

NEW CASTLE COUNTY
Purchasing Division
87 Reads Way
New Castle, DE 19720
(302) 395-5250

PUBLIC WORKS PROCUREMENT DISPARITY STUDY

Bid #21P-002

New Castle County (“County”) is seeking unpriced proposals from qualified firms to provide various services related to investigation/review of any prevalence of any disparities in the Department of Public Works’ construction procurement and contracting practices and assistance with the remediation of any such practices.

Interested parties are asked to submit an unpriced proposal, in writing, with one (1) original and three (3) copies, to New Castle County Purchasing Division, 87 Reads Way, New Castle, DE 19720, by **2:00 p.m. Wednesday, February 3, 2021** so stating their interests and qualifications.

INSTRUCTIONS FOR PROPOSAL

Sealed proposal envelopes shall carry a clear notation in the lower left quadrant, "**PUBLIC WORKS PROCUREMENT DISPARITY STUDY**" - **Bid #21P-002.**

Bidders are responsible for obtaining the bid specifications and all addendums from the New Castle County Purchasing website at www.nccde.org/purchasing.

Questions about the project should be directed in writing by **January 20, 2021** to Ruth Kowalski, Purchasing, by e-mail at ruth.kowalski@newcastlede.gov

Due to the coronavirus (COVID-19) emergency declared by the State of Delaware, New Castle County bid responses may be accepted electronically at bids@newcastlede.gov and the electronic receipt will serve as the official time stamp with hard copies to follow by mail, provided that the hard copy mailed shall match the electronic submission without exception.

In addition, New Castle County bid openings shall be recorded and published without in person attendance (provided that bid receipts are certified by the County) and will be timely announced on bids.newcastlede.gov.

FAX proposals **cannot** be accepted.



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Pursuant to New Castle County Code and Delaware State Law, no contract will be awarded to any vendor unless, before or in conjunction with the actual award of the contract to such vendor, has submitted proof satisfactory to the County, or to the awarding agency, or the designated representative of the County or the awarding agency, as the case may be, that it and each and every subcontractor named by it in its bid, if any, will at the time it submits such proof have valid and effective licenses required by the State and the County, and the political subdivisions, if any, in which the project is located, and the United States government, in order for each of them (i) to do business therein; (ii) to comply with all tax laws thereof; and (iii) to perform the labor and/or supply the material involved in the performance of the contract.

Awards, if any, will be made in conjunction with the Delaware Code, Subchapter 2, Chapter 69, Title 29, and the New Castle County Code.

Minority and Women-owned Business Enterprises (MWBE) will be afforded full opportunity to submit proposals and will not be subject to discrimination on the basis of race, color, nation origin, sex, religion, age, disability, or sexual orientation in the consideration of this award.

Mailing address: New Castle County Government Center
Purchasing Division
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GENERAL SCOPE OF SERVICES

New Castle County Department of Public Works (“Department”) owns most public infrastructure in the unincorporated areas of the County. Infrastructure includes wastewater, stormwater, parks, and building assets. Ownership responsibilities include construction, rehabilitation/repairs and maintenance of these assets.

Currently, the Department does not have a Disadvantaged Business Enterprise (DBE) Program. The Department is aware that the City of Wilmington and State of Delaware have such programs, and disparity studies have been conducted on behalf of both. The studies found statistical and anecdotal evidence of discrimination in their relevant markets. Thus, there is some available data concerning relevant markets, the number of certified DBEs in Delaware, and the extent with which these DBEs have been utilized in Public Works’ construction contracts. Our objective is to grow and support DBEs in Public Works’ construction contracts by enacting strategies to assist firms in overcoming any barriers to participating in Public Works’ construction contracts.

The Department wishes to undertake all necessary and affirmative steps to ensure that DBEs are afforded opportunities to participate in its Public Works’ construction contracts. The successful consultant will assist the Department in establishing a prioritized list of actions to be taken to achieve the identified goal, up to, and including, a full disparity study.

Other related services may be needed.

ORGANIZATION OF PROPOSAL

Please provide New Castle County with a concise proposal (limited to 25 pages) of your firm’s qualifications, which shall include the following information and any other specific material which you deem important in considering your firm.

To aid in the comparative evaluation of proposals, please provide the following:

1. Introduction
 - Name, address, phone, and fax numbers of the firm.
 - i. New Castle County encourages the use of Delaware labor. Please specify the office location(s) and percentage of the primary and sub-consultant services that will be provided by each office.



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- Type of organization (individual, partnership, corporation, or other).
 - Provide resumes for key members of your staff who will serve as project team leads on this project. Identify the general organization of your staff and the major responsibilities of each.
2. Experience
- Firm's experience with projects similar to the General Scope of Services.
 - i. Identify programs/processes established for clients with similar goals.
 - ii. Provide "before-and-after" comparisons for other clients.
3. Record of Performance
- Please describe no more than three (3) completed projects, which the team members have done individually or collectively within the past 5 years which best represent the General Scope of Services listed in this Request for Proposal. Please include:
 - i. Brief description of each project.
 - ii. Project estimated timeline and actual completion.
 - iii. Cost of services.
 - iv. Client contact, name, position, and phone number. Clients may be contacted to confirm the information provided.
4. Distribution of work among firms
- List any active projects with New Castle County.
 - List any completed projects in the past twelve (12) months.
5. Familiarity with government contracts and public work, its requirements, systems, and problems, especially in New Castle County and the State of Delaware.
- Describe the firm's familiarity with public work.



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GENERAL CONTRACT AND PROPOSAL INFORMATION

1. Acceptance of Proposal Content – the contents of the proposal of the successful firm will become a part of any contract awarded as a result of these specifications.
2. Firm’s Responsibilities – the selected firm will be required to assume sole responsibility for the complete effort as required by the RFP. The County will consider the selected firm to be the sole point of contact with regard to contractual matters.
3. Rejection of Proposals – the County reserves the right to reject any and all proposals or to award in whole or in part if deemed to be in the best interests of the County to do so. The County reserves the right to extend this contract to include other County locations. The County shall have authority to award orders or contracts to firm’s best meeting specifications and conditions.
4. Ownership of Material – ownership of all data, material and documentation originated and prepared for the County pursuant to this contract shall be transferred to the County upon completion of the contract.
5. No firm may use the name of the County in any advertisement without the written consent of the General Manager of Public Works.
6. Licensing – the successful firm must comply with appropriate Delaware law to conduct business in this State. Copies of all required licenses and certifications must be supplied prior to the award of any contract resulting from this RFP.
7. Non-collusion – no firm shall directly or indirectly enter into any agreement, participate in any collusion, or otherwise take any action in restraint of free competition for this contract.
8. Confidentiality – all work performed under this contract shall be considered confidential in nature.



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EVALUATION PROCEDURE

Based on the criteria established pursuant to the *New Castle County Code*, an evaluation committee will be selected to read, screen, and rank all proposals. The New Castle County Chief of Technology and Administrative Services may request a presentation from the highest ranked interested parties. Presentations may result in a change of rank. Award will be made to the overall highest ranked firm. If a satisfactory contract cannot be negotiated with the selected respondent, negotiations will be formally terminated. Negotiations may then be undertaken with the remaining firms by order of ranking.

The Chief of Technology and Administrative Services may require the firm receiving the award to provide a truth-in-negotiation certificate stating that the wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting.

EVALUATION CRITERIA

1. Experience with projects like the General Scope of Services section. (0-55)
2. Capacity to perform the services and to meet requirements of the project, i.e., adequacy of personnel, financial responsibility and creditworthiness. (0-10)
3. Distribution of work among firms – to broaden the base from which selections are made. Firms with no current work (past 12 months) will be afforded the full point value of these criteria: (0-05)
 - List any active projects with New Castle County
 - List any completed projects in the past twelve (12) months
4. Location of office/workforce that will provide the professional services. (0-10)
5. Overall responsiveness to the Request for Proposal. (0-20)



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GENERAL

Proposals should be concise and a maximum of 25 pages. To aid in comparative evaluation, proposals submitted should be formatted in order with the evaluation criteria. **Note:** The 25 pages do not include the Purchasing Forms (Signature Page and Procurement Affidavit).

SUPPLIER DIVERSITY

New Castle County encourages supplier diversity among firms. Please provide information on your firm's effort to encourage supplier diversity in your workforce and in the selection of sub-contractors.

ADDITIONS

New Castle County may require other related services not specifically listed, including but not limited to, requesting future studies for Non-Public Works' contracts. Vendor may be given the opportunity to provide a quote. Should New Castle County deem the quote to be non-competitive, New Castle County reserves the right to seek proposals from other vendors.

INDEMNITY

Vendor shall indemnify, defend, and hold harmless New Castle County from and against any and all claims, demands, suits, judgments, costs, and expenses asserted by a person or persons, including, but not limited to, agents, employees, or volunteers of vendor, by reason of death or injury to persons, or loss or damage to property, resulting from operations or use of services, products and/or equipment purchased hereunder, or sustained in or upon the premises of New Castle County.

FUNDING OUT

The continuation of this contract is contingent upon funding appropriated by County Council.



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STATE OF DELAWARE BUSINESS LICENSE

Within seven (7) days from receiving a notice of award, the successful vendor shall either furnish the County with proof of a Delaware Business License or initiate the process of application where required. An application may be requested in writing to: Division of Revenue, Carvel State Building, PO Box 8750, 820 N. French Street, Wilmington, DE 19899 or by telephone to (302) 577-8200.

CONTRACT ACCESSIBILITY

This contract shall be accessible to State agencies, political subdivisions, school districts, and volunteer fire companies.

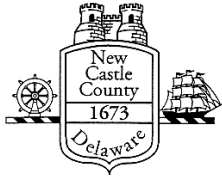
CONFIDENTIALITY

All documents submitted as part of the vendor's bid/proposal will be deemed confidential during the evaluation process. Vendor proposals will not be available for review by anyone other than New Castle County's Evaluation Committee or its designated agents. There shall be no disclosure of any vendor's information to a competing vendor prior to award of the contract.

New Castle County is a public agency and is subject to the Freedom of Information Act (FOIA). Firms must designate those items that are considered "trade secrets" as defined in the Delaware State Code Title 29, Chapter 100. Vendor(s) are advised that once a proposal/bid is received by NCCo and a decision on contract award is made, its contents will become public record and nothing contained in the proposal will be deemed to be confidential except those proprietary items marked as "trade secrets".

GENERAL PROVISIONS

Successful firm(s) will be required to adhere to the terms and conditions set forth in the attached Exhibit A, "Professional Services Agreement." To the extent that the insurance provisions in the Professional Services Agreement differ from the insurance provisions outlined below in this RFP; the more stringent provision of the two shall apply.



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INSURANCE REQUIREMENTS

Workers' Compensation & Employer's Liability Insurance

Vendor shall purchase and keep in force and effect workers' compensation insurance that will provide the applicable statutory benefits for all of the vendor's employees who may or do suffer covered injuries or diseases while involved in the performance of their work for the Vendor; and, even if permitted to do so by statute, Vendor shall not reject any workers' compensation insurance option that, in the absence of such a rejection, would be applicable to any of the said employees. The policy providing the workers' compensation insurance shall include: (1) broad form all-states coverage; (2) an endorsement that specifically waives any subrogation rights the insurer would otherwise have against New Castle County, its officials or employees.

Vendor shall purchase, and keep in force and effect, Employers' Liability insurance with minimum limits for each employee of \$1,000,000 for each bodily injury by accident, or occupational disease, and \$1,000,000 aggregate minimum limits for all bodily injuries by accidents and occupational diseases within the coverage period, regardless of the number of employees who may sustain bodily injuries by accident or occupational disease.

Automobile and General Liability Insurance

Vendor shall purchase: (1) motor vehicle liability coverage, for owned, hired and non-owned vehicles, covering any and all claims for bodily injury and property damage that arise out of Vendor's performance of work for New Castle County, (2) comprehensive Commercial General Liability (CGL) insurance with limits of no less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate. The CGL policy shall be extended by endorsement or otherwise to also include (a) coverage for Contractual Liability assumed by Vendor, with defense provided in addition to and separate from policy limits for indemnities of the named insured, (b) coverage for Independent Contractor Liability providing coverage in connection with such portion of the Services being subcontracted prior to any of the Services being subcontracted, in accordance with the terms and conditions of this Agreement, (c) coverage for Broad Form Property Damage Liability, (d) coverage for Personal Injury and Advertisers Liability, (e) products and completed operations.



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(X) Professional Liability Insurance (applicable if checked)

Each vendor of professional services for whom this provision is applicable shall provide professional liability insurance with limits of at least \$1,000,000 per occurrence and \$3,000,000 annual aggregate.

All insurance required under this contract except workers' compensation, employer's liability, and professional liability (if applicable) shall be provided on a policy(s) that specifically names New Castle County, its officials and employees as additional insured.

Each policy shall provide an endorsement that specifically waives any subrogation rights the insurer would otherwise have against New Castle County, its officials or employees.

Each policy shall be endorsed to require the insurer to give New Castle County at least thirty (30) days' advance written notice of the insurer's intention to cancel, refuse to renew, or otherwise terminate the policy, suspend or terminate any coverage under the policy, or reduce any policy limits, increase any policy deductibles, or otherwise modify or alter any terms or conditions of the policy or renewal issued by the same insurer.

Each policy shall be written by a carrier licensed by the State of Delaware to do insurance business of the type involved in the State of Delaware, and which has, and maintains for the life of this contract, at least an "A" rating from the A.M. Best Agency with "Stable" outlook.

Any change in this rating or outlook must be related to New Castle County by the Vendor or insurance carrier as soon as possible upon learning of same; and the Vendor shall use due diligence with its insurance broker or carrier to keep track of same.

All insurance required under this contract except workers' compensation, employer's liability and professional liability shall expressly provide that such insurance shall be primary insurance; and any similar insurance in the name of Vendor shall be excess and non-contributing.

Deductibles for insurance provided under this contract shall not exceed five percent (5%) of policy limits.



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Non-Collusion Statement

By signing below the Vendor certifies they have neither directly nor indirectly, entered into any agreement, participated in any collusion or otherwise taken any action in restraint of free competitive bidding in connection with this proposal, and further certifies that it is not a subcontractor to another Vendor who also submitted a proposal as a primary Vendor in response to this solicitation

SIGNATURE PAGE

Name of Company

Address

Telephone No.

Fax No.

Signature

Federal Tax I.D. No.

Printed Name

Email (REQUIRED)

Date

How did you hear about this bid? _____



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NEW CASTLE COUNTY, DELAWARE
PROCUREMENT AFFIDAVIT

AUTHORIZED REPRESENTATIVE

I HEREBY AFFIRM THAT:

I am the (title) _____, and I am duly authorized to represent and bind (business) _____ (the "Business"), and that I possess the legal authority to make this Affidavit on behalf of myself and the Business for which I am acting.

I FURTHER AFFIRM THAT:

Neither I, nor to the best of my knowledge, information, and belief, the Business, nor any of its officers, directors, partners, members, affiliates, or any of its employees directly involved in obtaining or performing contracts with public bodies has been excluded from receiving Federal contracts, certain subcontracts, and certain Federal financial and non-financial assistance and benefits, pursuant to the provisions of 31 U.S.C. 6101, note, E.O. 12549, E.O. 12689, 48 CFR 9.404, and each agency's codification of the Common Rule for non-procurement suspension and debarment.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, AFTER DILIGENT INQUIRY.

Date: _____

By: _____
Name:

Title: _____
(Authorized Representative and Affiant)