

Town of Nags Head

Department of Planning & Development

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REQUEST FOR QUALIFICATIONS

Decentralized Wastewater Management Plan Update



Town of Nags Head, North Carolina

Issued: August 13, 2020

Submission Deadline: September 30, 2020

Staff Contacts: *Kylie Shephard, Environmental Planner*
Michael Zehner, Director of Planning & Development

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I. Project Overview

The Town of Nags Head (the "Town") is seeking qualified consultants to update the 2005 Decentralized Wastewater Management Plan ("the 2005 Plan"). The intent of this update is to evaluate the overall effectiveness of the Plan and the Town's Septic Health program, recommend additional measures as necessary, and expand and integrate the Plan, taking into account the relationship between onsite wastewater, stormwater, and groundwater. The available budget for this project is \$150,000.

II. Community Background

The Town of Nags Head boasts the longest oceanfront shoreline of any municipality in Dare County at 11.29 miles. The Town's 6.6 square miles is comprised mostly of single-family residential development, with an equal amount of conservation/open space (Jockey's Ridge State Park and Nags Head Woods). While the Town's year-round population is estimated to be 2,975 (as of July 2019), the seasonal population is estimated to swell to 40,000 during the peak summer visitation periods. Through time, Nags Head's desire to be a family beach community has not deviated. At the core of these desires is a healthy, well-maintained oceanfront beach that is both visually and physically accessible. The Town recognizes the value of our coastal ecosystem and the role it plays in making Nags Head a great place to live, work, and visit.

The Todd Krafft Septic Health Initiative program ("the Initiative"), developed in 2000, is a long-term strategy for protecting water quality while allowing the continued use of on-site wastewater systems in the Town. The Initiative is a voluntary program that is available to property owners consisting of four major focus areas. The program offers free services along with financial assistance for septic pumping, repairs, or replacements. Free services from the Town include locating septic systems, discussing concerns about installation and maintenance, inspections to detect problems early, and a follow-up report that outlines system location and whether it is in need of pumping or repair. In some cases, the Town will assist as a mediator between the property owner and the contractor, or with necessary permitting. The Initiative is a one-of-a-kind program in the Outer Banks and the State and is one of a few in the Nation.

As a part of the Initiative, the Decentralized Wastewater Management Plan was created in 2005 ("the 2005 Plan"). The 2005 Plan states that over 85% of all developed properties (4,339 total) were using onsite systems, and of those, 95% of the properties were in residential use. These numbers continue to grow with both the development and redevelopment of commercial and residential properties.

III. Proposal Parameters and Guidelines

A. Submission Requirements. All submissions must be presented in accordance with the requirements, format, and guidelines described in this Request for Qualifications (RFQ) document.

B. Submission Deadline. Interested entities must submit (3) hard copies and an electronic copy no later than 12:00 p.m., Wednesday, September 30, 2020. Mailed proposals shall be sent to the attention of Kylie Shephard, Environmental Planner.

C. Interpretation and Addenda. Consultant(s) shall carefully examine this Request for Qualifications (RFQ) and any addenda. Consultant(s) should seek clarification of any ambiguity, conflict, omission or other error in this Request for Qualifications in writing. All questions, requests for interpretation, and comments shall be prepared in writing and submitted to Kylie Shephard (kylie.shephard@nagsheadnc.gov) via email by September 4, 2020. If the answer materially affects the Request for Qualifications, the information will be incorporated into an addendum and distributed to Consultant(s). Discussions with other Town employees or officials during the solicitation and evaluation period are inappropriate. Therefore, Consultant(s) shall not contact any other Town employees or officials regarding this Request for Qualifications during the period of solicitation and evaluation. Oral comments do not form a part of this Request for Qualifications. Question and clarification responses will be sent to all parties having submitted questions. All responses will be binding. If a respondent has no questions, please state so via email so that responses will be forwarded. Oral and other interpretations will be without legal effect.

D. Changes in the Request for Qualifications: Any changes made in this Request for Qualifications will be posted and distributed to Consultant(s) of record. Any and all addenda will be numbered in sequence, dated as of the date of issue, posted and distributed via fax, e-mail or U.S. Mail.

E. Award: Award will be made to the Consultant whose submission is determined to be most advantageous to the Town, taking into consideration the evaluation factors set forth in Section VI, "Application Ranking Criteria."

F. Disposition of Proposals: All materials submitted in response to this Request for Qualifications will become the property of the Town. One (1) copy of each submission shall be retained for official files and will become a public record after the award and open to public inspection. It is understood that the Request for Qualifications will become a part of the official file on this matter without obligation on the part of the Town except as to the disclosure restrictions contained in Section III.G, "Disclosure."

G. Disclosure: In compliance with North Carolina General Statutes (NCGS) § 143-52, trade secrets or proprietary information submitted by a Consultant(s) in connection with a procurement shall not be subject to public disclosure under the North Carolina Freedom of Information Act; however, the Consultant(s) must invoke the protection of this section prior to or upon submission of the data or other materials, and must identify the specific area or scope of data or other materials to be protected and state the reasons why protection is necessary. An all-inclusive statement that the entire Request for Qualification is proprietary is unacceptable and will be disregarded. A statement that costs are to be protected is unacceptable and will not be honored.

H. Costs Incurred in Responding: This solicitation does not commit the Town to pay any costs incurred in the preparation and submission of Request for Qualifications or in making necessary studies or designs for the preparation thereof, nor to procure or contract for services.

I. Primary Consultant Responsibilities: Consultant(s) may propose services that are provided by others, but any services proposed must meet all of the requirements of this Request for Qualifications. If the successful Consultant(s) Request for Qualification includes services provided by others, the lead Consultant will be required to act as the prime Consultant for all

such items and must assume full responsibility for the procurement, delivery and quality of such services. The successful Consultant will be considered the sole point of contact with regard to all stipulations, meeting of all requirements of this Request for Qualifications.

J. Laws and Regulations: This procurement shall be governed by and in accordance with the laws of the State of North Carolina and the Code of Ordinances of the Town of Nags Head. All actions relating in any way to this procurement shall be brought in the State Courts of Dare County, North Carolina or in the Federal District Court for the Eastern District of North Carolina, and the parties hereby submit to venue in and the personal jurisdiction of the said Courts.

K. Anti-Collusion Statement and Certification: Collusion or restraint of free competition, direct or indirect, is prohibited. Consultant(s) are required to execute and submit the certification statement. See Attachment 1.

L. Nags Head Businesses: It is the policy of the Town to support Nags Head businesses and workforce development and it encourages companies with corporate offices in Nags Head and which employ Nags Head residents to compete for Town contracts. Consultant(s) are asked, as part of their submission, to advise of their Nags Head location and detail their employment of Nags Head residents.

M. Term: The proposed agreement term shall be for time required to complete the described Scope of Services.

IV. Scope of Work

The consultant will provide an update to the 2005 Decentralized Wastewater Plan which will serve as a guiding document for improving the effectiveness of decentralized wastewater management within the Town.

It is the intention of staff to take an active role in the project. In addition, an advisory team will be formed to assist staff and the consultant in executing this project. However, staff anticipates the consulting team will provide knowledge and experience beyond that of our local expertise. Relying on the general direction provided in this RFQ, the consultant should suggest a responsive work program for completing the project on schedule.

General Requirements and Deliverables: The selected firm(s) shall be capable of providing all necessary equipment and support personnel for the requested services in a timely manner. Deliverables shall be in a format as requested by the Town, and developed and designed in accordance with best standards, practices and procedures.

Work to be performed will be authorized by the Town of Nags Head and shall be invoiced accordingly. The Contract will not guarantee the amount of work, if any, available under the Contract.

V. Scope of Services

The selected firm(s) shall provide professional services for the update of The Town of Nags Head's 2005 Decentralized Wastewater Plan. The work will include, but is not limited to the following tasks:

- Identify and create a method in order to ensure input from stakeholders is disseminated into the Plan.
- Provide a descriptive narrative of the water quality, human health, and regulatory issues addressed with the Plan, as well as an evaluation of whether The Town is presently meeting human health and water quality goals.
- Summarize and evaluate the current performance of on-site wastewater systems, including the identification of any hotspots or problem areas that may exist within the Town. Further document factors influencing problem areas and steps the Town can take to mitigate these problems.
- Review and assess current and historical water quality and quantity data throughout the Town to identify trends and problems and make recommendations for programmatic changes.
- Identify and map groundwater levels; assess the impact of groundwater on the functionality of on-site septic systems.
- Employ new technologies to improve tracking and management of at-risk areas related to groundwater, stormwater, and wastewater to assist with citizen reporting and for potential future Capital Improvement Project development.
- Identify new technologies, systems and alternative management approaches that could be utilized to improve the overall management of onsite wastewater in the Town.
- Identify any programmatic changes to the Todd Krafft Septic Health Initiative to improve participation in the program, including but not limited to modifications to incentives, inspections, the loan program, outreach/education program, permit tracking and reporting, and data collection/analysis.
- Create a holistic and integrated public outreach program as part of the Plan. The program shall educate stakeholders and the public, encourage public involvement in water quality, water quantity and groundwater issues; as well as the relationship between public health, ecosystem health, and public health advisories related to water quality.
- Summarize a process that allows for evaluation of Plan implementation; this includes measures of success for actions identified in the Plan post adoption.
- The Plan will include sufficient data to demonstrate that implementation of the Plan would be expected to achieve water quality goals.

VI. Conditions for Submission of Proposals

- A. Respondent's submissions must include the following core components, in order to be considered responsive to this solicitation:

- Introductory letter including confirmation of willingness to execute and meet all of the requirements as described herein.
 - Firms general background and experience with government organizations or related entities.
 - Name and qualifications of individuals who will be assigned the responsibility of working directly with the Town.
 - Current project workload.
 - Certification Form.
 - Executive summary or general narrative.
 - Project understanding.
 - Project approach.
 - Proposed work program including any deliverables. The work program should be responsive to information included in this RFP; however, may propose to add, modify, or delete scope items provided such changes are beneficial to the project.
 - Detailed schedule that outlines major project milestones and associated timeframes.
 - Organizational chart and management approach, including the roles and responsibilities of any sub-contractors. This should also include a clear division of labor between tasks addressed by the consultant and tasks expected to be undertaken by staff.
- B. All submissions in response to this request must meet the following conditions to be considered:
- Breakdown the proposal by the steps of work necessary.
 - Proposals must be received by the date and time specified; late proposals will be disqualified.
 - In order to be considered for selection, applicants must submit a complete proposal. Incomplete proposals may not be considered.
 - Proposals must include an RFQ introductory letter clearly stating the name of the applicant, address and telephone number of the applicant representative.
- C. The funding award for these services and project shall be made at the sole discretion of the Town Manager. The Town of Nags Head is under no obligation to select any presented proposals. The Town of Nags Head reserves the right to request additional information from all applicants. In the selection of the top respondent, the Town of Nags Head reserves the right to engage in an interview process to obtain additional information that will be used during the selection process.
- D. The Town reserves the right to waive any informality and to reject any and all proposals submitted, and to negotiate portions thereof.
- E. There is no expressed or implied obligation for the Town of Nags Head to reimburse responding firms for any expense incurred in preparing or responding in any informality or reject all proposals submitted.
- F. All offerors responses to the RFQ shall remain valid for a period of not less than ninety (90) calendar days from the due date of this RFQ.

- G. Submission of a proposal indicates acceptance by the proposer of the terms, conditions and requirements described in this RFQ unless clearly and specifically noted in the submittal.
- H. Offerors may propose services that are provided by others, but any services proposed must meet all of the requirements of this RFQ. If the successful offeror's proposal includes services provided by others, the vendor will be required to act as the prime vendor for all such items and must assume full responsibility for the procurement, delivery and quality of such services. The successful offeror will be considered the sole point of contact with regard to all stipulations, including payment of all charges and the meeting of all requirements of this RFQ.
- I. It is the policy of the Town of Nags Head to facilitate the establishment, preservation, and strengthening of historically underutilized businesses, (i.e. small businesses and businesses owned by women and minorities), and to encourage their participation in the Town's procurement activities. Toward that end, the Town encourages these firms to compete and encourages non-minority firms to provide for the participation of small businesses and businesses owned by women and minorities through subcontracting, partnerships, joint ventures, and other contractual opportunities. The Town's participation goal for Historically Underutilized Businesses is 10%. All offerors are requested to include a statement in its response to this RFQ to describe any planned use of such businesses in fulfilling the Contract.
- J. Proposals should be prepared simply and economically, providing a straightforward, concise delineation of the capabilities of their offering.

VII. Application Ranking Criteria

- A. All submissions shall be initially reviewed to determine if they are responsive to the submission requirements. Those not meeting the minimum requirements set forth herein will be deemed non-responsive and will not be subject to further review.
- B. The responsive submissions shall be evaluated and ranked in accordance with the following criteria:
 - o Overall understanding of the project, and presentation effectiveness.
 - o Proven capacity of the consultant organization and its key personnel and staff.
 - o Specialized or appropriate technical expertise in this type of project through related or similar project experience; field capabilities to perform the specified work.
 - o Familiarity and direct experience with North Carolina and Coastal community issues as well as an understanding of local, economic, environmental, and geographic conditions.
 - o Experience working with government agencies on municipal projects.
 - o Project management capabilities.
 - o Technical approach to the project.
 - o Proposed approach for the project and schedule for completion.
 - o Consultant workload, timeliness and proven ability to fulfill the objectives of the project within available budget resources.
 - o Public participation methodology.

- Clarity of the role and level of involvement of town staff and the Advisory Team.
- Other factors that may be relevant to the project.

The Evaluation Committee reserves the right to interview one or more consultant respondents in order to inform the evaluation of responses.

C. The Consultant(s) approach to the Scope of Services.

The following factors will be considered critical in the evaluation of the Request for Qualifications prepared in response to this announcement (maximum 100 points available):

1. Specific Related Experience of Project Team Members -- 35 points
2. Performance and Reputation of Participating Firm(s) -- 25 points
3. Team Capacity/Staff Availability -- 25 points
4. Project Scheduling -- 15 points

D. Demonstrated capability of the consultant(s) to perform all of the work elements, review of comparable work and references, timely mobilization of staff and equipment, schedule for completion of services will be considered.

E. Qualifications will be reviewed by an Evaluation Committee comprised of Town staff. A selection will be made based upon the most qualified competitor, subject to negotiation of fair and reasonable compensation. If efforts to negotiate a fair and reasonable fee are unsuccessful with the most qualified firm(s), negotiations will cease with that consultant and begin with the second ranked consultant. If the Town is unable to negotiate a satisfactory agreement with either of the consultants, the Town will select additional consultants in order of their competence and qualifications and continue negotiations until a satisfactory agreement and a Contract for Services ("Contract") has been reached, approved by the Town and executed by the parties.

VIII. General Contractual Conditions and Budget

The work will be performed on a fixed price basis. The specific payment program will be determined during the final contract negotiations and will be based upon completion of identified tasks following staff review and consultant revisions. The available budget for this project is \$150,000. The contract will begin upon signing of the contract and will end upon final adoption of the Plan by the Town's Board of Commissioners.

- A. The selected firm shall certify that it has no knowledge of any circumstances which will cause a conflict of interest in providing professional services; and that no contingent fees have been paid for soliciting or securing the Contract.
- B. The selected firm(s) shall at its own cost and expense maintain General Liability and Worker's Compensation Insurance as required by the State of North Carolina covering each of the persons employed by it in the operation of the Contract and keep the insurance in force during the term of the Contract.

- C. The Consultant(s) shall defend, indemnify, and hold harmless the Town, its officers, employees, agents, and representatives from any and all liability or loss of any nature whatsoever arising out of or relating to the Consultant(s) operations under the Scope of Services and any Contract entered into including, without limiting the generality of the foregoing coverage, any act or omission of the Consultant(s), its agents, servants, employees, or invitees in the execution of performance of said Contract.
- D. The Consultant(s) shall maintain Commercial General Liability and Insurance against any and all claims and losses arising out of the operation of the Contract and the operations covered therein. This insurance shall be obtained from a company authorized to do business in the state of North Carolina and shall include the Town of Nags Head, its officers, employees, agents, and representatives as additional insured with no less than the following minimum policy limits:

Commercial General Liability: \$1 million Combined Single Limits (CSL) covering bodily injury and property damages; OR

Commercial General Liability: \$1 million Bodily Injury and \$200,000 per occurrence; \$1 million aggregate.

Professional Liability: \$1 million per occurrence, \$1 million aggregate

Worker's Compensation: Per statutory requirements

- E. All policies are to be kept in force during the term of the Contract and the certificates. All insurance policies shall be in a form and content satisfactory to the Town, with copies of certificates and endorsements being submitted to the office of the Public Information Officer for review.
- F. The successful Consultant(s) shall furnish the Town, upon agreement, with two (2) copies of a certificate of insurance evidencing policies required in the paragraphs above. Such certificate shall specifically indicate that the Public Liability Insurance includes all extensions of coverage required above. If coverage on said certificate(s) is shown to expire prior to completion of all terms of the Contract, the successful Consultant(s) shall furnish a certificate of insurance evidencing renewal of such coverage to the Town. The certificates of insurance shall be required in advance of the Contract execution.

IX. Relevant Documents

The following documents should be studied and utilized in the creation of the updated Plan, providing background information for the consultant in the development of the Plan.

- o *2005 Decentralized Wastewater Management Plan*
- o *Town of Nags Head Comprehensive Plan*
- o *Nags Head VCAPS Report*
- o *Stormwater Pilot Project for NCDOT Maintained Ocean Outfalls and Associated Outlets Ocean Outfall Master Plan, 2015*

- ECU Department of Anthropology - "Evaluations and suggestions about storm water and septic tank management among residents of Nags Head Acres, Nags Head, NC"
- 2012 Park Service Report – "Pollutant Impacts to Cape Hatteras National Seashore from urban runoff and septic leachate"
- UNC Outer Banks Field Site 2018 Capstone Report - Environmental Change and Septic Systems in Nags Head: Local Perspectives and Impacts on Water Quality and Quantity"
- UNC Outer Banks Field Site 2019 Capstone Report – "People, Water, and Septic: A Coastal Case Study"
- 2018 Outer Banks Field Site Capstone Research Presentation
- 2019 Outer Banks Field Site Capstone Research Presentation
- UNC Outer Banks Field Site – "Flushed"

X. Project Timeline and Phases

The following is the proposed timeline and principal phases.

- September 2020 to October 2020 - Review of proposals and selection of consultant
- November/December 2020 - Present consultant decision to Board of Commissioners
- December to mid-January 2021- Project kickoff
- January 2021 to Summer 2021 - Phase 2
- Summer 2021 to December 2021 - Phase 3
- January 2022 - Phase 4, consider Plan adoption
- February 2022 - Implementation; consider budget needs

Phase 1 – Retain Consultant for the Integrated Plan

- Develop and release an RFQ;
- Interview respondents;
- Evaluate submissions; and
- Retain a consultant

Phase 2 – Inventory and Assessment; Establish Goals

- Develop the vision, values, and goals for the Plan;
- Develop engagement strategy for stakeholders;
- Compile existing wastewater and stormwater performance;
- Assess surface and ground water quality and quantity conditions;
- Assess potable water usage data and its impact on groundwater conditions;
- Characterize wastewater and stormwater utility performance, conditions, and programs;
- Review and assess historical changes in the climate and impact on groundwater conditions as well as wastewater and stormwater system performance;
- Develop a range of scenarios for sea level rise and assess the impact of sea level rise on wastewater management technologies; and
- Review academic studies and reports associated with wastewater management, stormwater, and groundwater; assess relevant information and incorporate appropriate findings into the draft integrated plan.

Phase 3 – Drafting of Integrated Plan and Outreach

- Consultant to draft and submit sections of Plan for review by Stakeholders, Staff, Steering Committee and Boards; and
- Consultant to make necessary changes based upon comments

Phase 4 – Presentation of Final Plan; Adoption of Plan

Attachment 1

RESPONDENT'S CERTIFICATION FORM

THIS PAGE MUST BE COMPLETED AND INCLUDED WITH THE SUBMITTAL CERTIFICATION

The undersigned hereby certifies, on behalf of the Respondent named in this Certification (the "Respondent"), that the information provided in this proposal submittal to Town is accurate and complete, and I am duly authorized to submit same. I hereby certify that the Respondent has reviewed this RFQ in its entirety and accepts its terms and conditions. I certify that all information contained in this proposal is truthful to the best of my knowledge and belief.

I further certify that I did not either directly or indirectly enter into any combination or arrangement with any person, firm or corporation, or enter into any agreement, participate in any collusion, or otherwise take any action in the restraint of free competition in violation of the Sherman Anti-Trust Act, 15 USCS Sections 1 et seq.; the North Carolina General Statutes Sections 133-24 through 133-31.

I further certify, under oath, that this proposal is made without prior understanding, agreement, connection, discussion, or collusion with any other person, firm or corporation submitting a proposal for the same product or service; no officer employee or agent of the Town of Nags Head or any other respondent is interested in said proposal; and that the undersigned executed this Respondent's Certification with full knowledge and understanding of the matters therein contained and was duly authorized to do so. It is distinctly understood that the Town of Nags Head reserves the right to reject any or all proposals

(Name of Respondent)

(Signature of Authorized Representative)

(Typed Name of Authorized Representative)

(Title)