



**TOWN OF YORKTOWN**  
363 Underhill Avenue, P.O. Box 709  
Yorktown Heights, NY 10598

**REQUEST FOR PROPOSALS (RFP)  
TO PROVIDE ON-CALL AND  
EMERGENCY BRIDGE AND CULVERT  
ENGINEERING SERVICES TO THE  
YORKTOWN HIGHWAY DEPARTMENT**

**PROJECT NAME:** On-Call/Emergency Bridge & Culvert Engineering Services

**PROJECT NUMBER:** RFP # 2023/2024 On-Call Bridge Services

**PROJECT LOCATION:** Various Locations within Yorktown, NY

**DUE DATE:** **Monday**, August 21, 2023 at 10:00 AM, local time

**PROJECT SUMMARY**

The Town of Yorktown Highway Department (herein also known as “the Town”) seeks proposals from Consultants for professional engineering services to provide engineering services on an on-call and emergency basis.

These services will be required for two (2) years. The Town may choose to extend the contract an additional two (2) years.

## **A. SCOPE OF SERVICES**

### **1. Description of Tasks**

This proposal is to supply engineering services on an on-call and emergency basis for the Yorktown Highway Department. As a Consultant that may be awarded this contract, your firm must be able to provide New York State Professionally Licensed Engineers and qualified technical staff on a moment's notice. The Consultant personnel may need to address and/or assist Town personnel in emergency situations, ie: a collapsed culvert, a vehicle hitting a bridge, red flags on bridges and/or culverts, or any other situation in which the Highway Superintendent deems to be an emergency. Other situations may include the design of specific projects which are not an emergency, but are of importance or on short time schedule that does not allow for the normal acquisition of engineering services and as deemed necessary by the Highway Superintendent.

Some of the tasks a consultant may have to complete include, but are not limited to, the following:

- Bridge or large culvert inspections for specific structures.
- Level one load ratings on flagged and/or structurally deficient bridges and large culverts.
- Design repairs for flagged structures, then work with the Town's assigned contractor to implement the repairs.
- Assist the Town's bridge engineer with answering and removing flags issued on bridges and large culverts.
- Design of replacement or repairs to structures, ie; large and or small culverts.
- Creation of construction documents, cost estimates, and perform construction inspection duties for design tasks listed above, or for Federal Aid Maintenance Design projects.
- Complete applications for any permits required for the above for mentioned design and construction tasks.
- Assist with emergency situations.

Work will be assigned on a per project basis. These assignments may be issued by the Highway Superintendent. The Consultant engineer must supply the staff necessary to complete these tasks. In the event the consultant does not possess some of the necessary staff, the firm must inform the town of lack of personnel. The On-Call Consultant must then subcontract out for the necessary personnel their firm is lacking; a separate contract will not be issued by the Town of Yorktown for this subcontractor.

## 2. Staff

Listed below are the types of staff a Consultant must be able to provide as a minimum. Resumes of the persons in these positions must be included in this Request for Proposals. These resumes are not to be counted towards the total number of pages:

- a. **Project Manager** – must be a licensed Professional Engineer (PE) in New York State. The Project Manager must have a minimum of 20 years in bridge/structural engineering, and must include project oversight, design, bridge condition inspection, and knowledge of the Town’s bridge inventory as a minimum. This team member needs to have the authority to call upon the Consultant’s staff at a moment’s notice, if deemed necessary, especially in an emergency situation. This staff member will deal directly with The Highway Department staff and may be called upon outside of regular business hours.
- b. **Project Engineers** - These members of the team must at a minimum be graduate engineers. It is recommended that some of these staff members be licensed Professional Engineers (PE) with bridge experience and/or licensed Structural Engineers (SE).
- c. **Land Surveyors** – Licensed Land Surveyors may be required for certain projects. These team members need to be licensed in the State of New York. In the event the consultant does not employ any staff with these qualifications, a sub-consultant may be used. The qualifications of any sub-consultants and resumes for the key staff that will work on this project must be supplied with this proposal. In addition, this sub-consultant must be licensed in New York State and employ New York State licensed professional land surveyors.
- d. **Environmental Scientists/Professional Engineers** – Personnel to fill this position should be experienced in filing joint applications with New York State Dept. of Conservation and the US Army Corps of Engineers. Specific areas of expertise shall include, but not be limited to, wetland delineation and mitigation, endangered and protected species, asbestos and lead paint. In the event the consultant does not employ any staff with these qualifications a sub-consultant may be used. The qualifications of any sub-consultants and resumes for the key staff that will work on this project must be supplied with this proposal.

## **B. FUNDING AND BUDGET**

This is a capital funded project with 100% Town of Yorktown funds.

**C. PROPOSAL TIME FRAMES**

The following schedule is for informational purpose only. The Town reserves the right to amend this schedule at any time.

Issue RFP:	August 3, 2023
Requests for Information Due:	August 14, 2023, 4:00 PM
Proposals Due:	August 21, 2022, 10:00 AM (local time)
Contract Signed:	Following successful negotiations and all necessary approvals.

**D. CONTRACT**

A contract prepared by the Town of Yorktown for the services requested in the RFP will be negotiated with the selected firm. The selected firm will be expected to enter into a contract with the Town of Yorktown upon successful conclusion of negotiations. The term of the contract will be two (2) years. The Town may choose to extend the contract an additional two (2) years.

**E. GENERAL REQUIREMENTS**

1. Requests for Information/clarification of this RFP must be in writing and submitted to Town Clerk Diana L. Quast at 363 Underhill Avenue, Yorktown Heights, NY 10598 or at [dquast@yorktownny.org](mailto:dquast@yorktownny.org) no later than date listed in Section C “Requests for Information due.” A list of questions and answers will be posted on the Town website. No communications of any kind will be binding against the Town, except for the formal written responses to any request for clarification.
2. All Proposers must disclose the name, title, and department of any employee or officer who was an employee or officer of the Town of Yorktown within the 12 months immediately prior to the proposal.
3. All Proposers must provide a list of at least 3 references from community partners and collaborators or an individual with knowledge of and experience with the specific services being offered. References are also required for inspectors being planned for this project.

**F. STATEMENT OF RIGHTS**

**1. UNDERSTANDINGS**

**Please take notice**, by submission of a proposal in response to this request for proposals, the proposer agrees to and understands:

- that any proposal, attachments, additional information, etc. submitted pursuant to this Request for Proposals constitute merely a suggestion to negotiate with the Town of Yorktown and is not a bid under Section 103 of the New York State General Municipal Law;
- submission of a proposal, attachments, and additional information shall not entitle the proposer to enter into an agreement with the Town of Yorktown for the required services;
- by submitting a proposal, the proposer agrees and understands that the Town of Yorktown is not obligated to respond to the proposal, nor is it legally bound in any manner whatsoever by submission of same;
- that any and all counter-proposals, negotiations or any communications received by a proposing entity, its officers, employees or agents from the Town, its elected officials, officers, employees or agents, shall not be binding against the Town of Yorktown, its elected officials, officers, employees or agents unless and until a formal written agreement for the services sought by this RFP is duly executed by both parties and approved by the Town of Yorktown.

In addition to the foregoing, by submitting a proposal, the proposer also understands and agrees that the Town of Yorktown reserves the right, and may at its sole discretion exercise, the following rights and options with respect to this Request for Proposals:

- To reject any or all proposals;
- To issue amendments to this RFP;
- To issue additional solicitations for proposals
- To waive any irregularities in proposals received after notification to proposers affected;
- To select any proposal as the basis for negotiations of a contract, and to negotiate with one or more of the proposers for amendments or other modifications to their proposals;
- To conduct investigations with respect to the qualifications of each proposer;
- To exercise its discretion and apply its judgment with respect to any aspect of this RFP, the evaluation of proposals, and the negotiations and award of any contract;
- To enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals with one or more of the proposers;
- To select the proposal that best satisfies the interests of the Town and not

necessarily on the basis of price or any other single factor;

- To interview the proposer(s);
- To request or obtain additional information the Town deems necessary to determine the ability of the proposer;
- To modify dates;
- All proposals prepared in response to this RFP are at the sole expense of the proposer, and with the express understanding that there will be no claim, whatsoever, for reimbursement from the Town for the expenses of preparation. The Town assumes no responsibility or liability of any kind for costs incurred in the preparation or submission of any proposal;
- While this is an RFP and not a bid, the Town reserves the right to apply the case law under General Municipal Law § 103 regarding bidder responsibility in determining whether a proposer is a responsible vendor for the purpose of this RFP process;
- The Town is not responsible for any internal or external delivery delays which may cause any proposal to arrive beyond the stated deadline. To be considered, proposals MUST arrive at the place specified herein and be time stamped prior to the deadline.

## **2. EVALUATION**

The following criteria, not necessarily listed in order of importance, will be used to review the proposals. The Town reserves the right to weigh its evaluation criteria in any manner it deems appropriate:

- Proposer's demonstrated capability to provide the services.
- Evaluation of the professional qualifications, personal background and resume(s) of individuals involved in providing services.
- Proposer's experience in performing the proposed services.
- Proposer's financial ability to provide the services.
- A determination that the proposer has submitted a complete and responsive proposal as required by this RFP.
- An evaluation of the proposer's projected approach and plans to meet the requirements of this RFP.

- The proposer’s presentation at and the overall results of any interview conducted with the proposer.
- Proposers MUST sign the Proposal Certification attached hereto as Schedule “A”. Unsigned proposals will be rejected.
- Proposers may be required to give an oral presentation to the Town to clarify or elaborate on the written proposal.
- No proposal will be accepted from nor any agreement awarded to any proposer that is in arrears upon any debt or in default of any obligation owed to the Town. Additionally, no agreement will be awarded to any proposer that has failed to satisfactorily perform pursuant to any prior agreement with the Town.

### 3. **CONTRACT**

After selection of the successful Proposer, a formal written contract will be prepared by the Town and will not be binding until signed by both parties and, if necessary, approved by the Town of Yorktown.

### 4. **INDEMNIFICATION AND INSURANCE**

The Proposer accepts and agrees that language in substantially the following form will be included in the contract between the Proposer and the Town:

“In addition to, and not in limitation of any insurance requirements contained herein the Proposer agrees:

- (a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the Town, the Proposer shall indemnify and hold harmless the Town, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Proposer or third parties under the direction or control of the Proposer; and
- (b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

Upon execution of any contract between the Proposer and the Town, the Proposer will be required to provide proof of applicable insurance coverage.

5. **NON-COLLUSION**

The Proposer, by signing the proposal, does hereby warrant and represent that any ensuing agreement has not been solicited, secured or prepared directly or indirectly, in a manner contrary to the laws of the State of New York and the Town of Yorktown, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity or consideration of any kind, directly or indirectly, to any Town employee, officer or official.

6. **CONFLICT OF INTEREST**

All Proposers must disclose with their proposals the name of any officer, director or agent who is also an employee of the Town. Further, all Proposers must disclose the name of any Town employee who owns, directly or indirectly, an interest of ten percent (10%) or more in the firm or any of its subsidiaries or affiliates. There shall be no conflicts in existence during the term of any contract with the Town. The existence of a conflict shall be grounds for termination of a contract.

7. **COMPLIANCE WITH LAWS**

By submitting a proposal, the Proposer represents and warrants that it is familiar with all federal, state and local laws and regulations and will conform to said laws and regulations. The preparation of proposals, selection of Proposers and the award of contracts are subject to provisions of all Federal, State and County laws, rules and regulations.

8. **EFFECTIVE PERIOD OF PROPOSALS**

All proposals must state the period for which the proposal shall remain in effect (i.e. how much time does the Town have to accept or reject the proposal under the terms proposed). Such period shall not be less than one hundred eighty (180) days from the proposal date.

**G. SELECTION CRITERIA**

The Town of Yorktown Highway Department will review the proposal submissions and/or statement of qualifications. The Qualifications will be comparatively evaluated based upon the requirements stated in the body of this RFP and in accordance with the following criteria, listed in order of decreasing importance:

Experience and qualifications of proposed staff	<b><u>25%</u></b>
Understanding of work to be done	<b><u>20%</u></b>
Logistics and familiarity with the project area	<b><u>20%</u></b>

Experience with similar kinds of projects and/or work	<b><u>20%</u></b>
Experience of proposed team	<b><u>10%</u></b>
Percentage of Proposed M/WBE Participation	<b><u>5%</u></b>

See also **SECTION F “Statement of Rights”**, specifically **Part 2 “Evaluation”** for additional evaluation criteria. PROPOSAL CONTENT

In order for Proposers to be considered for an award, the terms, conditions and instructions contained in this RFP and attachments must be met. Any proposals which do not meet these criteria may be considered non-responsive. All proposals must be **limited to fifteen (15) pages double sided**. These fifteen pages do not include Schedules A, B, & C, resumes, or cover sheet.

1. **RFP Coversheet:** Firm must return the completed “Town of Yorktown RFP Coversheet” with their proposal. It is supplied in this request document prior to Schedule A.
2. **Additional Information:** *Brief* description of the Proposer, including its location, years in business, history and philosophy. Include an outline of the Proposer’s ownership, officers, and executive management.
3. **Contact Information:** To facilitate communications regarding this RFP, please state clearly the following:

<b>FIRM NAME:</b>
<b>ADDRESS:</b>
<b>CONTACT PERSON NAME &amp; ADDRESS:</b>
<b>TELEPHONE NUMBER:</b>
<b>FAX NUMBER:</b>
<b>E-MAIL ADDRESS:</b>

4. **Project Statement** – This is a statement of the Proposer’s understanding of the project and project approach.

5. **Qualification Statement:** A narrative describing the Proposer's capabilities and unique qualifications, including all pertinent information that would substantiate the Proposer's capabilities as they pertain to the specified services of this RFP.
6. **GSA Form 330 (Part 1 Sections A-G):** Identify Proposer's key contact personnel for project related matters and include respective resumes and detailed descriptions of past project roles. Indicate the location of the office(s) where the work would be performed. Provide a listing and description of a completed project in the previous year that demonstrates the proposer's experience.
7. **Manpower Commitment:** Provide information regarding the ability to meet the project schedule based on workload. Indicate the location of the office(s) where the work would be performed. List current or anticipated obligations, which will require professional or technical manpower commitments from the same office that will be utilized for this project. Indicate the size of these jobs and their aggregate manpower requirements. In addition the firm needs to supply a list of contracts that are presently open with the Town of Yorktown.
8. **Quality Assurance and Control:** A detailed discussion of the methodology used by the firm to assure quality control and assurance is to be provided.
9. **M/WBE Utilization Plan:** A plan shall be submitted with this proposal stating how the firm intends to meet the following criteria:
  - a. The Minority Business Enterprise (MBE) and Women's Business Enterprise (WBE) participation goals for this project.
  - b. Certified Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) proposers must include the MBE/WBE Certification letter with their proposal.
  - c. Proposers who operate a Veteran-Owned Business or a Service-Disabled Veteran-Owned Business should include the letter indicating that their veteran or service-disabled veteran owned with their proposal.
10. **Second Sealed Envelope Contents (hard copy only):**
  - a. The cost proposal shall be a list of titles (ASCE and NICET grades where appropriate) and hourly rates of the personnel planned for this contract, both for the Consultant and any subconsultants included. These rates are to be unloaded rates with overhead and profit costs/percentages listed separately. The Town of Yorktown does not pay mileage within the Town of Yorktown, this is not a line item in the contract.
11. Include the signed **Schedule A - Proposer Certification.**
12. List of Officers and Board of Directors.
13. Include the executed Non-Collusive Statement.

**H. PROPOSAL SUBMISSION**

Submission of the proposals shall be directed to:

Diana L. Quast, Yorktown Town Clerk  
363 Underhill Avenue, Yorktown Heights, NY 10598

Please submit three (3) hard copies and one (1) PDF copy of your proposal on or before the date and time listed in Section C “**Proposals Due**” of this document. Proposal shall be submitted in a separately sealed envelope along with the RFP. Open proposals submitted within the RFP will not be considered. The Town is under no obligation to return proposals.

**I. INTERVIEWS**

The Town reserves the right to determine whether interviews will be necessary in the selection of a Consultant. If required, the proposed lead principal as well as other key personnel proposed to provide services must be present and participate in the interview.

**TOWN OF YORKTOWN RFP COVERSHEET**  
**RFP # 2023/2024 ON-CALL BRIDGE AND**  
**CULVERT ENGINEERING SERVICES**

Name of Organization:	
Organizational Mailing Address:	
President/CEO:	
President's/CEO's Phone Number:	
President's/CEO's Email:	
Project Contact Person:	
Project Contact Person's Phone Number:	
Project Contact Person's Email:	
Company Website:	
Federal Employer ID# (FEIN):	
Is company debarred/suspended from receiving funds/doing business with the Federal government?	
Please provide DUNS #, if available:	
Is respondent a non-profit or unit of government?	
If non-profit, please provide 501(c)(3) not-for-profit entity ID # and date established as such:	
If non-profit, please provide roster of respondent's volunteer board:	Please provide attachment
Is company a Certified Minority Business Enterprise/ Women's Business Enterprise (MBE/WBE)?	Please provide the Town MBE/WBE Certification Letter as attachment
Is company a Veteran-Owned Business?	Please provide the letter indicating their company is veteran-owned as attachment
Name, title, and department of any employee or officer who was an employee or officer of the Town within the 12 months immediately prior to the proposal:	

**SCHEDULE A**

**PROPOSER CERTIFICATION**

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the Town of Yorktown and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the Town for the required services. The undersigned agrees and understands that the Town is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the Town, its directors, officers, employees or agents unless an agreement is signed by a duly authorized officer of the Town of Yorktown.

It is understood and agreed that the Town reserves the right to reject any and all proposals including, but not limited to proposals, which are conditional or incomplete. It is further understood and agreed that the Town reserves all rights specified in the Request for Proposals.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the Town is directly or indirectly a party to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

\_\_\_\_\_  
*Proposer Name*

By: \_\_\_\_\_  
*Name and Title*

**Verification**

**A) OWNER/PARTNERSHIP**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS:

\_\_\_\_\_, being duly sworn, states he or she is the owner of  
(or a partner in) \_\_\_\_\_, and is making the foregoing  
Certification and that the statements and representations made in the Certification are true to his or her  
own knowledge.

Sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

**B) CORPORATE**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS:

\_\_\_\_\_, being duly sworn, states that he or she is the  
Name of Corporate Officer  
\_\_\_\_\_, of \_\_\_\_\_,  
Title of Corporate Officer Name of Corporation

the enterprise making the foregoing Certification, that he or she has read the Certification and knows its  
contents, that the statements and representations made in the Certification are true to his or her own  
knowledge, and that the Certification is made at the direction of the Board of Directors of the  
Corporation.

Sworn to before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

**NON-COLLUSIVE BIDDING CERTIFICATION**

Made pursuant to Section 103-d of the General Municipal Law of the State of New York.

By submission of this bid, Bidder and each person signing on behalf of Bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

- The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor;
- Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by Bidder and will not knowingly be disclosed by Bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

A bid shall not be considered for award nor shall any award be made where (1) (2) and (3) above, have not been complied with; provided, however, that if in any case Bidder cannot make the foregoing certification, Bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (1) (2) and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

Dated: \_\_\_\_\_

Bidder: \_\_\_\_\_  
(Legal name of person, firm or corporation)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Please Print Name)

\_\_\_\_\_  
(Title)

State of New York )  
County of \_\_\_\_\_)ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_ before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
(Notary Public)