/government/request-for-proposals/>. Any and all questions regarding this RFP can be submitted via email to [planning@cityofdonna.org](mailto:planning@cityofdonna.org).

Schedule of Events	Date / Time
RFP Release	Friday, October 21, 2022
Public Notice Published in The Monitor	Friday, October 21, 2022 Friday, October 28, 2022
Deadline for Questions (via email <a href="mailto:Planning@cityofdonna.org">Planning@cityofdonna.org</a> )	Monday, October 31, 2022 3:00p.m.
Pre-Proposal Conference	N/A
Sealed Proposals Due to the City	Friday November 4, 2022 4:00PM CST @ City Hall
Proposals Opened and Read Aloud	Friday November 4, 2022 4:10PM CST @ City Hall
Ranking of Qualifications	TBD
RFP Interviews	TBD
Ranking taken to City Council for Final Selection	TBD
Announcement of Successful Proposer(s)	TBD

The City of Donna reserves the right to refuse and reject any or all qualifications and to waive any or all formalities or technicalities or to accept the qualification to be the best and most advantageous to the City, and hold the qualification for a period of 60 days without taking action. Qualifications submitted past the aforementioned date and time will not be accepted.

**Caution to those submitting qualifications; those not in the proper form may be rejected.**

CITY OF DONNA  
REQUEST FOR SEALED PROPOSALS FOR  
ENGINEERING SERVICES

PURPOSE OF REQUEST FOR PROPOSALS (RFP)

The City of Donna, Texas, invites the submittal of responses to this Request for Proposals (RFP) from qualified firm(s) interested in providing engineering services as here in outlined.

OBJECTIVE

The City proposes to retain a highly qualified, capable firm(s) to act as the Engineering Firm during the planning of projects for a fixed price. Firm(s) who participate in this RFP process are sometimes referred to as “Respondents.” The City will give prime consideration to the Firm(s) with significant, current experience in the development, design, and construction, of municipal projects. The City reserves the right to negotiate with one or more parties and not obligated to enter into any contract with any respondent on any terms or conditions.

CITY CONTACT & NUMBER OF COPIES

Sealed submittals, one (1) original and two (2) copies, are to be prepared in response to this Request for Proposals (RFP), as well as any questions, clarifications or for general information are to be directed to:

Donna Planning Department  
307 S. 12<sup>th</sup> Street.  
Donna, Texas 78537  
Phone: 956-464-3314  
Email: [planning@cityofdonna.org](mailto:planning@cityofdonna.org)

The individual above may ONLY be contacted via email for clarification of the specifications of this RFP only. All other contacts shall be made in written format, electronically, or regular mail.

Any non-written representations, explanations, or instructions given by City Staff are not binding and do not form a part of, or alter in any way, the RFP, a written agreement pertinent to the RFP, or the awarding of the contract.

Under no circumstances will private meetings be scheduled between the firm and City Staff prior to submittal deadline.

### CONFIDENTIALITY OF RESPONSE CONTENT

All submittals offered in response to this RFP shall be held confidential until an agreement is awarded. Following the agreement award, submittals are subject to release as public information unless the submittal or specific parts of the submittal can be shown with their legal counsel regarding disclosure issues and take the appropriate precautions to safeguard trade secrets or other proprietary information. The City assumes no obligation or responsibility for asserting legal arguments on behalf of potential responders.

If a responder believes that a submittal or part of a submittal is confidential then the responder shall so specify. The responder shall stamp in bold red letter the term “**CONFIDENTIAL**” on that part of the submittal, which the responder believes to be confidential. Vague and general claims as to confidentiality shall not be accepted. All submittals and parts of submittals that are not marked as confidential will be automatically considered public information after the agreement is awarded.

All submittals become property of the City and will not be returned to the firm.

### CONFLICT OF INTEREST

Effective March 1, 2006, Chapter 176 of the Texas Local Government Code (House Bill 914) **requires** that any vendor or person considering doing business with a local government entity disclose the vendor or person’s affiliation or business relationship that might cause a conflict of interest with a local government entity. The Conflict of Interest Questionnaire form is available from the Texas Ethics Commission at [www.ethics.state.tx.us](http://www.ethics.state.tx.us). Complete Conflict of Interest Questionnaires may be mailed or delivered by hand to the Risk Manager. If mailing a completed form, please mail to:

Ram De Leon  
Risk Manager  
City of Donna  
307 S. 12<sup>th</sup> St  
Donna, Texas 78537

Any attempt to intentionally or unintentionally conceal or obfuscate a conflict of interest may automatically result in the disqualification of the vendor’s submittal.

### CERTIFICATE OF INTERESTED PARTIES (Form 1295)

In 2015, The Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclose of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. The law applies only to a contact of a governmental entity or state agency (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed or (2) has a value of at least \$1 million. The disclosure requirement applies to a contact entered into on January 1, 2016. For more information go to the Texas Ethics Commission web page at [www.ethics.state.tx.us/forms/CIQ.pdf](http://www.ethics.state.tx.us/forms/CIQ.pdf)

### DISCLOSURE OF LITIGATION

Each responder shall include in its submittal a complete disclosure of any civil or criminal litigation or investigation pending which involves the responder or in which the responder has been judged guilty.

### EX PARTE COMMUNICATION

Please note that to insure proper and fair evaluation of a submittal, the City prohibits ex parte communication (e.g., unsolicited) initiated by the responder to the Mayor, City Commission, or City Staff to make inquiries about the progress of this selection process. Respondents will be contacted when it is appropriate to do so.

### INDEMNIFICATION

The successful responder shall indemnify, save harmless and exempt the City, its officers, agents, servants, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, or fees incident to any work done as a result of this response and arising out of a willful or negligent act or omission of the successful responder, its officers, agents, servants, and employees; provided however, that the successful responder shall not be liable for any suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney fees arising out of a willful or negligent act or omission of the City, its officers, agents, servants and employees, or third parties.

### LEGAL REQUIREMENTS

All parties offering submittals shall comply with federal, state and local laws and mandates relative to the preparation of submittals and the services to be provided and all applicable federal laws and regulations. Specifically the services to be provided are expected to be in compliance with the: American with Disabilities Act (ADA); Age Discrimination in Employment Act (ADEA); Consolidated Omnibus Budget Reconciliation Act (COBRA); Family and Medical Leave Act (FMLA); Health Portability and Accountability Act of 1996 (HIPPA) and all applicable federal and state requirements, including without limitation, ERISA, the Internal Revenue Code and its Act of 1994 (USERRA), insurance laws and regulations, and state anti- discrimination requirements. All submittals will be presumed to be in compliance with all applicable laws.

### SUBMITTAL CONTENTS

The contents of the response submittal by the successful firm and this RFP will become part of any contract award. The successful firm shall be expected to sign a contract with the City. The response and this RFP shall be incorporated by reference into the contract as though fully set forth therein.

### RIGHT OF RETENTION

The City of Donna reserves the right to retain all responses submitted and to use any ideas in a submittal regardless of whether that submittal is selected. Submission of a response indicate acceptance by the firm of the conditions contained in this RFP, unless clearly and specifically noted in the response and confirmed in the contract between the City of Donna and the firm selected. Under no circumstances shall a responder whose submittal has not been accepted be entitled to any claims for compensation. The City reserves the right to hold a RFP for 90 days without taking action.

## SCOPE OF WORK

The selected Firm(s) will be required to perform the basic engineering services to be specified more fully in a contract agreement to be negotiated after selection. **Example of these services include but are not limited to mapping, planning, engineering, surveying, platting, material testing, construction, design, analysis, feasibility studies, bidding, procurement, and project management. Types of project include but are not limited to water, waste water, transportation, drainage, and structural design.** The contract agreement will provide for payment for phases of work completed with options to proceed through all phases or to discontinue work as the circumstances may dictate. Upon selection of a respondent with whom negotiations will proceed, a Scope of Work will be developed. The City reserves the right to include additional project elements in the initial or subsequent professional services agreements as the City may (in its sole discretion) deem appropriate. The Engineering Firm(s) will be required to retain and be responsible for all basic engineering for the scope of work negotiated. The Firm(s) is also required to identify and select the appropriate construction company(s); however, the City reserves the right to approve proposed construction company that will be associated with the project.

## PROJECT FUNDING

Funding for work described herein will be provided from various sources as determined upon approval by the City Commission.

## SELECTION PROCESS

Selection of firm(s) will follow the proposal-interview process.

The City reserves the right to invite several firms to be interviewed before making a final selection of a firm for this project. If the City desires to interview a firm; that firm will receive notification of the date and time of the interview.

The City may use staff to initially evaluate the submittals on the basis of demonstrated competence and qualifications to perform the services. The statements of qualifications received will be one part of the selection process utilized by the City, together with the interviews, to determine if an engineering contract should be pursued.

Staff may recommend a short list to the City Commission for their consideration. The City Commission may request that presentations be made in a City Commission meeting to assist them in their decision.

The selected respondent(s) will then negotiate with the City on fee and contract conditions. If a fair and reasonable fee cannot be achieved with the highest ranking respondent(s) of choice, in the opinion of the City, negotiations will proceed for the next highest ranking respondent(s) until a mutually agreed contract can be negotiated.

## ADDITIONAL INSTRUCTIONS, NOTIFICATIONS AND INFORMATION

- A. **No Gratuities** – Respondents will not offer any gratuities, favors, or anything of monetary value to any official or employee of the City of Donna for the purpose of influencing this selection. Any attempt by a respondent to influence the selection process by any means other than disclosure of qualifications and credentials through the proper channels, will be grounds for exclusion from the selection process. Accordingly, contacts with members of the City Staff, which are outside of the establish process should not be initiated.

- B. **All Information True** – By submitting a response, respondents represent and warrant to the City that all information provided in the response submitted shall be true, correct and complete. Respondents who provide false, misleading or incomplete information, whether intentional or not, in any of the documents present to the City of Donna for consideration in the selection process may be excluded.
- C. **Interviews** – After the initial evaluation of the statements of qualifications, respondents may be notified of their status in the selection process. Respondents who are “short- listed” should expect and anticipate subsequent interviews which will most likely focus not only on the respondents who would be directly involved in the project. “Short listed” respondents may be asked to make a presentation to the City Commission. If a presentation to the Commission is requested, it will be necessary that additional RFP response submittals be provided by the “short listed” respondent.
- D. **Cost of Responses** – The City will not be responsible for the costs incurred by anyone in the submittal of RFP.
- E. **Contract Negotiations** – This RFP is not to be construed as a contract or as a commitment of any kind. If this RFP results in a contract offer by the City the specific scope of work, associated fees, and other contractual matters will be determined during contract negotiations. To ensure that the appropriate Staff is assigned to the Project, the City intends to make the inclusion of a “key persons” clause a part of the contract negotiations.
- F. **No Obligation** – The City reserves the right to evaluate the responses submitted; waive any irregularities therein; select candidates for the submittal of more detailed or alternate proposals; accept any submittal or portion of submittal; reject any or all respondents submitting responses, should it be deemed in the City’s best interest; or cancel the entire process.
- G. **Professional Liability Insurance** – The respondent shall have the appropriate liability insurance written by an insurer authorized to transact insurance in the State of Texas.

To enable the City to efficiently evaluate the responses, it is important that the respondents follow the required format in preparing their responses. Responses that do not conform to the prescribed format may not be evaluated.

One (1) original and two (2) copies of the responses shall be bound to ensure pages are not lost. Pages shall be no larger than letter size (8 ½” by 11”) or, if folded to that dimension, twice letter size (11” by 17”) each section (defined below) shall be separated by a tabbed divider. Elaborate covers and permanent binders are not required.

#### CONTENT OF SUBMITTAL

Each response shall be submitted as outlined in this section. Please include an outside cover and/or first page, containing the name of the Project (Engineering Services).

A table of contents should be next, followed by dividers separating each of the following sections:

- **Divider #1: Letters**

The first page following the divider shall be a letter transmitting the response of the City and stating that the proposal set forth in it remains effective for a period of 90 calendar days. At least one copy of the transmittal letter shall contain the original signature of a partner, principal, or officer of the respondent.

- **Divider #2: Firm Information**

- a. Firm name, addresses, and telephone numbers of all firm offices.
- b. Structure of firm, i.e., sole proprietorship, partnership, corporation, and size of firm.
- c. Year's firm has been in business.
- d. Name of principals in firm.
- e. Primary contact.
- f. Organizational description.
- g. Description of firm's philosophy.

- **Divider #3: General Firm History/Qualifications**

- a. A brief history of the Firm and the services routinely provided in-house on municipal (or related) projects.
- b. The resume of person to be assigned to the project with his/her prospective role and identified engineer is registered in the State of Texas.

- **Divider #4: Financial and Legal Status**

- a. List any actions taken by any regulatory agency against or involving the firm or its agents or employees with respect to any work performed. Include reason why action was taken and outcome.
- b. List all litigation against or involving the firm or its agents or employees with respect to any work performed. Include reason for litigation and outcome.
- c. List all insurance coverage that the firm has which would be applicable to the work and coverage amount.

- **Divider #5: Experience and References**

- a. Discussion of Engineering experience in working with government Agencies.
- b. List of all representative Municipal and Governmental Projects, whether ongoing or completed, including references. Please begin with projects in Texas. For each, please provide:
  - i. Project name and location
  - ii. Year completed
  - iii. Short description of project
  - iv. Name, addresses, and phone numbers of owner and contact person tasked with daily responsibilities of project
  - v. Cost of Construction for project
  - vi. Names, addresses and telephone numbers of general contractor and engineer

- vii. Design and construction cost and whether or not it was completed on time
- c. List of all project currently under contract

- **Divider #6: Management and Organizational Approach**

On two pages or less, please describe your management and organization approach to the project. The following should be addressed within this description:

- A. Describe your firm's understanding of the project.
- B. Describe how the firm will organize to perform the services.
- C. Describe how the firm will solicit in the programming and design phases the interested stakeholders. This includes community residents, city commission, staff and users.
- D. Provide procedures for assisting in the development of project scheduling, coordination of consultants, quality and cost control.
- E. Describe the Engineering team's approach to communication with the City.
- F. Description of Engineer's approach to code analysis and jurisdictional approvals.

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