



Request for Proposals

for

2023-2027

Backflow Device Testing, Repair, and Replacement Services

Published November 4, 2022

Oak Lodge Water Services
14496 SE River Road
Oak Grove, OR 97267
(503) 353-4230

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2023-2027

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Section 1 – Request for Proposals

Oak Lodge Water Services 2023-2027

Oak Lodge Water Services (OLWS) is seeking to contract with one or more qualified and experienced backflow testing contractors. Proposals for the 2023-2027 backflow testing contract must be received at the OLWS office located at 14496 SE River Road, Oak Grove, OR 97267 by 2:00 p.m. on Thursday, December 1, 2022. Proposals received after the deadline will not be considered and will be returned unopened to the proposer.

The Request for Proposals may be obtained for no cost on the OLWS website at <http://www.oaklodgewaterservices.org/RFPs>.

Submit three copies of the proposal in a sealed envelope that plainly identifies Proposer's Name and Address and that the submission is a response to this RFP. Proposals should be addressed to Dave Seifert, 14496 SE River Road, Oak Grove, OR 97267.

Proposers are advised to check the OLWS website regularly for addenda and other pertinent notifications regarding this Request for Proposals ("RFP").

For questions or additional information regarding this RFP, please contact Dave Seifert at (503) 353-4230 or by email at dave@olwsd.org. OLWS reserves the right to reject any and all proposals; cancel, amend, or reissue this RFP; to negotiate individually with one or more candidates; and to select one or more contractors for award, in the best interest of OLWS.

Section 2 – Introduction and General Information

2.1 Introduction

OLWS is an Oregon water and sanitary authority with a 2022 population of approximately 30,000 customers. OLWS employs approximately 38 full time staff and is governed by an elected Board with five Board Members. OLWS serves its customers by providing safe drinking water, treating wastewater, and improving surface water quality through its MS4 Permit.

2.2 Issuance of Request for Proposals

RFP documents may be downloaded from the OLWS website at:

<http://www.oaklodgewaterservices.org/RFPs>

The Project Manager is Dave Seifert, who is the sole point of contact for all questions, concerns, and protests. He can be reached at (503) 353-4230 or by email at dave@olwsd.org

2.3 Submission of Proposals

Each Proposer shall provide three copies of their proposals addressing the requirements in this RFP, sealed in an envelope that plainly identifies Proposer's Name and Address and that the submission is a response to this RFP. Proposals must be addressed and submitted to the following location by 2:00 p.m. on Thursday, December 1, 2022.

Oak Lodge Water Services
Attn: Dave Seifert
14496 SE River Road
Oak Grove, OR 97267

All proposals must arrive at the OLWS Office on or before the time and date due. Electronically mailed or faxed proposals will not be accepted. It is the responsibility of each proposer to confirm that OLWS has received their proposal.

2.4 Request for Proposals Schedule

OLWS anticipates the following general timeline for receiving and evaluating the proposals and selecting the contractor(s) for award. This schedule is subject to change at any time, in OLWS' best interests.

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|--|------------------------------|
| • Publish Request for Proposals | November 4, 2022 |
| • Deadline to Request Additional Information | November 23, 2022, 2:00 p.m. |
| • Final Addenda Issued (if any) | November 28, 2022 |
| • Proposals Due | December 1, 2022, 2:00 p.m. |
| • Evaluation of Proposals Complete | December 13, 2022 |
| • Notice of Intent to Award | December 14, 2022 |
| • OLWS Board Meeting | January 17, 2023 |
| • Notice of Award | January 18, 2023 |
| • Commencement of Contract | July 1, 2023 |

2.5 Confidentiality

All information submitted by Proposers are public records and will be subject to disclosure pursuant to the Oregon Public Records Act. If Proposers believe that confidential or proprietary information in their proposals is exempt from disclosure they must specifically and in writing identify such portions that they believe are exempt as “Confidential,” when submitting their proposals. . Proposer shall not copyright, or cause to be copyrighted, any portion of their proposal. Proposers may not mark their entire proposal document “Confidential.” To the extent allowed by law, OLWS will withhold information that is marked as Confidential and provide Proposer with an opportunity to defend the withholding.

2.6 Cancellation

OLWS reserves the right to cancel this RFP or any resultant contract award at any time before execution of the contract by both parties, if cancellation is deemed to be in OLWS’ best interest. In no event shall OLWS have any liability for the cancellation.

2.7 Late Proposals

Any Proposal not received by the deadline will not be considered and will be returned unopened to the Proposer. Electronically mailed or faxed proposals will not be accepted. Delays due to mail and/or delivery handling, including, but not limited to delays within OLWS’ internal distribution systems, do not excuse the Proposer’s responsibility for ensuring their submission is received at the correct location before the deadline.

2.8 Disputes

In case of any doubt or difference of opinions as to the services to be furnished hereunder, or the interpretation of the provisions of the RFP, the decision of OLWS shall be final and binding upon all parties.

2.9 Proposer’s Representation

Proposers, by the act of submitting their Proposals, represent that:

- A. They have read and understand the Proposal Documents;
- B. They have familiarized themselves with the local conditions under which the work will meet their satisfaction (for example, Proposers must be familiar with the Clackamas County Plumbing Code);
- C. Their Proposal is based upon the requirements described in the Proposal Documents without exception, unless clearly stated in the Proposal.

2.10 Conditions of Submittal

By the act of submitting a Proposal in response to this Request for Proposals, the Proposer certifies that:

- A. The Proposer and each person signing on behalf of any Proposer certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies

as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no elected official, officer, employee, or person, whose salary is payable in whole or in part by OLWS, has a direct or indirect financial interest in the Proposal, or in the services to which it relates, or in any of the profits thereof other than as fully described in the Proposer's response to this solicitation.

- B. The Proposer has examined all parts of the Request for Proposals, including all requirements and contract terms and conditions thereof, and, if their Proposal is accepted, the Proposer shall accept the contract documents as presented.
- C. The Proposer, if an individual, is of lawful age; is the only one interested in this Proposal; and that no person, firm, or corporation, other than that named, has any interest in the Proposal, or in the proposed contract.

2.11 Proposer Requests Interpretation of Request for Proposals Documents

Proposers shall promptly notify OLWS of any ambiguity, inconsistency, or error, which they may discover upon examination of the Proposal Documents. Proposers requiring clarification or interpretation of the Proposal Documents shall make a written request for the same to the Project Manager.

OLWS shall make interpretations, corrections, or changes to the Proposal Documents in writing by Addenda that will be published to the OLWS website. Interpretations, corrections, or changes to the Proposal Documents made in any other manner or orally shall not be binding, and Proposers may not rely upon such interpretations, corrections, or changes. Proposers may only rely on the Proposal Documents and published Addenda. The Addenda will be provided to those who request it from the Project Manager.

2.12 Proposer Requests for Additional Information

Requests for information regarding OLWS services, programs, or personnel, or any other information shall be submitted in writing to the Project Manager prior to the deadline to request additional information stated in Subsection 2.4.

OLWS shall respond to requests for additional information in writing by published Addenda. Responses to requests for additional information made in any other manner will not be binding and should not be relied upon by Proposers.

2.13 Complaints and Protests

All complaints or protests related to this Request for Proposals or award of contract shall be in writing and directed to the Project Manager. Such submittals will be reviewed upon receipt and will be answered in writing. Protests of an intent to award a contract must be received within 7 days of the issuance of the intent to award or it will not be considered. Protests of the solicitation or Proposal Documents must be submitted prior to the deadline for proposals or they will not be considered. Protests must include the fee required to process the protest; and must specify the legal or factual grounds for the protest; identify the specific provision of the OLWS procurement rules or applicable law that is alleged to be violated; include evidence and supporting documentation supporting the grounds on which the protest is based; describe the harm resulting to the affected protester; and describe the relief requested.

2.14 Cost of Request for Proposals and Associated Responses

OLWS is not liable for any costs incurred by a Proposer in the preparation and/or presentation of a Proposal, including costs for the attendance or preparation of any interviews conducted as part of the evaluation process. OLWS is not liable for any cost incurred by a Proposer in protesting OLWS' selection decision.

2.15 OLWS Requests for Clarification, Additional Research, and Revisions

OLWS reserves the right to obtain clarification of any point in a Proposal or to obtain additional information necessary to properly evaluate a particular Proposal. Failure of a Proposer to respond to such a request for additional information or clarification may result in a finding that the Proposer is non-responsive and consequent rejection of the Proposal.

OLWS may obtain information from any legal source for clarification of any Proposal or for information of any Proposer. OLWS need not inform the Proposer of any intent to perform additional research in this respect or of any information thereby received.

OLWS may perform, at its sole option, investigations of the responsible Proposer. Information may include, but shall not necessarily be limited to, current litigation and contracting references. All such documents, if requested by OLWS, become part of the public record and may be disclosed accordingly.

OLWS reserves the right to negotiate and request revisions of proposals after the submission of proposals and before contract award, for the purpose of obtaining best offers for OLWS.

2.16 Rejection of Proposals

OLWS reserves the right to reject any or all Proposals received as a result of this Request for Proposals. Proposals may be rejected for one or more of the following reasons:

- A. Failure of the Proposer to adhere to one or more of the provisions established in the Request for Proposals.
- B. Failure of the Proposer to submit a Proposal in the format specified.
- C. Failure of the Proposer to submit a Proposal before the deadline.
- D. Failure of the Proposer to adhere to ethical and professional standards before, during, or following the Proposal process, such as discussing the content of this RFP with any representative of OLWS other than the Project Manager.

OLWS may reject any Proposal not in compliance with all prescribed public procurement procedures and requirements and may reject for good cause any or all Proposals upon a finding of OLWS that it is in the public interest to do so.

2.17 Modification or Withdrawal of Proposal by Proposer

A Proposal may not be modified, withdrawn, or canceled by the Proposer for 90 calendar days following the time and date designated for the receipt of Proposals. Proposals must state that the proposal is firm and binding for 90-days from the proposal deadline. Proposals submitted early may be modified or withdrawn only by notice to OLWS, at the Proposal submittal location, prior to the Proposal Due Date. Such notice shall be in writing over the signature of the Proposer and submitted to the Project Manager. All such communication shall be so worded as not to reveal the amount of the original Proposal or any other material contents of the original Proposal.

Withdrawn proposals may be resubmitted up to the Proposal Due Date provided that they are then fully in conformance with the Request for Proposals.

2.18 Proposal Ownership

Except as provided in Section 2.5, all Proposals submitted become and remain the property of OLWS and, as such, are considered public information and subject to public disclosure.

Unless certain pages, portions, or specific information are specifically marked “Confidential”, as set forth in Section 2.5, and qualify as such by law, OLWS shall make available to any person requesting information through OLWS’ processes for disclosure of public records, any and all information submitted as a result of this Request for Proposals, without obtaining permission from any Proposer to do so, after the Notice of Intent to Award has been released.

2.19 Duration of Proposal

Proposal prices, terms, and conditions shall be firm for a period of at least 90-days from the Proposal Due Date. The successful proposal shall not be subject to future price escalation or changes of terms if accepted during the 90-day period. Price decreases or changes in terms by others after the acceptance of a proposal will not be considered.

2.20 Intergovernmental Cooperative Agreement

Pursuant to ORS 279A.215, OLWS requests that other public agencies have the ability to purchase the awarded goods and services from the awarded Contractor(s) under the terms and conditions of the resultant contract. Any such purchases shall be between the Proposer and the participating public agency and shall not impact the Proposer’s obligations to OLWS. Any estimated purchase volumes listed herein do not include other public agencies and OLWS makes no guarantee as to their participation. Any Proposer, by written notification included with their Proposal, may decline to extend the prices and terms of this Request for Proposals to any and/or all public agencies. Proposers who agree to extend the terms, conditions, and prices of the resultant contract with OLWS to other contracting agencies must state their consent in writing.

2.21 Affirmative Action/Nondiscrimination

By submitting a proposal, the Proposer agrees to comply with the Fair Labor Standard Act, Civil Rights Act of 1964, Executive order 11246, Fair Employment Practices, Equal Employment Opportunity Act, Americans with Disabilities Act, and Oregon Revised Statutes. By submitting a proposal, the Proposer specifically certifies, under penalty of perjury, that the Proposer has not discriminated against minority, women or emerging small business enterprises in obtaining any required subcontracts.

Section 3 – Scope of Work

3.1 Introduction

There are approximately 1,800 backflow prevention devices located within the OLWS drinking water system service area. OLWS is looking for a company qualified to test, repair or replace these devices annually. OLWS gives customers the choice to voluntarily sign up and have a contractor perform these services. There are approximately 950 customers signed up for these contracted services who own 1,100 backflow prevention devices that are tested annually. OLWS will also be using a contractor for all force testing, repair, and replacement needs. Around 200 backflow prevention devices received force testing last year. Given the intent in the program, OLWS desires to provide this service to customers through a contractor at an efficient rate that is economical to its customers.

3.2 Term of Service

The contract resulting from this Request for Proposals (RFP) shall be for a period of four years, commencing July 1, 2023 and lasting through June 30, 2027.

3.3 Scope of Work

The work includes the testing, repair, and/or replacement of backflow assemblies, and reporting the findings to OLWS cross connection control staff. All work that is assigned must be completed within 30 days. The Proposer shall be responsible for supplying all equipment, parts, and materials to complete the work.

Proposers shall demonstrate their qualifications in the following specialty areas:

- The Proposer shall be responsible for acquainting themselves with the existing backflow and cross connection program.
- Provide information regarding how and when testing, repairs, installs and replacements would be accomplished.
- Provide information regarding how and when test results and work order history will be reported to OLWS. Submitting electronic test reports and electronic communication will receive preferential treatment in terms of points.
- Recommend a means for tracking and repairing any device which has failed, including an itemized schedule of cost for these repairs.
- The Proposer shall be responsible to provide a copy of the test report to OLWS and a copy to the homeowner.
- Proposer will leave a door hanger notifying the customer that the work has been completed.
- Proposer shall include in the proposal the testing cost for assemblies from 3/4" – 12" in size, along with repair cost for these sizes also. OLWS standard for replacements and repairs is low lead brass and PEX Piping.
- Proposer will communicate with the customer regarding any arrangements needed for the repair.
- The Proposer shall include a price sheet for any extra services, such as but not limited to vault entry, permits, pump charges, boxes, and backfill material.
- Provide information regarding what kind of repair parts your testers carry and if they are qualified to repair assemblies on the same trip out if they fail.

- The Proposer shall recommend a means for handling repairs, replacements, and installation on main water lines and also on irrigation lines, with a price structure that shows the differences in this work. Identify work required to be completed by a licensed plumber versus work that can be completed by a landscaper/tester.
- The Proposer is responsible to obtain and pay for any necessary permits with Clackamas County.
- The Proposer shall submit a list of three references that include water purveyors.

Oak Lodge Water Services Responsibilities

- Provide all door hangers needed
- Provide a list of owners and address where work is to be completed

Section 4 – Proposal and Proposer Requirements

4.1 Submittal of Proposals

To be considered for this work, each Proposer must provide three total copies of their proposal. All proposals must arrive at the issuing office on or before the listed time and date due. A corporate officer who has been authorized to make such a commitment must sign the proposals. Proposals shall be sealed in an envelope, plainly identifying this RFP and Proposer's Name and Address. The document shall be addressed and delivered to the issuing office identified in Section 2.3.

4.2 Proposer Requirements

The following minimum criteria will apply:

- A. Each Proposer shall have Oregon experience and be familiar with the plumbing and irrigation codes, in providing all the types of services required within the scope of this RFP.
- B. Proposer shall demonstrate, to the satisfaction of OLWS, the ability to provide the services required within the Scope of Work in Section 3.3 to OLWS and shall demonstrate a proven history of providing such service for public agencies.
- C. Proposer shall not have a record of substandard workmanship. OLWS will verify this requirement by communication with the licensing authority, the Proposer's clients and references, and as many other references as OLWS may deem appropriate.

4.3 Proposer Representations

The Proposer further agrees to the following:

- A. To provide for appropriate insurance.
- B. To comply fully with the scope of services as attached to the agreed contract.
- C. That all testers hold the correct state certifications

4.4 Proposal Format and Requirements

4.4.1 Proposal Format

Proposers are encouraged to provide clear, concise proposals that contain only information required to respond to the needs of this RFP. Proposals shall be type written with the body text consisting of a serif font at least 12-point (e.g. Times New Roman, Garamond). Proposals shall be double sided and stapled once in the upper left-hand corner. OLWS requests that submittal materials contain post-consumer recycled content and are readily recyclable. OLWS discourages the use of materials that cannot be readily recycled, such as PVC binders, spiral bindings, and plastic or glossy covers or dividers. One page is to be considered one side of a single 8 1/2" x 11" sheet.

4.4.2 Cover Sheet (One Page Maximum)

Include the name of the Proposer and its principal business address and phone number where the relationship will be managed. The letter should address the Proposer's willingness and commitment, if selected, to provide the services offered in the proposal and a description of why the Proposer believes it should be selected. The letter should be addressed to the Project Manager at the address identified in Section 2.3. Provide telephone, email addresses, and mailing addresses for Proposer's

project contact/manager. A statement in the letter shall specifically stipulate that the consultant accepts all terms and conditions contained in the RFP and the proposed Personal Services Agreement. The letter shall name the person(s) authorized to represent the Proposer in any negotiations and the name of the person(s) authorized to sign any contract or agreement, which may result. The letter of interest must be signed by a representative of the Proposer who is authorized to bind the Proposer in contractual matters.

4.4.3 Proposer's Experience (Three Pages Maximum)

Proposer shall describe the Proposer's and any key subconsultant's firm size, office locations, and relevant capabilities and resources. Only experience on completed projects should be included in this section.

4.4.4 Rates / Fee Schedule

Proposer shall provide the Proposer's rates and fee schedule for the services requested, which shall include any and all expenses, fees, and rates that OLWS would expect to be invoiced for in relation to the services provided. This includes fees related to confined space entry, device repairs, retesting of devices, dig-outs, customer appointments and cancellations, and plumbing repairs.

4.4.5 References (One Page Maximum)

Proposer shall include three references, list contact name, organization, title, phone number, e-mail address, and mailing address. References should be current or past clients of the Proposer and familiar with the Proposer's ability to conduct the services requested in this RFP.

4.4.6 Sample Personal Services Agreement (Attachment A)

Review sample personal services agreement, Attachment A. Proposers should review the agreement. Proposers must identify any exceptions requested to the personal services agreement.

4.4.7 Addenda

Receipt of each Addendum shall be acknowledged by the Proposer in their Proposal. Each Proposer shall ascertain, prior to submitting a Proposal, that the Proposer has received all Addenda issued by OLWS. It is the responsibility of each Proposer to receive and understand all addenda issued.

Section 5 – Proposal Selection and Evaluation

5.1 General Information

Proposals received in response to this RFP will be evaluated by a Selection Review Committee. During the evaluation process, OLWS has the right to require any clarification it needs to understand information submitted by the proposers. The proposers must respond within two business days in response to a request for clarification. Otherwise, the proposal may be deemed non-responsive. OLWS may choose to interview the highest ranked proposers. If this is the case, interviews will be scheduled via conference call or in person. Selection Review Committee results and recommendations may be presented to an appropriate advisory board prior to the award process with the OLWS Board of Directors.

5.2 Selection Review Committee

The Selection Review Committee may be comprised of up to three members. The role of the Selection Review Committee is to evaluate the proposals submitted and make a recommendation for award. OLWS may also seek expert advice to help review proposals. Such advisors to the Selection Review Committee may attend evaluation meetings, Proposer presentations, evaluate the proposals, and lend any such expertise to the process as requested by OLWS. However, any such person that is contacted by OLWS for their expert advice shall not, from first being contacted until the RFP process is completed, or otherwise brought to an end, have communications with any Proposers regarding their proposals or the process.

Scoring will be completed covering all areas listed in Section 5.4 in the Evaluation Criteria. Scores for each Proposal shall be added together to arrive at a final score for each Proposer. Proposals will then be ranked in descending order by the total Proposal score.

OLWS is seeking value from the service requested. While cost is important to the overall evaluation process, the experience and qualifications will be assigned a higher value. If additional information is deemed necessary as part of the evaluations, such information will be solicited in order to allow the committee to complete the evaluation process.

5.3 Interviews

Proposers selected for final evaluation (if necessary) may be required to make an oral presentation of their proposal to the Selection Review Committee. Such presentation shall provide an opportunity for Proposers to clarify their proposal to ensure thorough mutual understanding. The Selection Review Committee may interview the Proposers and ask additional questions related to the proposal and the scope of work. OLWS will schedule the time and locations of the interviews, if required, on the dates indicated in Section 2.4. Interviews will take place at a location to be determined by the OLWS. Firms invited to the interview will be responsible for making and paying for their own travel arrangements.

5.4 Scoring and Evaluation Criteria

The Selection Review Committee will evaluate the proposals. The role of the Selection Review Committee is to evaluate the proposals submitted and make a recommendation of award. The criteria listed below will be used to determine the finalists and apparent successful Proposer.

Each proposal shall be limited in length and judged as a demonstration of the Consultant's capabilities and understanding of the project.

Section 6 – Scoring Criteria

The scoring and award will be based on the following criteria. The qualified contractor/Proposer with the highest score will be awarded the work.

- **Experience**- Proposer to submit a written narrative including Proposer’s experience in this type of work, including other projects and customers they have done work for and the length of time the contractor has been testing, repairing, and replacing assemblies.
- **Technical expertise- flexibility- knowledge**- Proposer to submit a written narrative on Proposer’s ability and knowledge to send out the right and most cost-effective person for each job. Plans to send out a tester and repair person when needed and only send out a state certified plumber when necessary.
- **Scheduling and reporting**- Proposers plan to schedule and complete all backflow tests and repairs. Extra points given for use of electronic communications.
- **Cost**- Proposer rates.

Experience	40 points
Technical expertise	30 points
Scheduling and Reporting	20 points
Cost	10 points
Total	100 points

Ranking of Proposal

Proposals may be ranked by the Selection Review Committee based on evaluation of responses and interviews (if any), with the first-ranked Proposal being that Proposer which is deemed to be the most appropriate and fully able to perform the services, and the second ranked Proposal being the Proposer next most appropriate, all in the sole judgment of the Selection Review Committee and in accordance with the Scoring Criteria.

Proposal scores will be totaled and ranked. The submittal of Proposals in response to this RFP shall be considered de facto permission to OLWS to disclose the Scoring results, when completed, at the sole discretion of OLWS.

Section 7 – Contract Requirements

7.1 Contract Award

The award of a contract is accomplished by executing a written agreement that incorporates the entire RFP, Proposer's Proposal, clarifications, addenda, and additions. All such materials constitute the contract documents. The Proposer agrees to accept the contract terms of the Personal Services Agreement unless otherwise negotiated and agreed upon by the parties. The Project Manager is the sole point of contact for the contract and services. The contract shall be substantially in the form of the sample "Personal Services Agreement" in Attachment A. OLWS reserves the right to enter into final negotiations with the successful Proposers to develop a contract that provides the best value to OLWS.

PLEASE NOTE: OLWS does not pay for services before it receives them. No prepayments or deposits will be considered. Selection for the above listed services does not limit OLWS' ability to issue solicitations for the same services if OLWS determines that it is in OLWS' or the public's interest to do so. OLWS has the right to terminate/suspend all negotiations.