

## **REQUEST FOR PROPOSAL**

**PROJECT TITLE:**

Suspended Sediment Monitoring in Pescadero and Butano Creeks

**PROPOSALS DUE BY: 5:00 pm on 10/27/22**

# **1. INTRODUCTION – SUMMARY OF THE INTENDED PROCUREMENT**

## **1.1 Issuing Body**

This primary Request for Proposal (“RFP”) is being issued by the Aquatic Science Center (“ASC”). ASC is a Joint Powers Authority created by the State Water Resources Control Board (“State Board”) and the Bay Area Clean Water Agencies, and is operated by the San Francisco Estuary Institute (“SFEI”).

## **1.2 Project Overview**

### **1.1.1 Background Information**

This RFP seeks proposals for work to be performed under a contract (“the Subcontract”) to be awarded, if at all, under this RFP for the installation and maintenance of monitoring equipment to measure turbidity and automated suspended sediment concentration (SSC) in Butano Creek. The subcontractor will also collect stormwater samples from both Butano and Pescadero creek, as more specifically described in this RFP and the Subcontract. The contract to be awarded, if any, will be a subcontract under ASC’s prime contract with the State Board, Agreement Number 20-022-270, dated July 1, 2020 (“the Prime Contract”).

### **1.1.2 Project Scope and Approach and Budget**

The Subcontractor will maintain monitoring equipment in Butano creek through two winter seasons (November 2022 – March 2024). A minimum of two storms per winter season is expected across a range of flow magnitudes such that SSC samples can be collected across most of the range of turbidity measurements in both Pescadero and Butano creeks.

Anticipated subtasks include:

- A. Site construction at Butano creek (installation of turbidity sensor, automated sampler for SSC collection, solar panel and data logging equipment), maintenance of site equipment, retrieval SSC bottles from the automated sampler, and coordination for shipment of SSC samples to the San Francisco Bay Regional Water Quality Control Board for analysis.
- B. Depth-integrated SSC sampling (minimum 2 separate storms per year, if sufficiently large flows are observed) at Pescadero Creek and Butano Creek.
- C. Demobilization of Butano creek site at the end of the 2-year effort.
- D. Quality control/quality assurance of all data
- E. Delivery of raw data in the proper format and a brief technical memo that summarizes methods and results.

- F. Project management, including acquiring the necessary permits for the monitoring station at Butano creek.

The total budget available for this project is \$28,000. Any proposal submitted for more than the budget amount may be rejected on that basis.

**2. RFP SCHEDULE & INSTRUCTIONS**

**2.1 Schedule and General Instructions**

- A. Below are estimated dates for the RFP process. Key dates are subject to change at the ASC’s discretion.

<b>EVENT</b>	<b>Key Dates</b>
Issue RFP	10/13/22
Proposal Due Date and Time	By 5:00 pm on 10/27/22
Evaluation of Proposals (estimated)	10/28/22
Public Bid Opening (estimated)	10/31/22
Notice of Intent to Award (estimated)	11/1/22
Execution of Subcontract (estimated)	11/4/22

- B. This RFP and any addenda that may be issued will be available on the following website:

<http://www.SFEI.org>

**2.2 Proposal Submittal Address and Email**

4911 Central Avenue  
 Richmond, CA 94804  
 scottd@sfei.org

**2.3 Disposition of Material and Confidential or Proprietary Information**

- A. All materials submitted in response to the RFP will become the property of ASC and will be returned only at ASC’s option and at the expense of the vendor submitting the proposal. One copy of a submitted proposal will be retained for official files and **SHALL BECOME A PUBLIC RECORD**. Any material that a vendor considers as confidential but does not meet the disclosure exemption requirements of the California Public

Records Act should not be included in the vendor's proposal as it may be made available to the public.

- B. ASC's policy is to follow the intent of the California Public Records Act (PRA). If a vendor's proposal contains material noted or marked as confidential and/or proprietary that, in ASC's sole opinion, meets the disclosure exemption requirements of the PRA, then that information will not be disclosed pursuant to a written request for public documents. If ASC does not consider such material to be exempt from disclosure under the PRA, the material will be made available to the public, regardless of the notation or markings. If a vendor is unsure if its confidential and/or proprietary material meets the disclosure exemption requirements of the PRA, then it should not include such information in its proposal.

## **2.4 Proposal Preparation Costs**

Vendors submitting proposals do so entirely at their expense. There is no express or implied obligation by ASC to reimburse a vendor for any costs incurred in preparing or submitting proposals, providing additional information when requested by ASC, participating in any selection interviews or product demonstrations, or participating in this procurement.

## **2.5 RFP Not a Contract**

The RFP does not constitute a contract or an offer for employment. ASC reserves the right to make one award, multiple awards, or to reject all proposals, in whole or in part, submitted in response to this RFP. ASC further reserves the right to make no award, and to modify or cancel, in whole or in part, this RFP at any time.

## **2.6 Pre-Submittal Process**

### **2.6.1 Ambiguity, Discrepancies, Omissions**

- A. If a vendor submitting a proposal discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the vendor shall immediately provide written notice of the problem by email to the Primary Contact email noted in Section 2.2 and request that the RFP be clarified or modified. Without disclosing the source of the request, ASC may modify the RFP prior to the date fixed for submission of proposals by posting the addendum on the website.
- B. If prior to the date fixed for submission of proposals a vendor submitting a proposal knows of or should have known of an error in the RFP but fails to notify ASC of the error, the vendor shall propose at its own risk, and if the vendor is awarded the Subcontract, the vendor shall not be entitled to additional compensation or time by reason of the error or its later correction.

- C. Written notification of any ambiguity, conflict, discrepancy, omission, or other error in this RFP submitted after the Proposal Due Date will not be responded to by ASC.

## **2.7 Submission of Proposals**

### **2.7.1 Proposal Delivery**

- A. Proposals must be delivered to the Proposal Submittal Email no later than the Proposal Due Date and Time specified therein (the “Proposal Closing Time”).
- B. Proposal must be submitted as follows:
  - 1. Provide two originals of the technical proposal, signed by an authorized representative of the vendor, and including name, title, address, and telephone number of one individual who is the vendor’s designated representative, federal tax identification number. The original of the technical proposal must not include any pricing information.
  - 2. Provide two originals of the cost/fee proposal, signed by an authorized representative of the vendor. The original of the cost proposal must be submitted in a separate sealed envelope marked “Cost Proposal,” along with the RFP number and the proposer’s name.
- C. All proposals must be delivered via Email. Proposals received prior to the Proposal Closing Time that are marked properly will be securely kept, unopened until the Proposal Closing Time. **PROPOSALS RECEIVED AFTER THE PROPOSAL CLOSING TIME WILL NOT BE CONSIDERED.**
- D. The proposer is solely responsible for ensuring that the full proposal is received by ASC in accordance with the solicitation requirements, prior to the Proposal Closing Time, and at the place specified. ASC shall not be responsible for any delays in electronic email delivery.

## **3. Overview of Evaluation Process**

### **3.1 Evaluation of Proposals**

- A. ASC will conduct a comprehensive, fair, and impartial evaluation of proposals received in response to this RFP. All proposals received from vendors will be reviewed and evaluated by a committee of qualified personnel (“Evaluation Committee”). The name, units, or experience of

the individual members will not be made available to any vendor or requestor at any time prior to, during, or subsequent to this RFP.

- B. Proposals meeting the Minimum Qualifications will be distributed to the Evaluation Committee.
- C. The Evaluation Committee will first review and complete the evaluation of the technical proposals without the cost proposal. Technical proposals must not contain any pricing information. Technical proposals that contain pricing information may be rejected as being non-responsive and may not receive further consideration.
- D. Upon completion of the technical proposal's evaluation, cost proposals will be opened, reviewed, and evaluated to determine an overall evaluation score.

### **3.2 Reservation of Rights**

- A. ASC, in its complete discretion, may also eliminate proposals that have not met the minimum qualifications, or have not scored adequately in relation to other proposals to warrant further consideration. ASC reserves the right to reject any or all proposals, in whole or in part, and may or may not waive any immaterial deviation or defect in a proposal. ASC's waiver of an immaterial deviation or defect shall in no way modify the solicitation document or excuse a vendor from full compliance with solicitation document specifications.
- B. If the Evaluation Committee, in its sole discretion, determines that a proposal fails to meet a material RFP requirement, then the proposal may be rejected. A deviation is material to the extent that a response is not in substantial accord with the requirements of the RFP. Material deviations cannot be waived.
- C. ASC reserves the right to negotiate with proposers who have presented, in the opinion of the Evaluation Committee, the best proposal in an attempt to reach an agreement. If no agreement is reached, ASC can negotiate with other proposers or make no award under this RFP. At any time the Evaluation Committee can reject all proposals and make no award under this RFP. Moreover, ASC reserves the right to reconsider any proposal submitted at any phase of the procurement. It also reserves the right to meet with vendors to gather additional information.
- D. Proposals that contain false or misleading statements may be rejected if in ASC's opinion the information was intended to mislead ASC regarding a requirement of the RFP.

### **3.3 Evaluation of Cost Proposal Sheets**

Cost/fee proposals will be reviewed only if a proposal is determined to be otherwise qualified. All figures entered on the cost proposal sheets must be clearly legible and must be printed in ink or type written. No erasures are permitted. Any strike-outs or other changes in the cost proposal sheets must be initialed so as to indicate the changes were authorized and intended by the vendor.

### **3.4 Requests for Additional Information**

ASC reserves the right to seek clarification or additional information from any proposer throughout the solicitation process. ASC may require a proposer's representative to answer questions during the evaluation process with regard to the vendor's proposal. Failure of a proposer to demonstrate that the claims made in its proposal are in fact true may be sufficient cause for deeming a proposal non-responsive and rejection of the proposal.

### **3.5 Qualifications**

#### **3.5.1 Minimum Qualifications**

- A. Proposers must meet the minimum qualification requirements listed below.
  - 1. Extensive background (10-15 years) in field-based studies of suspended sediment sampling in coastal creeks during storms, installation of automated sampling and measurement equipment,, quality assurance of turbidity and SSC data, and interpretation of continuous turbidity and discrete suspended sediment sample data.
  - 2. Regionally based in the San Francisco Bay Area with the ability to get to the sampling locations during storm events.
  - 3. Previous experience sampling flow and sediment in Pescadero and Butano creeks.
  - 4. Previous experience working with state agencies such as the San Francisco Bay Regional Water Quality Control Board
- B. The proposer must state specifically in its Executive Summary how it meets or complies with each minimum qualification. Subject to ASC's right, in its sole and complete discretion, to waive minor deviations or defects, only those proposals that meet all of the foregoing minimum qualifications shall be considered for a full evaluation and a possible contract award.

### **3.6 Evaluation Criteria**

Proposals will be evaluated to determine the proposal that offers the best value to ASC. The evaluation will be based upon the following criteria, listed in order of descending priority (although some factors are weighted more than others, all are considered necessary, and a proposal must be technically acceptable in each area to be eligible for award):

- A. Meets or exceeds minimum qualifications.
- B. Ability to perform the effort within the available budget.
- C. Clarity in technical approach, with sufficient detail in the schedule of proposed work.
- D. Ability to meet timing requirements to complete the project
- E. Strong references that can provide information the subcontractors' ability to complete the proposed work upon request.

#### **4. Negotiations**

##### **4.1.1 Negotiations**

If ASC desires to enter into negotiations, it will do so with the proposer with the highest ranked proposal, at ASC's sole discretion. If ASC enters into negotiations and no agreement is reached, ASC may negotiate with the proposer with the next highest ranked proposal, and so on, or ASC may at any time choose to make no award under this RFP. ASC reserves the right to award a contract, if any, without negotiations.

#### **5. Payment**

Payment terms will be specified in the Subcontract, if any, that may ensue as a result of this RFP. ASC DOES NOT MAKE ANY ADVANCE PAYMENT FOR GOODS OR SERVICES. Services anticipated by this RFP will be invoiced in arrears, on a quarterly basis as work is completed, up to a specified not to exceed amount, inclusive of all authorized expenses, and will be made based upon completion of tasks, or the acceptance of deliverables, as provided in the agreement between ASC and any selected vendor. Payment will be made within the later of (a) submission of a complete invoice and required accompanying documentation by the vendor in accordance with the Subcontract and (b) 30 days of ASC reimbursement by the funder.

## **6. Award of Contract**

### **6.1 Notification of Intent to Award Contract**

The Evaluation Committee will make a final recommendation for award of the contract to the Contracting Officer. The Contracting Officer will subsequently issue a Notice of Intent to Award to all proposers by sending an email to each vendor's designated single point of contact and by posting the Notice of Intent to Award on ASC's website. ASC reserves the right to award, in whole or in part, to make multiple awards, or to make no award and to modify or cancel, in whole or in part, this RFP.

## **7. Execution of Contract**

Upon award, the intended awardee will be required, within ten (10) business days of award, to 1) execute the Subcontract, and 2) provide certificates of insurance in conformance with ASC's requirements. If the intended awarded fails to meet these requirements, ASC may in its sole discretion cancel its intended award and enter negotiations with and/or notice an award to the proposer with the next highest rated proposal or cancel the RFP.

## **8. Protest Procedures**

### **8.1 Failure of a vendor to comply with the protest procedures set forth in this Section may render a protest inadequate and non-responsive, and may result in rejection of the protest. After Notice of Intent to Award**

- A. A vendor submitting a proposal may protest the award based on allegations of improprieties occurring during the proposal evaluation or award period if it meets all of the following conditions:
1. The protesting vendor has timely submitted a proposal that is responsive to the RFP, and the vendor is responsible and otherwise eligible for award of the Subcontract;
  2. The protesting vendor has an objective, good faith basis for believing that ASC has incorrectly selected another vendor submitting a proposal for award based on one or more of the following grounds: (a) ASC failed to evaluate proposals in accordance with this RFP, (b) there is no rational basis for concluding that the protesting vendor's proposal is not the best rated proposal under the RFP, and (c) the intended awardee is not responsible or otherwise ineligible for award of the Subcontract; and
  3. The protesting vendor has an objective, good faith basis for believing that, but for ASC's errors, there is a reasonable chance that the protesting vendor would have been selected for award over

the intended awardee and any other proposers that submitted proposals rated higher by ASC than that of the protesting vendor.

- B. Protests must be received no later than five (5) business days after the Notice of Intent to Award is either sent by email to the protesting vendor's designated single point of contact or posted on the website, whichever is earlier.

## **8.2 Form of Protest**

- A. A vendor who is qualified to protest must submit the protest to the attention of the Contracting Officer at the Proposal Submittal Address.
  - 1. The protest must be in writing, signed by a duly authorized officer of the protesting party, and sent by certified, or registered mail, or overnight delivery service (with proof of delivery), or delivered personally to the address noted above. If the protest is hand-delivered, a receipt must be requested.
  - 2. The protest shall include the name, address, telephone and facsimile numbers, and email address of the party protesting or their representative.
  - 3. The title of the RFP under which the protest is submitted shall be included.
  - 4. A detailed description of the specific legal and factual grounds of protest and any supporting documentation shall be included.
  - 5. The specific ruling or relief requested must be stated.

**8.3 ASC, at its discretion, may make a decision regarding the protest without requesting further information or documents from the protestor. Therefore, the initial protest submittal must include all grounds for the protest and all evidence available at the time the protest is submitted. If the protestor later raises new grounds or evidence that was not included in the initial protest but which could have been raised at that time, ASC will not consider such new grounds or new evidence. ASC may, in its sole discretion, solicit, receive and consider in deciding the protest, submissions from the intended awardee and any other proposers rated by the Evaluation Committee higher than the protestor or otherwise potentially affected by the protest. Determination of Protest Submitted After Submission of Proposal**

**8.4 Upon receipt of a timely and proper protest, ASC will investigate the protest and will provide a written response to the vendor within a reasonable time. If ASC requires additional time to review the protest and is not able to provide a response within ten (10) business days, ASC will notify the vendor.**

**ASC, at its sole discretion, may elect to withhold the contract award until the protest is resolved or denied or proceed with the award and implementation of the agreement. Protest Remedies**

If the protest is upheld, ASC will consider all circumstances surrounding the procurement in its decision for a fair and reasonable remedy, including the seriousness of the procurement deficiency, the degree of prejudice to the protesting party or to the integrity of the competitive procurement system, the good faith efforts of the parties, the extent of performance, the cost to ASC, the urgency of the procurement, and the impact of the recommendation(s) on ASC. ASC may recommend any combination of the following remedies:

- A. Terminate the awarded Subcontract, if any, for convenience;
- B. Re-solicit the requirement;
- C. Revise the RFP and/or allow the proposers to submit revised proposals;
- D. Issue a new solicitation;
- E. Award a Subcontract consistent with statute or regulation; or
- F. Other such remedies as may be required to promote compliance.

**9. SPECIFICS OF A RESPONSIVE PROPOSAL**

- A. Responsive proposals should provide straightforward, concise information that satisfies the requirements of this solicitation. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis must be placed on conformity to ASC's instructions, requirements of this solicitation, and the completeness and clarity of content.
- B. Proposals shall be submitted in two parts.
  - 1. Part I shall consist of the responses to the section titled **PROPOSAL FORMAT AND CONTENT**, which shall be entitled "Part I – Technical Proposal". There shall be no cost/fee information submitted in the Technical Proposal.
  - 2. Part II shall consist of the response to section titled **PROPOSAL FORMAT AND CONTENT**, which shall be entitled "Part II: Cost/Fee Proposal".
- C. A Table of Contents must be provided which identifies all sections and major subsections of the vendor's proposal by page number. All exhibits and attachments must also be identified and referenced by page number.

- D. Failure of the proposer to comply with the requirements may result in the proposal being deemed non-responsive to the RFP and being rejected.

## **10. PROPOSAL FORMAT AND CONTENT**

### **10.1 Executive Summary**

The proposer must provide an Executive Summary of its proposal. The Executive Summary should be a “high-level”, general overview of how the vendor proposes to accomplish the requirements of this RFP. The Executive Summary should demonstrate the proposer’s understanding of the issues. The proposer must also address in this section how it meets the minimum qualification requirements.

### **10.2 Company and Lower-tier Subcontractor Information**

#### **10.2.1 Company Background Information**

- A. ASC requires the vendor to be a reputable company of strong financial standing and demonstrated expertise. The vendor’s proposal must provide the information requested below. If the proposer is a joint venture, or if any portion of the services will be provided by a lower-tier subcontractor(s), information about the vendor and the lower-tier subcontractor(s) must be submitted separately. The information to be provided for the proposer is as follows:
  - 1. Complete name and address.
  - 2. Federal tax identification number.
  - 3. The type of legal business entity, and the state(s) in which the business entity is authorized and licensed to do business. If incorporated, identify the state in which incorporated.
  - 4. Name, title, and address (including email address) of vendor’s single point of contact.
  - 5. A short narrative description of the vendor’s organization, including organization charts and indication of company officers where applicable.
  - 6. Principal type of business, including all major lines of business.
  - 7. Total number of years in business.
  - 8. Number of years providing services similar in size and scope to those requested in this RFP.

### **10.2.2 Lower-tier Subcontractors**

- A. If lower-tier subcontractors are proposed for this RFP, provide the following information for each lower-tier subcontractor. (Note: If any portion of the required services will be performed by a subsidiary, an affiliate, or a parent of the proposer, then those organizations must be considered lower-tier subcontractors for the purpose of this RFP):
1. Lower-tier subcontractor name and address.
  2. Federal tax identification number.
  3. The type of legal business entity, and the state(s) in which the business entity is authorized and licensed to do business. If incorporated, identify the state in which incorporated.
  4. A short narrative of the lower-tier subcontractor's organization, including organization charts and indication of company officers where applicable.
  5. Principal type of business, including all major lines of business.
  6. Total number of years in business.
  7. Number of years providing services similar in size and scope to those requested in this RFP.
  8. Number of times in the previous two (2) years this lower-tier subcontractor has been used as a subcontractor for providing services similar in scope to those requested in this RFP. Describe lower-tier subcontractor's role for each engagement listed.

### **10.3 Company Profile**

Vendor shall provide a short description of its company, including core competencies, and key staff and their background.

## **11. Qualifications, Experience and References**

### **11.1 Qualifications and Experience**

- A. ASC requires the vendor and any lower-tier subcontractors to have prior experience in all aspects of the services relative to the size, complexity and scope of this RFP. Vendor shall:
1. Provide a list of clients in which they and/or their lower tier-subcontractor(s) have performed similar work

2. Provide a list of project staff the vendor proposes to use in providing the services, whether employees of the vendor or its lower tier-subcontractor(s), and the roles each of the staff will play.
3. Provide resumes describing the background and experience of key staff, as well as each individual's ability and experience in conducting the proposed activities.
4. Provide a list and description of projects completed during the past three (3) years that were similar in scope, complexity, content, and time frames to that identified in this RFP. Documentation of these projects must include:
  - project title;
  - description of work performed;
  - dates for work performed;
  - organization for which the work was performed; and,
  - name, address (including email address), title and telephone number of each organization's project manager for the work performed.

## **11.2 References**

Provide the client contact names, addresses (including email address), and telephone numbers for each of a minimum of three (3) clients for whom the vendor has provided similar consulting services. The vendor should include a brief description of the scope of the services provided to the customer and the date and duration of the contract. ASC may contact some or all of the references provided in order to determine the vendor's performance record and the degree to which the scope of work performed was similar to that under this RFP. ASC reserves the right to contact references other than those provided in the proposal and to use the information gained from them in the evaluation process, but ASC has no obligation to do so.

### **11.2.1 Lower-tier Subcontractors References**

If the vendor intends to subcontract, describe the vendor's experience with each of the proposed lower-tier subcontractors. For each proposed lower-tier subcontractor provide the names, addresses, and telephone numbers for a minimum of three (3) client references, for products and services similar to those described in this RFP. The vendor should include a brief description of the scope of services provided to the customer and the date and duration of the contract.

## **12. Required Proposal Forms**

The vendor must include the following appropriately completed and signed forms with its proposal:

1. ASC and State Board contract terms and conditions EXHIBIT A
2. Statement of acknowledgement of Insurance Requirements including copies of current insurance certificates

## **13. Technical Proposal**

### **13.1 Work Plan and Methodology**

- A. Vendor shall provide a detailed work plan that describes the methodologies the vendor intends to use to complete the scope of services and each of the deliverables specified within the timeframe allowed for this project. Specifically, the vendor will break the project out into identifiable major tasks with component tasks and deliverables, and describe the technical approach and the methodology that will be used to address each task and provide the deliverables according to the work plan. The Work Plan shall include a time estimate, including a detailed project timeline that identifies key milestones for this project.

### **13.2 Cost/Fee Proposal**

#### **13.2.1 Cost/Fee Proposal Requirements**

- A. Vendors shall submit a detailed line item cost/fee proposal showing total cost of services to be performed for the initial term. The vendor must submit its pricing in accordance with the requirements set forth in this document.
- B. Vendors shall fully explain and justify all cost items in a narrative entitled "Cost Justification" which must include the following items at a minimum:
  - (1) Total number of hours required to complete this project;
  - (2) Estimated total number of hours to be spent on each task;
  - (3) Identify key staff that will work on each task and provide their hourly rate for consulting fees;
  - (4) Identify non-key staff by labor category (i.e., that will work on each task/segment and provide the hourly rate for that labor category;
  - (5) Breakdown of cost (e.g., labor, tools, licenses, etc.);
  - (6) Estimated administrative and operating expenses, including all incidentals;

- (7) Estimated travel expenses

### **13.3 Deliverables**

The vendor shall provide the following deliverables:

- Short and concise technical memo describing the results of sampling efforts
- Database of results in spreadsheet format

## **14. GENERAL CONDITIONS**

The Prime Contract is included in this RFP as EXHIBIT A. That contract, including all Contract Terms and Conditions therein, will be incorporated by reference into the awarded Subcontract, if any, and all Prime Contract requirements shall apply to the Subcontract work. Except where the context clearly indicates otherwise, references in the Prime Contract to the “Board” or “Boards” shall apply to ASC, and references to “Contractor” shall apply to the vendor selected to enter into the Subcontract under this RFP.

## **15. ATTACHMENTS**

Attachment A          Prime Contract

**ATTACHMENT A**  
**Prime Contract**