



REQUEST FOR PROPOSALS
**DESIGN AND ENGINEERING
SERVICES**
BRUCE FREEMAN RAIL TRAIL

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 264-9636
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Planning Department

The towns of Acton, Carlisle, and Westford, Massachusetts, through the Town of Acton, are hereby requesting proposals for professional design and engineering services for the following multi-use path / rail trail:

Bruce Freeman Rail Trail (BFRT) – Acton Indoor Sports, Acton to Route 225, Westford.

The selected Consultant will prepare preliminary design plans in accordance with the applicable procedures and standards outlined in the Massachusetts Highway Department (MassHighway) 2006 Project Development and Design Guide and will obtain MassHighway 25 percent design approval.

Proposals are invited in accordance with the provisions of Massachusetts General Law c. 30B and M.G.L. c. 7, § 40N. Procedures under this invitation require a separate and confidential submission of a price proposal and a separate submission of a technical proposal, and documentation of minority and women business participation in the project to meet statutory requirements. Pending the development of regulations that prescribe the specifics of the SOMWBA (State Office of Minority and Women Business Assistance) Affirmative Marketing Program, as contemplated in the new G.L. c. 7, § 40N, the towns will (subject to any necessary and appropriate waivers) enforce the Affirmative Marketing Goals developed by the Division of Capital Asset Management (“DCAM”) in consultation with SOMWBA as follows:

	Minority Business Enterprises (MBEs)	Women Business Enterprises (WBEs)
Design Participation	8%	4%
Construction Participation	7.4%	4%

The Town of Acton has agreed to include Carlisle and Westford in this RFP. However, Carlisle and Westford will select and contract with consultants separately from Acton.

This RFP is available in the Acton Town Manager’s office, Town Hall, 472 Main Street, Acton, MA 01720, (978) 264-9612.

RFP Released: August 23, 2006
Pre-Submittal Conference: September 1, 2006, 2:00 PM
Faulkner Room (204), Town Hall, 472 Main St., Acton MA
Proposals Due: September 20, 2006, 4:00 PM
Town Manager's Office, Town Hall, 472 Main Street, Acton MA 01720.
Completion Date: April 30, 2007

Don P. Johnson
Town Manager
August 23, 2006

I. INTRODUCTION AND BACKGROUND

The BFRT segment that is the subject of this RFP runs from Acton Indoor Sports in East Acton (1,000± feet south of Wetherbee Street) to Route 225 in Westford for a total of approximately 4.5 miles. The MPO has scheduled it for construction in Federal Fiscal Year 2008 - see 2006-2010 TIP, <http://www.bostonmpo.org/bostonmpo/resources/tip/FY2006-2010TIP.pdf>.

In 2004 the Town of Acton conducted a feasibility study for the Acton portion of the BFRT - see also "Feasibility Study Report, 2004" at <http://doc.acton-ma.gov/dsweb/Get/Document-11645/BFRT+2004+Feasibility+Study.pdf>. This report does not include the Carlisle and Westford sections.

This RFP is issued by the Town of Acton. It includes the Carlisle and Westford sections of the BFRT. The towns of Carlisle and Westford will accept proposals in response to this RFP for their respective portions separately from Acton. Sections VIII.3 and IX of this RFP only apply to Acton. Carlisle and Westford may follow a different selection process and may require different contract conditions. Carlisle and Westford may select different firms than Acton to perform the work in their respective communities. They will also contract with a consultant separately and independently from Acton. Each town independently reserves the right to reject all bids and not to award or participate in any contract.

1. Anticipated Funding

- Acton has currently available \$250,000 in local funds.
- Carlisle has \$20,000 from local funds.
- Westford has \$20,000 from local funds.
- \$4.4 million in primarily CMAQ funding is programmed for the BFRT in Federal fiscal year 2008; see 2006-2010 TIP program <http://www.bostonmpo.org/bostonmpo/resources/tip/FY2006-2010TIP.pdf>.

2. Route Description Summary:

The Executive Office of Transportation owns the entire ROW.

Acton

- BFRT begins at Acton Indoor Sports 1,000± feet south of Wetherbee Street in East Acton.
- Follows former PennCentral/Old Colony R.R. ROW north parallel to Great Road (Rt. 2A/119) across Wetherbee Street, Concord Road and Brook Street to Great Road south of Main Street (Rt. 27).
- To this point, there are three trestles crossing Nashoba Brook.
- Then across Great Road northeasterly more or less parallel to Main Street to the Carlisle town line.
- Between Great Road and the Carlisle line are two crossings of Route 27, and four more brook crossings, two across Nashoba Brook and two across Butter Brook.
- Total length in Acton ±4.2 miles.

Carlisle

- From the Acton line to the Westford line for a distance of ±0.16 miles. The ROW in Carlisle is trapezoidal – ±940 ft. on the easterly sideline, ±750 ft. long on the westerly sideline.
- There are no brook or street crossings in Carlisle.

Westford

- From the Carlisle line to Carlisle Road (Rt. 225) for a distance of ±0.13 miles.
- There are no brook crossings in Westford.
- Across Rt. 225 to connect with the northern segment of the BFRT - Lowell to Westford.

Total length all towns: ±4.5 miles.

II. BFRT PROJECT OVERSIGHT

Project Oversight will be exercised by the Town Managers and Town Administrators of each respective town, or their designees, for the respective work carried out separately under separate contracts for each town.

III. RELEVANT MATERIALS AVAILABLE FOR REVIEW OR USE

The following materials may be viewed at the Town of Acton Planning and Engineering Departments:

1. Bruce Freeman Rail Trail Feasibility Study, 2004 (<http://doc.acton-ma.gov/dsweb/Get/Document-11645/BFRT+2004+Feasibility+Study.pdf>).
2. Right of Way and Track Map of former Old Colony Railroad Co. Station 633+60 to Station 950+40; 6 sheets: <http://doc.acton-ma.gov/dsweb/View/Collection-1200>).
3. Lowell - Sudbury Bicycle Path Feasibility Study, 1987.
4. Town Atlas (assessors) Maps, by town.
5. Deeds and record plans of abutting properties, by town.

The following materials may be viewed at the Town of Westford Planning and Engineering Departments:

1. GIS mapping

Other:

1. Friends of the Bruce Freeman Rail Trail website: www.brucefreemanrailtrail.org.

V. PROPOSAL SUBMISSION REQUIREMENTS

Submission of a technical and a price proposal is required. The price proposal must be sealed and submitted separately from the technical proposal.

1. Technical Proposal

Five copies for each town of the technical proposal must be submitted in a sealed envelope clearly marked:

PROPOSAL ENVELOPE A - TECHNICAL PROPOSAL, BFRT – 25% DESIGN, TOWN NAME
CONSULTANT NAME: _____.

The technical proposal must contain the following information:

A. Cover Letter

A cover letter introducing the Consultant (firm) and the proposed Consultant team, and identifying the project manager and the name, title, address and telephone number of the person with authority to negotiate and contractually commit to all services.

B. Table of Contents

C. Statement of Project Understanding and Approach

A statement, not exceeding 2 pages, that describes the Consultant's understanding of and approach to the technical aspects of the requested work and the various goals that must be addressed and achieved.

D. Scope of Services - Separately for Each Town

- a. A scope of services responsive to the scope stated herein and a project schedule with tasks and/or subtasks that define clear phases or milestones with proposed dates for completion of each. The scope and schedule shall be in three separate parts – one for each town.
- b. A schedule of hours, which the Consultant expects to spend and commit to the various project tasks and sub-tasks, broken down by project team member in three separate parts – one for each town.

E. Project Team

Provide the names and the specific educational background, qualifications, and expertise of all professional members of the Consultant's and sub-consultant's (if any) project team who will actually perform the work related to some or all of the project tasks. Identify the person who will be the project manager with ultimate responsibility for the work.

F. Relevant Experience and Prior Performance

Provide details of relevant experience and prior performance of all the members of the Consultant team, including the sub-consultant's team members if any. This must include:

- a. A statement outlining the relevant experience of members of the Consultant team in working successfully on matters and projects of similar complexity, addressing all required areas of expertise and experience as evident from the Scope of Services in this RFP, including assisting clients with obtaining Federal and State funding for rail trail/multiuse paths, rail trail/multiuse path design, environmental permitting for rail trails/multiuse paths, and successful completion of Federal and State funded project where MassHighway approval was required for 25%, 75%, and 100% design stages.
- b. Sample materials (copies of text and plans not to exceed 10 pages in total) produced by the Consultant for a previous client representing final documents on rail trail/multiuse path projects with similar complexity, range of tasks, and issues as outlined in this RFP. The sample material should be from a project(s) for which the Consultant team member(s) proposed for this project had principal responsibility.
- c. A description of the substantive nature of comparable contracts recently completed by members of the Consultant team, including the party contracted with.

G. References

Provide a complete list of all transportation projects completed by the project team (the proposed project manager and the Consultant's and sub-consultant's principal team members) within the last 5 years that had a contract amount of \$100,000.00 or more (please do not list any projects with smaller contract amounts or projects that have not yet been completed). For each project, submit a brief description, the Consultant's responsibilities, the Consultant's project manager, the level of compensation under the contract, the fate of the Consultant's work (adoption or rejection by MassHighway and/or client), and the name, title and telephone number of a reference person who can evaluate and judge the Consultant's performance. Indicate the relationship between the reference persons listed and the relevant professional work of the Consultant team members.

H. Competing Commitments

Consultants shall discuss the means by which adequate and timely attention to this project

will be assured, and identify other current or pending contracts of the Consultant firm(s) in which project team members will be or may be involved, and which might compete for time and attention of the proposed Consultant team members.

I. **Certificates**

Signed certificates of non-collusion and tax compliance in the form attached to this RFP.

2. **100% Design Cost Estimate**

To assist the towns with the financial planning for the completion of the BFRT design, please include in the technical proposal estimates for each town of the approximate cost for all work required after the 25% MassHighway design approval to construction ready bid documents.

3. **Price Proposal**

Three copies for each town of the price proposal are required for submission. The price proposals must be submitted separately from the technical proposal, and sealed in a separate envelope marked:

PROPOSAL ENVELOPE B – PRICE PROPOSAL, BFRT, 25% DESIGN, TOWN NAME
CONSULTANT NAME _____.

The price proposal must contain, separately for each town:

- A. The fee for the entirety of all services proposed in the technical proposal, including but not limited to travel, meetings, telephone, postage, and reproduction; and the fee for all such services broken down by town.
- B. A breakdown of the professional service fees by each task and sub-task as shown in the Technical Proposal. Completed forms are required, one for each town, that closely follow the format of "Attachment A" as attached to this RFP.
- C. The hourly rates to be charged by the Consultant for services performed by each team member.
- D. Consultants must agree to honor price quotes until December 31, 2006 inclusive.

VI. PRE-SUBMITTAL CONFERENCE

A pre-submittal conference will be held on September 1 2006. The conference will begin at 2:00 PM in the Faulkner Room (204) of the Acton Town Hall, 472 Main Street, Acton, MA 01720. No questions concerning this RFP or the project will be answered outside of this conference. However, questions that cannot be answered at the conference, will, as far as possible, be answered in writing as a follow-up to all conference attendees.

VII. PROPOSAL SUBMISSION DEADLINE

Proposals are due no later than 4:00 PM, September 20, 2006, at the Office of Don P. Johnson, Town Manager, Acton Town Hall, 472 Main Street, Acton, MA 01720. Proposals sent by facsimile or E-mail will not be accepted.

VIII. EVALUATION AND SELECTION CRITERIA

1. **Minimum Evaluation Criteria**

- A. Proposals must include all documentation specified under 'Proposal Submission Requirements' and meet the proposal submission deadline above.

- B. The proposed scope of services and work schedule must, in terms of effort, services, products and time frames, be nearly equivalent (but not necessarily identical) to, or exceed, the Scope of Services outlined in this RFP.
- C. The proposed project manager must be a MassHighway Qualified Designer and Massachusetts Registered Professional Engineer with 10 or more years of professional experience working on MassHighway supervised highway and rail trail projects.
- D. The proposed project design team shall include a Structural Professional Engineer.

2. Comparative Evaluation Criteria

All proposals, which meet the minimum evaluation criteria, will be further evaluated on the basis of the following comparative criteria:

- A. Availability of the project team to fully attend to the project as needed, to be available for meetings as set forth in this RFP, and to be responsive to the reasonable requests and direction of the towns' staff (Committee, Town Administrator, Town Planner, Town Engineer, or other, which may vary in each town) will be deemed "advantageous".

Substantial direct and hands-on involvement of the Consultant firm's principal (not including the sub-consultant's principal) in this project will be considered "highly advantageous".

Less than full commitment to the project because of lack of staff resources, competing contracts, or other reasons will be deemed "not advantageous".

- B. Successful experience of the project team (the proposed project manager and the Consultant's and sub-consultant's principal team members) with similarly complex transportation facility design projects will be considered "advantageous" if there is evidence of formal approval or acceptance of the Consultant team's work by the client in at least half of such projects completed by the project team within the last 5 years.

Successful experience of the project team (the proposed project manager and the Consultant's and sub-consultant's principal team members) with similarly complex transportation facility design projects will be considered "highly advantageous" if there is evidence that the Consultant team's work was formally approved or accepted by the client, and subsequently implemented in at least half of such projects completed by the project team within the last 5 years.

No experience with such projects, or no successful experience as defined above, will be considered "not advantageous".

- C. Experience of the project team (the proposed project manager and the Consultant's and sub-consultant's principal team members) will be considered "advantageous", if projects completed by the project team within the last 5 years included substantial work for MassHighway or substantial work that required MassHighway design and project approval, and if 50-75% of these projects have received MassHighway approval, have been cleared for construction by MassHighway or have proceeded toward construction with the approval of MassHighway. Substantial as used in this paragraph shall mean a total of 5 or more unrelated projects and a total value of work contracts by the project team in excess of \$500,000.00.

Experience of the project team that substantially exceeds the performance with MassHighway as required for a rating of "advantageous" will be considered "highly advantageous".

Experience of the project team that fails in the performance with MassHighway as required for a rating of "advantageous", or no experience with MassHighway will be considered "not advantageous".

- D. Successful experience of the project team (the proposed project manager and the Consultant's and sub-consultant's principal team members) in assisting clients with obtaining Federal and State funding for similarly complex transportation facilities projects will be considered "advantageous" if there is evidence that the Consultant's team efforts have been material and decisive in the success of obtaining such funding in at least half of the projects completed by the project team within the last 5 years and where such assistance was required in the client's project scope or became necessary during the project execution.

Experience of the project team that substantially exceeds the performance in obtaining Federal and State funding as required for a rating of "advantageous" will be considered "highly advantageous".

No experience in obtaining Federal and State funding, or no successful experience as defined above, will be considered "not advantageous".

- E. In the event that the comparative evaluation is inconclusive after the use of paragraphs A. through D. above, at least two projects will be randomly chosen from the complete list of all projects completed by the project team (the proposed project manager and the Consultant's and sub-consultant's principal team members) within the last 5 years with a contract amount of \$100,000.00 or more (the complete list is a proposal submission requirement), and checked for references. Relative to the chosen projects, the towns reserve the right to contact persons in addition to those shown as reference persons in the Consultant proposal.

Overall satisfaction with the Consultant and with the detailed services and products delivered by the Consultant expressed by all references checked will be considered "highly advantageous".

Overall satisfaction with the Consultant and with the detailed services and products delivered by the Consultant expressed by at least 2/3 of the references checked will be considered "advantageous".

Overall satisfaction with the Consultant and with the detailed services and products delivered by the Consultant expressed by less than 2/3 of the references checked will be considered "not advantageous".

3. Selection Process

Technical proposals will be reviewed and evaluated without knowledge of the price proposals by a committee appointed by the Town Manager (the Board of Selectmen in Carlisle). Proposals will be evaluated based on the evaluation and selection criteria set forth herein. The committee will assign a composite rating to each proposal. There will be no interviews, except that the towns reserves the right for the committee to interview two or more Consultants who are equally most qualified, following the review of their proposals based on the evaluation and selection criteria set forth herein. In that event, interviews will be scheduled as soon as possible. The Consultant who, in the opinion of the committee, presents his/her project approach in the most logical, clear and understandable manner during the interview will be rated "highly advantageous". All other Consultants that are interviewed will be rated "advantageous" or "not advantageous". The committee will assign a composite rating to each Consultant interview. The committee will report its evaluation results to the Town Manager (the Board of Selectmen in Carlisle) or his designee along with recommended changes in the proposal's plan of services (proposed date of completion of tasks and sub-tasks), should the contract be awarded. The Town Manager (the Board of Selectmen in Carlisle) or his designee will select the Consultant and award the contract based on the "most advantageous" proposal

after taking into consideration the evaluation of the technical proposals made by the committee together with a consideration of price.

IX. GENERAL PROVISIONS

1. Correspondence Prior or During Proposal Submission Period

- A. Any information released by the towns either verbally or in writing prior to the issuance of this RFP shall be deemed preliminary and bind neither the towns nor the Consultant.
- B. The towns will not accept oral supplements, revisions, or changes to the responses to this RFP. Written supplements, revisions, or changes will be accepted before the proposal deadline only.
- C. The Acton Town Planner will be the project coordinator. All inquiries and communication concerning this RFP must be made in writing to Roland Bartl, Town Planner, 472 Main Street, Acton MA 01720, or if made orally, must be made at the pre-submittal conference. The towns will respond to all inquiries at the pre-submittal conference or in a memorandum following said conference, which will be mailed to all conference participants as evident from the conference participant sign-in sheet. Following the award of contracts by each town, each of the town's will have their own project coordinator.
- D. Consultants must respond in writing to all follow-up questions by the towns concerning their proposal.

2. Contract Award

- A. It is the towns' goal to have a Consultant selected and contract awarded by October 15, 2006.
- B. The participating towns intend to award their contracts separately in the form of Agreement attached hereto as Exhibit 1, only to one prime Consultant of their respective choice, generally referred to herein as 'the Consultant'. The Consultant shall be solely responsible for any separate contractual agreements with its sub-consultant(s), if any are proposed and agreed to in the contract between the towns and the Consultant.
- C. Pending execution of a Contract by the selected Consultant, Consultants must agree to honor price quotes until December 31, 2006 inclusive.
- D. Award of the contract by each town will be conditioned upon successful negotiation of revisions to the plan of services as identified during the Consultant proposal evaluation process.
- E. Award of the contract is in the sole discretion of each of the participating towns' authorized official(s), or their designee.
- F. The towns reserve the right at any time to accept any proposal in whole or in any part, and to reject any or all proposals.

X. PUBLIC NOTICE

TOWN OF ACTON, RFP. Bruce Freeman Rail Trail 25% design - Acton, Carlisle, Westford. For RFP call Acton Planning Department, (978) 264-9636. Proposals to Acton Town Manager's Office, 472 Main Street, Acton, MA 01720, no later than September 20, 2006 at 4:00 PM. Proposals may be rejected in whole or in part. Contracts approved by CPO. Central Register and/or equivalent; 08/23/06.

CERTIFICATE OF NON-COLLUSION

The undersigned hereby certifies under the penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certificate, the word person shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of person signing the bid or proposal

Name of business

CERTIFICATE OF TAX COMPLIANCE

Pursuant to Ch.62C, S.49A (b) of the Massachusetts General Laws, I,

_____, authorized signatory for
(name)

_____, do hereby certify under the pains and penalties
(name of Consultant)

of perjury that said contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes.

Consultant

By: _____
(Signature of authorized representative)

(Title)

(Date)