

## PUBLIC NOTICE

The City of Storm Lake, Iowa is seeking proposals from qualified firms Phased Application Engineering Services related to the following proposed projects: water supply, distribution and storage projects; wastewater lift stations, sewer main lining projects; environmental projects for water quality improvement. The proposed projects will involve various improvements to City's water quality system, including water, wastewater, storm water and environmental areas. Interested firms may submit proposals meeting the requirements of the official Request for Proposals document, which is available by contacting Keri Navratil, City Manager, 712-732-8000, [navratil@stormlake.org](mailto:navratil@stormlake.org). Proposals are due to the City of Storm Lake, PO Box 1086, Storm Lake, Iowa 50588 no later than 12:00 PM, June 29, 2021. For more information, please contact Keri Navratil, City Manager.

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Mayra Martinez, City Clerk  
City of Storm Lake, Iowa

### **Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

- (A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- (B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- (C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
- (D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted

Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the

System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

**CITY OF STORM LAKE  
REQUEST FOR PROPOSALS**

**ENGINEERING SERVICES RELATED TO APPLICATION  
DEVELOPMENT, COST BENEFIT ANALYSIS, DESIGN, BIDDING, AND  
CONSTRUCTION OBSERVATION SERVICES**

**RELATED TO THE CONSTRUCTION OF WATER, WASTEWATER,  
STORM WATER PROJECTS AND RELATED COMPONENTS**

The City of Storm Lake, Iowa (“City”) is soliciting proposals (“Proposal(s)”) from qualified consultants and engineering firms interested in certain phased application services for an on behalf of the City, all as described in this Request for proposals (“RFP”). The City is issuing this RFP in accordance with the guidelines and requirements of federal procurement for consultants as it relates to project funded in part or in whole by FEMA.

As indicated above and discussed below parts of the project will or may be funded by FEMA funds through an agreement administered by the State of Iowa, Iowa Homeland Security.

**PROJECT SCOPE**

The proposed projects are water supply, distribution and storage projects; wastewater lift stations, sewer main lining projects; environmental projects for water quality improvement. The proposed projects will involve various improvements to City’s water quality system, including water, wastewater, storm water and environmental areas.

The project should be designed in compliance with all State of Iowa and Federal government regulations.

The work to be carried out under this RFP shall be split out into three phases, each phase shall be subject to independent authorization from the City of Storm Lake before any work or costs may be incurred on that specific phase.

Phase 1 – Phase 1 services shall include a pre-application work as it relates to helping the City develop and prepare an application for submittal to Iowa Homeland Security in preparation for participation in FEMA funding opportunities at either the state or federal level. The City anticipates that this work will include preparation of preliminary concept drawings, preliminary design, cost estimates, and assistance in development of an engineered design cost benefit analysis for capability- and capacity-building; encouraging and enabling innovation; promoting partnerships; enabling large projects; maintaining flexibility; and providing consistency to the City’s infrastructure and to residents and businesses.

Phase 2 – Phase 2 services shall be authorized by the City prior to any work being done by the selected consultant. This work is anticipated to include the development of construction plans

and specifications for the official project. Included as part of this work is any related work to ensure adequate engineering and design, which may include, but are not limited to, soil borings, Archeological Phase 1 services, and other testing, monitoring, modeling, or subconsultant type work. As part of this phase of work the selected consultant shall work with IDNR to ensure that the design of the project and related parts are in compliance with state and federal regulations. Additionally, the consultant shall work with Iowa Homeland Security and FEMA officials to ensure compliance with all FEMA regulations. Phase 2 services shall also include services up to and through the bid letting process.

Work under this phase that is not completed by the project consultant shall be bid following FEMA procurement guidelines

Phase 3 – Phase 3 services shall include all construction observation and monitoring services following the bidding process including, but not limited to, conducting a pre-construction conference, regular progress meetings, construction site observation (sufficient to ensure a successful project), review and approval of pay applications, monitoring of applicable requirements, and other normal construction observation services.

The selected consultant shall work with City staff and the City's selected grant administrator throughout all three phases of the project.

### **TIMELINE**

The City desires to proceed with development of a grant application immediately for the potential to submit a project grant application to Iowa Homeland Security by December 15, 2021. All Phase 1 work outlined above will need to be completed by September 15, 2021, at the latest.

Following submission of the application on December 15, 2021, Iowa Homeland Security will submit the application to FEMA upon final review and funding availability. Notice of award is anticipated in late 2022. Phase 2 and Phase 3 will not be initiated until approved by City Council.

### **PROPOSAL FORMAT**

Every consultant that desires to submit a proposal for this work shall do so in compliance with this section of this RFP. Variances from these regulations may result in the proposal being disqualified. The City reserves the right to modify these requirements in the best interest of the City.

All Proposals Shall:

- Be submitted on 8.5 x 11 sized paper in a bound format.
- Be limited to not more than 10 pages (duplexed) or 20 single-sided pages not including the cover page and cover letter (limited to two pages).
- Not include any font less than 11 point.

- Include two paper copies with original signatures and one digital copy either on a USB Flash Drive or emailed to City of Storm Lake at [cityclerk@stormlake.org](mailto:cityclerk@stormlake.org); by mail at the following address: PO Box 1086, Storm Lake, Iowa 50588 ; Or by delivering in person at 620 Erie Street, Storm Lake, Iowa 50588 prior to the deadline.
- Submitted prior to the deadline of June 29, 2021 at 12:00 PM Central Standard Time

All proposals shall include the following three sections including the following information:

#### Section 1 – Consultant Overview.

- Overview of the consultant to include their work experience with the City of Storm Lake and similar FEMA related work.
- A summary of the key personnel to be involved in the project including a brief history of their experience and ability to work with the City to complete the project.
- References. Please provide at least three references of clients that the City has done work for in the past and who can speak to the firm’s ability to work with the client, state, and federal organizations to achieve the desired outcomes.

#### Section 2 – Availability.

- A review and confirmation of the understanding of the project scope and timeline.
- A statement that your firm can achieve the desired outcomes for Phase 1 work as outlined in this RFP.

#### Section 3 – Fees.

- The consultant shall submit within their proposal a fee structure for their services as they relate to the work outlined in each phase of work as outlined above. The fees shall include a not-to-exceed amount for each section. The City will expect the consultant will not exceed the maximum not-to-exceed amount listed in the proposal for each phase of work.

Proposals shall be submitted to the City of Storm Lake no later than 12:00 PM, Central Standard Time on June 29, 2021. The City is not responsible for late or misdirected submittals. Proposals not received by the deadline will be rejected and not considered as part of this solicitation.

### **SELECTION PROCESS**

The City of Storm Lake will review all the proposals submitted and shall consider the proposals based on all three of the proposed sections within the proposal. Cost alone will not be the only determining factor; however, the selected proposal shall be determined to be “reasonable” as part of the review process. To help with review the City will use the following matrix for review of the proposals:

Selection Criteria	Available Points
Fee for Services / Reasonableness	20
Firm History and Experience	20
Firm's Ability to Meet Timeline	30
Project Team	20
References	10

The selected consultant shall be eligible to work on federal projects and shall not be disbarred from federal work. The selected consultant shall agree to abide by and sign a contract that includes any federal language that FEMA or Iowa Homeland Security would require of those contracts.

The selected consultant, once selected, shall provide a sample agreement for services to be reviewed by Iowa Homeland Security prior to execution.

## QUESTIONS

Anyone having questions on the RFP may contact the City of Storm Lake, Keri Navratil, City Manager by email at [navratil@stormlake.org](mailto:navratil@stormlake.org).

**PROPOSALS ARE DUE BY 12:00 PM CENTRAL STANDARD TIME, JUNE 29, 2021.**

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CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

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(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000



must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

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