

Capital District Regional Planning Commission

5 Computer Drive West, 2nd Floor
Albany, NY 10005

on behalf of

**The Albany Water Board, The Cities of Cohoes, Rensselaer, Troy, and Watervliet,
and the Village of Green Island**

Combined Sewer Overflow Long Term Control Plan Development

Request for Qualifications

SECTION 1: BACKGROUND

As part of the SPDES permits issued to the Albany Pool communities (listed above) for their Combined Sewer Overflows (CSO) the communities are required to develop Long Term Control Plans (LTCP) for the CSOs.

The NYS Environmental Protection Fund has set aside up to \$2 million from the previous year's fund for the development of a Phase I Long Term Control Plan for the Hudson River Estuary. The Albany Pool communities, through The Capital District Regional Planning Commission (CDRPC), are the only applicants for these funds, which will require a local financial and in-kind match of 50% of the cost of the project. The project area is displayed on the attached map.

The communities have agreed to jointly fund Part A of the LTCP development, which includes project planning and cost allocation. Part B includes the remainder of the LTCP development. There is currently no other existing agreement for joint funding of the Part B contract. However, Part A will proceed with the assumption that the LTCP development will continue forward as an inter-municipal project. CDRPC is also applying for an EPA grant that may help fund the Part A contract. The EPA grant application is attached to this RFQ.

SECTION 2: PURPOSE

- 2.1 CDRPC has issued this RFQ to solicit consulting services in order to develop a LTCP for the Albany Pool Communities. Two contracts will result from this RFQ, the Part A contract and the Part B contract.
 - a. The Part A contract will include designing a detailed process and schedule for the LTCP development. The contract will additionally include developing a methodology for cost and labor allocation between the communities that will be based on the amount of work that will be required related to each community,

the assets that each community brings to the project, and the amount of inter-municipal work that will be required.

- b. The Part B contract will include the balance of the work necessary to complete the Phase I LTCP development process and have the LTCP approved by the applicable State and Federal regulatory agencies.

SECTION 3: RECEIPT OF QUALIFICATIONS:

- 3.1 Twenty copies of the qualifications must be received no later than **September 3, 2004 at 4:00 p.m.** at the following address:

Leif Engstrom, Senior Planner
Capital District Regional Planning Commission
One Park Place
Albany, New York 12205

- 3.2 The qualifications submitted will be the documents upon which CDRPC will make its initial judgment regarding each submitter's qualifications, methodology, and ability to provide the services contemplated by the contract.
- 3.3 Those submitting qualifications do so entirely at their own expense. There is no expressed or implied obligation by CDRPC to reimburse any firm or individual for any costs incurred in preparing or submitting qualifications, preparing or submitting additional information requested by CDRPC, or participating in any selection interviews.
- 3.4 Submission of any qualifications indicates an acceptance of the conditions contained in this Request for Qualifications (RFQ) unless the submitted qualifications clearly and specifically states otherwise.
- 3.5 CDRPC reserves the right to accept or reject any and all qualifications in whole or in part, to waive any and all informalities and to disregard all non-conforming, non-responsive or conditional submissions.

SECTION 4: QUALIFICATIONS OF SUBMITTER:

- 4.1 Each submitter shall provide 20 copies of a statement of qualifications including:
 - a. A brief history and description of the firm submitting the qualifications.

- b. Identification of the firm's professional staff members who will be assigned to this engagement if the firm is selected. Include a resume for each such professional staff member that details qualifications, years and types of experience, education, accomplishments, etc. Specify the extent of the availability and commitment of each such professional staff member who will be assigned to this engagement if the firm is selected.
 - c. Identification of a project team manager or point of contact for all management issues.
 - d. At least three (3) references, including addresses and telephone numbers.
 - e. A signed cover letter from a person within the firm who is authorized to make representations on behalf of the firm and to bind the firm.
 - f. A summary of similar projects or work undertaken by the firm and the experience on similar projects or work of each of the firm's professional staff members who will be assigned to engagement if the firm is selected.
 - g. Any additional information which would serve to distinguish the firm from other firms submitting qualifications such as examples of work on projects similar to the project contemplated by this RFQ, any special expertise or experience of the firm, etc.
 - h. An executive summary not to exceed five pages.
- 4.2 CDRPC may make such inquiries it deems necessary to determine the ability of each submitter to perform the services contemplated by this RFQ. Submitters shall promptly furnish all information and CDRPC may subsequently request data for this purpose.

SECTION 5: SCOPE OF PROJECT

- 5.1 The LTCP development process will be based on the outline included in the NYS EPF grant application and guided by Combined Sewer Overflows: Guidance For Long-Term Control Plan, which is an EPA publication. The EPF application is attached to this RFQ.

5.2 The Tasks outlined in the EPF application are:

1. Cost Allocation Among Cooperating Municipalities
2. Public Participation
3. (Existing) Data Collection & Review
4. Receiving Water Conditions and Assessment
5. Combined Sewer System Mapping and Digitizing
6. Combined Sewer System Monitoring
7. Combined Sewer System Modeling
8. WWTP Wet Weather Capacity Study
9. Long Term Control Plan Development

Although not included in the EPF grant application, a “high flow” river model will likely need to be developed for this segment of the river.

5.3 The planned annual schedule for the LTCP development process is as follows:

2004-05	System mapping and model creation Development of fieldwork plan
2005-06	Flow monitoring Water quality sampling SWMM Model calibration High Flow River Model Development
2006-07	LTCP development

5.4 Tasks 1 and 3 fall under the responsibilities of the Part A contract. It will be the responsibility of the consultant to complete the data collection & review. Using that information, the consultant will detail the work and costs required of the communities, both jointly and within each municipality to complete the remaining tasks. This information is to be used as the basis for determining the cost allocation. The consultant will also be required to prepare a list of deliverables, aside from the LTCP, that each community will receive as a result of the LTCP development process (such as improved mapping).

5.5 The deliverables that will be required as part of completion of the contract for Part A of the LTCP development process include 20 copies of the following:

1. A summary of the results of the Existing Data Collection and Review process
2. A detailed scope of work and schedule for the completion of the LTCP development process (AKA Part B)

3. An analysis of what work, during Part B, will be conducted in each community and what work will be conducted jointly,
 - the value of that work, and
 - what Part B deliverables each community will receive as a result of that work (such as SWMM modeling).
 4. A schedule of what in-kind contributions each municipality will make,
 - the value of that contribution, and
 - when each contribution will be made
 5. A proposal for the allocation of costs among the cooperating communities
- 5.6 All data collected will be the property of CDRPC and will be delivered to CDRPC with the Part A deliverables.
- 5.7 The Part B contract will include the activities required to complete the LTCP development process.
- 5.8 Throughout Parts A and B, the selected consultant will be required to cooperate with the Public Participation aspect of the LTCP process. The selected consultant will need to provide a knowledgeable representative to attend periodic public meetings and answer technical questions. Periodic progress reports will also be needed to keep the public participation staff apprised of the current status of the project. CDRPC will take the lead in organizing and facilitating the public participation effort.

SECTION 6: QUALIFICATION ATTRIBUTES

- 6.1 The qualifications shall give consideration to the following attributes, which have been identified as having an impact on the project:
- a. The enumerated deliverables listed in the Scope of Project section of this RFQ.
 - b. Cooperation with the Public Participation aspect of the LTCP process, which will begin during Part A of the process.
 - c. Assistance with related BMPs

During the course of investigating and evaluating the sewer collection system, the consultant will likely identify improvements to the BMPs already being implemented by the communities. Proactive suggestions and recommendations for continuing improvements are anticipated.

- d. Commitment to cost minimization by maximizing the use of in-kind labor and the use of municipal equipment and facilities for the LTCP development.

The communities are committed to minimizing the environmental impacts of the CSOs and to meeting the EPA's LTCP requirements. However, the six Albany Pool communities are, in general, distressed urban communities with significant financial difficulties. The use of labor and equipment that are already within existing municipal budgets can help these communities to afford this important effort. Additionally, the consultant should plan for Part B of the LTCP development to acquire accurate and significant data in the most cost effective and efficient manner.

- e. How the LTCP process can be used to meet the criteria of the EPA Water Quality Cooperative Agreement grant.

CDRPC is applying for a grant from the EPA Water Quality Cooperative Agreement in hopes of partially funding Part A of the LTCP process as well as funding some other specific aspects of the process. The grant information and the CDRPC preliminary application are attached to this RFQ.

- f. How this project can address the 8.8% MBE and WBE financial goal and 10% MBE and WBE time goal of the EPF grant.

SECTION 7: CONTRACT:

- 7.1 CDRPC reserves the right to award the engineering services work, in whole or in part, to one or more engineers or firms. Any award of the work contemplated by this RFQ shall be conditioned on the later execution of a formal written contract. CDRPC reserves the right to revoke or rescind any award at any time prior to the full execution of a formal written contract.

SECTION 8: QUALIFICATIONS EVALUATION:

- 8.1 Submissions shall remain valid until the execution of a contract by CDRPC.
- 8.2 Qualifications shall be examined and evaluated by a steering committee consisting of one representative from each of the six Albany Pool Communities. The Albany and Rensselaer County Sewer Districts will each be represented in an advisory capacity. A recommendation will be made to CDRPC for a contract award based on the following criteria: (a) the submitter's demonstrated capabilities, professional qualifications,

experience, and track record in related engagements; (b) the wherewithal of the submitter to render the requested services to CDRPC in a timely fashion; (c) the completeness of the submission.

SECTION 9: ALTERNATIVES:

- 9.1 Submissions may include alternative matters or items not specified or requested in this RFQ. However, all such alternatives matters or items must be listed separately from the submission and the cost(s) thereof must be separate and itemized.

SECTION 10: INDEMNIFICATION:

- 10.1 The selected contractor will be required to defend, indemnify and save harmless the CDRPC and its members, officers, employees, and agents, and Albany Pool communities and their officers, employees, and agents, from and against all claims, damages, losses and expenses (including without limitations, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the selected contractor, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

SECTION 11: SPECIFICATION CLARIFICATION:

- 11.1 All inquiries with respect to this Request for Qualifications shall be directed to the individual referenced in Section 3.1 above.
- 11.2 All questions about the meaning or intent of the specifications shall be submitted in writing to the individual referenced above in Section 3.1. Replies will be issued by Addenda mailed or delivered to all parties recorded as having received the submitted documents. Questions received less than four (4) days prior to the date of submission of qualifications will not be answered. Only questions answered by formal written Addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.

SECTION 12: MODIFICATION AND WITHDRAWAL OF SUBMISSIONS:

- 12.1 Qualifications may be modified or withdrawn by an appropriate document duly executed (in the manner that a submission must be executed) and delivered to the place where qualifications are to be submitted at any time prior to the opening of submissions.

SECTION 13: INSURANCE AND SECURITY REQUIREMENTS:

- 13.1 The selected contractor will be required to procure and maintain at its own expense the following insurance coverage:
- (a) Workers' Compensation and Employer's Liability Insurance: A policy or policies providing protection for the contractor's employees in the event of job-related injuries.
 - (b) General Liability Insurance: A policy or policies of comprehensive general liability insurance with limits of not less than **\$2,000,000**.
 - (c) Professional Malpractice Insurance: A policy or policies with limits of not less than **\$5,000,000**.
- 13.2 All insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A". Each policy of insurance shall be in form and content satisfactory to the CDRPC's Counsel, and shall provide that: (a) CDRPC and each of the Albany Pool communities are named as an additional named insureds; (b) the insurance policies shall not be changed or cancelled until thirty days after CDRPC receives written notice of such change or cancellation; and (c) the insurance policies shall be automatically renewed upon expiration and continued in force unless CDRPC is given thirty days written notice to the contrary.
- 13.3 No work shall be commenced under the contract until the selected contractor has delivered to CDRPC proof of issuance of all policies of insurance required by the contract to be procured by the selected contractor. If at any time, any of said policies shall be or become unsatisfactory to CDRPC, the selected contractor shall promptly obtain a new policy and submit proof of insurance of the same to CDRPC for approval. Upon failure of the selected contractor to furnish, deliver and maintain such insurance as above provided, this contract may, at the election of CDRPC, be forthwith declared suspended, discontinued or terminated. Failure of the selected contractor to procure and maintain any required insurance, shall not relieve the selected contractor from any liability under the contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected contractor concerning indemnification.

SECTION 14: BUDGET

- 14.1 The six Albany Pool communities, with the possible contribution of the EPA Water Quality Cooperative Agreement grant, will fund the Part A contract. The Part B contract will be funded by the six Albany Pool communities and the NYS Environmental Protection Fund with the possible contribution of the EPA grant.

SECTION 15: COST PROPOSAL:

- 15.1 Provide hourly rates and clearly set forth in detail any and all additional expenses for which you expect to be reimbursed. The submission must, however, provide a guarantee that no additional fees will be charged to CDRPC or the Albany Pool communities without prior written consent by the entity involved.

SECTION 16: NON-COLLUSIVE PROPOSAL CERTIFICATE & ACKNOWLEDGMENT:

- 16.1 Each submitter shall complete and submit with its submission the “Non-Collusive Proposal Certificate” and the “Acknowledgment” found on the two (2) pages which follow this page.

**NON-COLLUSIVE PROPOSAL CERTIFICATE
PURSUANT TO
NEW YORK STATE
GENERAL MUNICIPAL LAW SECTION 103-D**

By submission of these qualifications, each submitter and each person signing on behalf of any submitter certifies, and in the case of a joint submission each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in the submission have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other submitter or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this submission have not been knowingly disclosed by the submitter and will not knowingly be disclosed by the submitter prior to the opening, directly or indirectly, to any other submitter or to any competitor; and
- (3) No attempt has been made or will be made by the submitter to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(date)

(signature)

(name and title)

(name of firm)

ACKNOWLEDGMENT BY SUBMITTER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2003, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he (or they severally) acknowledged to me that he (or they) executed the same.

Notary Public, State of _____
Qualified in _____
Commission Expires _____

If Corporation:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2003, before me personally appeared _____ to me known, who, being by me sworn, did say that he resides at (give address) _____; that he is the (give title) _____ of the (name of corporation) _____, the corporation described in and which executed the above instrument; that he knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he signed his name thereto by like order.

Notary Public, State of _____
Qualified in _____
Commission Expires _____

If Partnership:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2003, before me personally came _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of _____ and that he/she has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

Notary Public, State of _____
Qualified in _____
Commission Expires _____

A Proposal For Project Funding: Water Quality Cooperative Agreement Under the Clean Water Act Section 104(b)(3)

Project Name Hudson River Estuary Data Collection & Needs Assessment

Point of Contact Rocco A. Ferraro, AICP, Executive Director
Capital District Regional Planning Commission
5 Computer Drive West, 2nd Floor, Albany, NY 12205
Phone · 518-453-0850 Fax · 518-453-0856 E-Mail · Rocky@cdrpc.org

Other EPA-Funded Projects

The Capital District Regional Planning Commission (CDRPC) has received pass-through grants of EPA funds from the New York State Department of Environmental Conservation (DEC) for 604(b) Water Quality Projects under the Clean Water Act. The Commission is currently completing the first year of a four-year, \$200,000 program (DEC Contract #C302279), which requires a 25% local match.

Proposed Award Amount \$150,000

Proposed Award Cost Share Proposed State and local funds of up to \$4 million

Description of General Budget Proposed to Support Project

A RFQ will be issued for a consultant to prepare a Baseline Inventory report. Consultant costs are expected to be in the \$60-\$75,000 range for the Inventory report and its associated by-products. The remaining funds will be used by CDRPC for intermunicipal public outreach activities and project management, including data collection based on the needs assessment.

Project Area

The project area is the Hudson River Estuary from the northern juncture of the confluence of the Mohawk and Hudson Rivers, south to the southern end of Houghtaling Island.

Project Description

The Regional Planning Commission has taken the lead in organizing a collaborative regional consortium to coordinate the efforts of a group of communities (the "*Albany Pool*" communities) to develop a comprehensive inter-municipal Phase I LTCP for Combined Sewer Overflows discharging into the portion of the Hudson River Estuarine District classified as Class C waters of the Hudson River Estuary. The goal is to develop and implement a Long Term Control Plan to make this portion of the Hudson suitable for contact recreation. The project is consistent with water quality policies and recommendations established in the Hudson River Estuary Plan, the Federal Combined Sewer Overflow Policy, and the 1999 and 2002 Waterbody Inventories and Priorities Lists for the Lower Hudson River and Mohawk River Basins.

The *Albany Pool* communities are the Cities of Albany, Cohoes, Rensselaer, Troy, and Watervliet, and the Village of Green Island. Each community has their own SPDES permit and fully supports this EPA application. Together with the Albany and Rensselaer County Sewer Districts, these communities have created a unique consortium to address their combined sewer overflow problems. On their behalf, CDRPC has applied in a single application for \$2 million NYS Environmental Protection Fund monies to prepare a Phase I LTCP. The communities have pledged to match the grant, resulting in a final study cost of up to \$4 million.

CDRPC has held a series of informational and technical meetings with representatives of the *Albany Pool* communities to develop a coordinated approach for a joint LTCP. Despite their willingness to cooperate, there are natural concerns regarding the risks associated with joint participation with communities that may be either greater contributors to the CSO problem or not as advanced in system characterization. Thus, it is necessary to undertake a data inventory and needs assessment to define baseline conditions as a first step in the planning process.

Federal regulations require that LTCPs include watershed characterization and combined sewer system assessment in order to determine baseline conditions. The baseline conditions are then used to project whether water quality standards can be met after implementation of CSO control alternatives and to track improvements. The analysis includes an evaluation of the amount of work that will be required for each community, the assets that each community brings to the project, and the amount of shared work that will be required. The result of the data needs assessment will be two-fold: the establishment of data benchmarks based on the baseline conditions, and the development of a fair cost allocation method to determine each community's appropriate share of the remaining elements of the Phase I study.

It is important that the consortium, early in the process, have the opportunity to understand the baseline conditions and to consider what information and data are necessary to evaluate and demonstrate the results of the LTCP. An investigation of the data will include gathering, reviewing, analyzing, and summarizing existing hydrological, water quality, and other environmental data and maps for the study area, as well as gathering field data to corroborate and supplement the existing information. Since there are six communities, the task of achieving agreement and consensus on cost-sharing for the remainder of the study based on the baseline information will be challenging. The grant will assure the collection of objective, comparable, and consistent data that is comprehensible to the six communities, public, DEC and EPA.

It is important to facilitate public participation and intermunicipal interaction during the system characterization phase to demonstrate benefits and successes. The unique effort by the six municipalities to work together and share the costs of the LTCP's preparation requires innovative approaches to address concerns and to assure a willingness to participate jointly to address the problems associated with the CSO's. CDRPC will develop the strategy and lead the public participation effort that will include a series of regional and community meetings. As an essential requirement of the LTCP, the public meetings will educate the public about CSO issues, gain public support for the LTCP, identify public concerns related to CSOs, inform the public of ongoing LTCP efforts, and provide public input to the process. These are in addition to the ongoing meetings of a technical advisory committee consisting of representatives from each of the *Albany Pool* communities, the two sewer districts, and New York State DEC. There will be a wealth of knowledge that can be gained and transferred to other municipalities involved in multi-jurisdictional watershed-based planning and management efforts. Resources from the grant will be used to coordinate these intermunicipal public outreach activities.

There are approximately 100 CSO's among the six communities within this stretch of the Hudson River making this the most complex CSO project in NYS. To add to the complexity of the data collection effort, this section of the Hudson is within the tidal basin. A portion of the funds will be applied to data collection based on the needs assessment leading to the development of a Characterization Monitoring and Modeling Plan that demonstrates the cause and effect of CSO impacts and the benefits and success of CSO control.

Expected Accomplishments

- A Baseline Inventory report summarizing the status of existing data and data collection in each community will be prepared within six to nine months of the grant award.
- An analysis of work to be conducted individually and jointly by each community, including a schedule of the type and value of in-kind contributions which each community will make during the plan's preparation, will be prepared as part of the Baseline Inventory report.
- A cost allocation plan for the completion of the Phase I LTCP among the *Albany Pool* communities will be completed within two months of the completion of the Baseline report.
- A public participation plan, including the results of meetings held during the system characterization phase of the control plan development process will be prepared within three months of the grant award, with ongoing community-based public and technical meetings held during the multi-jurisdictional assessment.
- The results of all of these efforts will be shared among all the participating communities and State and federal officials. All reports will be posted on CDRPC's web site for easy access and reference (<http://cdrpc.org>). Staff will also be available to present the study's findings on a request basis to other organizations proposing similar strategic approaches.

Evaluation Criteria

The Hudson River Estuary Plan identifies loss of recreational and economic opportunity as impairments known or suspected to exist as a result of combined sewer overflows. The Plan recommends supporting projects that reduce impairments to water quality and habitat caused by combined sewer overflow discharges. This effort will directly contribute to the reduction of known impairments to water quality affecting contact recreation and habitat caused by wet weather discharges from combined sewer overflows to the Class C waters of the Hudson. New York State endorses the goal of a Hudson River suitable for swimming from the Adirondacks to New York City, which was reiterated in the Governor's 2004 State-of-the-State address.

The Project is also consistent with the water quality policies and recommendations established in the Federal CSO Policy and the 1999 and 2002 Waterbody Inventories and Priority Waterbodies Lists for the Lower Hudson River and Mohawk River Basins.

The six *Albany Pool* communities and the two sewer districts have established a mutual level of cooperation to address CSO's in a cost effective manner. Addressing this important environmental issue collectively will result in substantial short- and long-term savings.

The funds requested will help leverage up to \$4 million in State and local funds to prepare a multi-jurisdictional Phase I LTCP for the project area.

The results of these efforts will be shared among all the participating communities and State and federal officials. All reports will be posted on CDRPC's web site for easy access and reference. Staff will also be available to present the study's findings on a request basis to other organizations proposing similar strategic approaches.

Non-Profit Status

The Capital District Regional Planning Commission is a public non-profit agency incorporated under the relevant New York State statutes for regional planning organizations. For State and federal tax and audit purposes, it is considered a branch of county government.