

**REQUEST FOR PROPOSALS (RFP) 24-01**

**ON-CALL PEER REVIEW ENGINEERING  
CONSULTING SERVICES**



TOWN OF DIGHTON,  
MASSACHUSETTS  
Michael P. Mullen, Jr.  
Town Administrator / Chief  
Procurement Officer

July 12, 2023

NOTICE  
REQUEST FOR PROPOSALS (RFP)  
ON-CALL PEER REVIEW ENGINEERING CONSULTING SERVICES  
DATE OF RELEASE: July 12, 2023

The Town of Dighton is soliciting services of qualified peer review engineering consulting services for a period of up to three (3) years. Such consulting services are primarily to fill the need for outside expertise required in reviewing developer's proposals, permits, applications and construction monitoring.

Boards and Departments to be served through this solicitation include the Planning Board, the Conservation Commission, the Stormwater Committee, and the Zoning Board of Appeals.

Such consulting services are not intended to be an exclusive arrangement nor are they expected to be utilized for specific municipal capital projects. The Town retains the right to solicit additional consulting services beyond the scope of the subject matter of this RFP.

Contract Documents, including the RFP and applicable forms, may be obtained at the Board of Selectmen's Office or by downloading them at <https://www.dighton-ma.gov/204/Procurement-Opportunities>. Sealed proposals will be received by the Town Administrator's Office, located at Town of Dighton 979 Somerset Avenue, Dighton, MA 02715 during business hours, until the date and time of the proposal opening. Business hours are Monday through Thursday, 7:30 a.m. to 4:30 p.m.

**Proposals must be submitted in two separate sealed envelopes** marked "Dighton On-Call Peer Review Engineering Consulting Services" and "Dighton On-Call Peer Review Engineering Consulting Services – Fee Proposal". See Section IV for details. **Proposals must be received by 4:00 p.m. on Thursday, August 3, 2020.** Late proposals will be returned unopened. Emailed submissions are not acceptable. Proposals are to be sent to:

Michael Mullen, Jr., Town Administrator  
Town of Dighton  
979 Somerset Avenue  
Dighton, MA 02715

Proposals must include all documents required by the Request for Proposal. The Town of Dighton reserves the right to reject any and all proposals in whole or in part; to waive any technicalities and informalities; to amend and/or cancel the RFP prior to the time of submission; and to correct any proposal erroneously made as a result of a clerical error on the part of the Town. Corrections and clarifications will be issued by Addendum.

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## **Section I: Project Description – Overview**

The Town of Dighton is requesting proposals from qualified professionals for on-call peer review engineering consulting services, for a period of up to three (3) years. Such consulting services are primarily to fill the need for outside expertise required in reviewing developer's proposals, permits, applications and construction monitoring. Boards and Departments to be served through this solicitation include the Planning Board, the Conservation Commission, the Stormwater Committee, and the Zoning Board of Appeals.

Such consulting services are not intended to be an exclusive arrangement nor are they expected to be utilized for specific municipal capital projects. The Town retains the right to solicit additional consulting services beyond the scope of the subject matter of this RFP.

## **Section II: General Information**

### **A. Point of contact and issuing office:**

#### **Chief Procurement Officer**

Michael Mullen, Jr., Town Administrator  
Town of Dighton  
979 Somerset Avenue  
Dighton, MA 02715

Phone: (508) 669-6431

Fax: (508) 669-5667

Email: mmullen@dighton-ma.gov

### **B. Limits of Liability**

The Town of Dighton assumes no liability for any costs incurred by Proponents in responding to this RFP or in responding to any further requests for interviews, additional information, etc. prior to the issuance of the contract.

### **C. Questions**

All questions are to be submitted in writing to the Chief Procurement Officer identified in Section IIA no later than 10:00 a.m. on Tuesday, July 25, 2023. Electronic (email) submission is acceptable for questions only. All submissions must contain the name of the person asking the question, company name, address, phone number, and email address. All submitted questions and answers will be distributed to all who received the RFP document via Addenda, which must be referred to within final submission documents. All Addenda will be sent to those who have contacted the Chief Procurement Officer, notifying him of their interest. Addenda will also be posted at <https://www.dighton-ma.gov/204/Procurement-Opportunities>.

It is the Proponent's responsibility to perform due diligence. Failure to perform full due diligence does not relieve the Proponent from fulfilling project requirements.

#### **D. Solicitation Process**

This RFP is being solicited under a multi-step procurement procedure consisting of two phases and in compliance with Chapter 30B of the Massachusetts General Laws. The first step requires all Proponents to submit technical proposals addressing those items cited in Section IV of this RFP.

An Evaluation Team will evaluate and rank the proposals based on the evaluation criteria outlined in Section V - Evaluation Criteria. During the second phase, interviews may be held if the Evaluation Team feels it is in the Town's best interest to do so.

Based on the evaluations, a contract will be written. The contract must be approved by the Board of Selectmen. After such approvals and signature by appropriate parties, work may begin. The Town expects to award the contract on Wednesday, August 23, 2023.

#### **E. Conditions of Award**

It is the intent of the Town to award the project to the most responsive Proponent(s) provided the proposal has been submitted in accordance with the requirements of this Request for Proposals document. The Town shall be the sole judge of the firm's qualifications and whether the proposal is in the best interests of the Town.

The Town may conduct such investigations, as the Town considers necessary to assist in the evaluation of any proposal and to establish the responsibility, qualifications and financial ability of the proponents and will award in accordance with the RFP documents within the prescribed time. The Town may consider, but not be limited to, the performance date and guarantees of materials and equipment as part of its evaluation.

Up to the time of signature of contract, the Town shall have the right in its sole discretion to terminate negotiations with or without cause if it deems in its best interest to do so.

During the term of the contract with the Town of Dighton, the successful proposer (Consultant) shall not do work for or represent developers or projects before the Planning Board, the Conservation Commission, the Stormwater Committee, and the Zoning Board of Appeals.

Any successful proposer(s) (Consultant) shall indemnify and hold harmless the Town of Dighton, its employees and agents, and any successors or assigns, to the limit of the fiduciary Liability Insurance coverage required, from any and all claims, judgments, fines, or costs of defense (including attorney's fees) arising out

of or as a result of or in connection with his/her performance of his/her obligations under the contract for services, including any nonfeasance, misfeasance, or malfeasance; or arising out of or as a result of the breach of any representation or warranty given by the contractor. This indemnification and hold harmless class shall survive the expiration of termination of the contract.

The successful proposer (Consultant) shall hold in the strictest confidence any and all confidential, secret, or proprietary information, knowledge, or data obtained either prior to or during the term of the Contract and pertaining to Town business, or of entities applicable Town Boards, Committees, and Departments may be affiliated or stand in a contractual relationship with during such periods. The contractor shall not, during the term of the contract or at any time thereafter, disclose such knowledge or information to any person or use the same in any manner whatsoever except in the furtherance of his/her efforts under the Contract and in the interests of the Town. Furthermore, the Consultant shall agree that any breach of the confidentiality will serve as cause for termination of the contract. This confidentiality clause shall survive the expiration of termination of the contract.

**F. Amendments to this Request for Proposal**

The Town reserves the right to amend this RFP by an addendum at any time prior to the date set for receipt of proposals. All amendments will be distributed to all who received the RFP document. Addenda will also be posted to <https://www.dighton-ma.gov/204/Procurement-Opportunities>. Addenda must be acknowledged, by number, in final submission documents.

**G. Additional Information**

Proposals will be considered only from Proponents who are financially responsible and who have the resources and ability to successfully complete and operate the project. The Town reserves the right to be the sole judge of these criteria.

The Town may request additional information as deemed necessary. Failure to provide such information may result in the proposal being considered incomplete.

The Town of Dighton reserves the right to reject any and all proposals in whole or in part; to waive any technicalities and informalities; to amend and/or cancel the RFP prior to the time of submission; and to correct any proposal erroneously made as a result of a clerical error on the part of the Town. The Town reserves the right to accept the proposal deemed most advantageous to the Town. The Town reserves the right to accept more than one proposal for different projects.

The Proponent will be required to sign and submit with their proposal a Certificate of Non-Collusion (Attachment B), Tax Compliance Certification (Attachment B).

**H. Proposed schedule and target dates:**

Questions Due ..... July 25, 2023, 10:00 a.m.  
Proposals Due ..... August 3, 2023, 4:00 p.m.  
Estimated Contract Award Date ..... August 23, 2023

### **Section III Project Description - Scope of Work**

The Town of Dighton is requesting proposals for non-exclusive on-call peer engineering consulting services to serve the various needs for technical review and planning that the Town anticipates it may need over the next three (3) years. Boards and Departments to be served through this solicitation include the Planning Board, the Conservation Commission, the Stormwater Committee, and the Zoning Board of Appeals.

The actual amount of time of service required under this contract is dependent on Town needs. The consultant will work with the Boards and Departments and their staff, their respective rules and regulations, local and state bylaws, and must be able to respond within their respective timeframe.

When reviewing, analyze and process applications pursuant to:

For Planning Board and Zoning Board of Appeals:

- MGL Ch. 41, §§ 81K-81GG (Subdivision Control Law)
- Rules and Regulations Governing the Subdivision of Land
- MGL Ch. 40A §§1-17 (the Zoning Act)
- MGL Ch. 40B §§1-30 (the Regional Planning Law)
- Zoning Bylaws, as amended, including but not limited to:
- Section 2900 (Special Permit; Marijuana Establishments)
- Section IV (Special Regulations)
- Rules and Regulations of the Dighton Planning Board as Special Permit Granting Authority
- Any other relevant statute, regulation or bylaw

For Conservation Commission:

- MGL Ch. 131, §§ 40 (Wetland Protection Act)
- Conservation Commission's Regulation, Policies and Bylaw (as most recently revised in June 2021)
- Any other relevant statute, regulation or bylaw

For Stormwater Committee:

- Massachusetts Department of Protection Stormwater Handbook (310 CMR 10.00 and 314 CMR 9.00)
- Stormwater Bylaw, Article XXVIII Stormwater
- Stormwater Bylaw Regulations 2008
- Stormwater Bylaw Rules and Regulations Revised 2009
- Board of Health, Stormwater Permit Application
- Municipal Storm Drain Connection Regulations

- Board of Health Stormwater Committee (Illicit Stormwater Discharge Regulation)
- Any other relevant statute, regulation or bylaw, including those of the U.S. Environmental Protection Agency (EPA) and the Clean Water Act

The Town of Dighton will require the assistance of the consultant according to the size, scale, complexity, or potential impacts of a proposed application. The review by the consultant and its sub-consultant(s) may include but is not limited to: road layout(s), periodic inspection and testing of roads and other improvements during construction, traffic flow, related applicable roadway and/or infrastructure needs, drainage calculations, grading, hydraulics, hydrology, land use planning, and any potential adverse environmental impacts.

Consultant shall perform services as listed below:

#### Design Review

- Initial meeting with applicable Town officials to outline the necessary steps of the process, establish the lines of communication, and agree on a budget and schedule.
- Perform site visits when required to evaluate existing and proposed conditions.
- Conduct a review of the information submitted by the proponent, and prepare a written report outlining application completeness, technical deficiencies and concerns.
- Review additional information submitted, meet with the proponent's design team and Town staff as required during subsequent reviews.
- Attend public meetings as requested by the Boards and Departments

#### Construction Phase Services

- Review endorsed plans and Conditions of Approval.
- Schedule and attend a preconstruction meeting with contractor and Boards and Departments.
- Provide construction observation services as requested by the Boards and Departments.
- Prepare detailed punch list of items remaining to be completed, corrected, added, or deleted to satisfy conformance with Permit Documents.
- Provide surety estimates at the request of the Boards and Departments.
- Prepare daily reports on construction activities as requested by the Boards and Departments.

#### Additional Services

- Provide engineering consultant services when requested by the Boards and Departments.
- Materials testing as requested by the Boards and Departments.
- When requested, the consultant will appear before the Board and Departments, meet with Town officials, and/or other municipal agencies, do field work, attend and participate at hearings and subsequent proceedings, such as appeals.



- Depending on the complexity of the review, the Boards and Departments may require written reports &/or drawings.
- When requested, the consultant will keep a written log of all work and photo documentation of any site visits performed for the Boards and Departments. Such log will show dates and times during which the consultant was working for the Board, as well as the nature of the work and the specific project plan or application that was being reviewed.

#### **Section IV: Proposal Submittal Requirements**

The Proponent is to submit five (5) hard copies of the proposal to the address listed in Section II. Proposals must be received by 4:00 p.m. on Thursday, August 3, 2023.

**IN SEALED ENVELOPE #1 - Labeled:** “Dighton On-Call Peer Review Engineering Consulting Services.” Each proposal shall include as a minimum the following information:

1. All forms within this Request for Proposals
2. A Statement of Qualifications shall include the following sections in this order:
  - Letter of Transmittal
  - Proposal Form (Attachment A.1) indicating the following: Company Name, Individual Contact Name, Title, E-Mail Address, Company Address, Phone, Fax, Date.
  - Background and Qualifications of the Firm - Information describing the background of Proponent's company including size, date established office location and resumes of principal staff members. The cover letter must be signed by an official of the firm who has authority to enter into a contract.
  - Relevant Project Experience - Information on the company (s) experience as it relates to the services proposed.
  - Project Staffing and Project Team Qualifications including resumes and all information pertaining to the qualifications and professional registration and licensure of proposers for the services requested
  - Approach to Services and Project Delivery
  - References - Provide three relevant references. The reference person's name, position, address and phone number. The Town intends, with your permission, to contact references.
3. Signed Certificate of Non-Collusion
4. Signed Certificate of Tax Compliance
5. Certificate of Authority (if a Corporation)
6. Any exceptions taken to the conditions or specifications cited herein must be clearly stated on a separate page of the proposal.

7. Reference any addenda that have been issued, acknowledging receipt of each one separately.

**IN SEALED ENVELOPE #2 - Labeled:** “Dighton Planning Board On-Call Peer Review Engineering Consulting Services Fee Proposal.” The Proposer shall indicate on the Price Proposal (Attachment A.2), the hourly billing rates for those who it anticipates assigning to the project(s). The billing rates shall include all charges to the Town of Dighton including salary, overhead, indirect costs and profit. Identifiable expenses may be charged separately without mark-up. The rate of all technical personnel whose use is anticipated shall be specifically noted for each service on which a Proposal is submitted.

## **Section V: Evaluation Criteria**

1. Evaluation & Comparative Criteria that will be used by the Selection Team are:

Selection criteria for finalists will be reviewed based on the items noted below. Proposals will be ranked on the following scale of maximum benefit to the town: Highly Advantageous, Somewhat Advantageous, Not Advantageous, or Unacceptable. In addition, references may be checked and applicants may be interviewed during the selection process. The proposal submitted should specifically address the following evaluation criteria for each service item for which a proposal is submitted:

- a) Successful experience working with municipalities in similar situations including references,
- b) Firm’s experience in areas of technical expertise,
- c) Education, training, professional qualifications, and experience of lead technical person in area of service required,
- d) Availability of resources dedicated to the town on a flexible basis in a timely fashion,
- e) The ability of the firm to provide the listed services utilizing in-house staff to optimize communication, coordination and responsiveness,
- f) The firm’s willingness to commit the proposed staff to projects and tasks assigned by the Town,
- g) Quality, clarity and responsiveness of the proposal,
- h) Degree to which the information in the proposal and presentation are relevant to the needs of the Town, and,
- i) Ability of the firm to provide electronic files of deliverable documents that are compatible with the Town’s computer software.

2. Miscellaneous

The selection of the successful Proponent shall be made without regard to race, color, sex, age, religion, political affiliation or national origin.

**ATTACHMENT A.1 – Required Proposal Form**

**PROPOSAL FOR: On-call peer review engineering consulting services for the Town of Dighton**

Company Name: \_\_\_\_\_  
Individual Contact Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
Company Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

Signature of Individual Authorized to Submit Proposal: \_\_\_\_\_  
Print Name: \_\_\_\_\_

- Please provide the following on a separate sheet:
- Information describing the background of Proponent's company including size, date established office location and resumes of principal staff members.
  - Information on the company (s) experience as it relates to the services proposed.
  - Provide three relevant references. The Town intends, with your permission, to contact references.

**ATTACHMENT A.2 – Required Price Proposal Form**

**One copy only to be submitted in separate sealed envelope**

**PROPOSAL FOR: On-call peer review engineering consulting services for the Town of Dighton**

Company Name: \_\_\_\_\_

Individual Contact Name: \_\_\_\_\_

Title: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Company Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Signature of Individual Authorized to Submit Proposal: \_\_\_\_\_

Print Name: \_\_\_\_\_

The Proposer shall indicate on the Price Proposal (Attachment A.2), the hourly billing rates for those who it anticipates assigning to the project(s). The billing rates shall include all charges to the Town of Dighton including salary, overhead, indirect costs and profit. Identifiable expenses may be charged separately without mark-up. The rate of all technical personnel whose use is anticipated shall be specifically noted for each service on which a Proposal is submitted.

Proposers should use the following chart to list hourly rates and expenses as indicated. Use additional space as necessary.

<i>Title of Lead Service Provider(s)</i>	<i>Hourly Rate</i>		<i>Cost</i>
Design Review Engineer			
Construction Inspector			
<i>Additional Service Provider(s)</i>	<i>Hourly Rate</i>	<i>Identifiable Expense</i>	<i>Cost</i>

**ATTACHMENT B**

**CERTIFICATE OF NON-COLLUSION FORM**

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

\_\_\_\_\_  
*(Name of person signing proposal)*

\_\_\_\_\_  
*(Name of business)*

**TAX COMPLIANCE CERTIFICATION**

*Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.*

\_\_\_\_\_  
*(Name of person signing proposal)*

\_\_\_\_\_  
*(Name of business)*

**ATTACHMENT C – Certificate of Authority**  
**Meeting of Board of Directors**

At a meeting of the Directors of the \_\_\_\_\_ duly  
(Corporation)  
called and held at \_\_\_\_\_ on  
the \_\_\_\_\_ day of \_\_\_\_\_, in the \_\_\_\_\_ year at which a  
quorum was present and acting, it was voted, that \_\_\_\_\_  
(name)  
the \_\_\_\_\_ of this Corporation is hereby authorized and  
(title/position)  
empowered to submit a proposal, make, enter into, sign, seal and deliver, on behalf of this  
Corporation a Contract for \_\_\_\_\_  
\_\_\_\_\_  
(brief description)

with the Town of Dighton, and to issue any proposal, performance, or payment bonds if  
required in connection with such Contract.

*I hereby certify that the above is a true and correct copy of the record, that  
said vote has not been amended or repealed and is in full force and effect as  
of this date, and that \_\_\_\_\_ is duly elected  
\_\_\_\_\_ of this Corporation.*

\_\_\_\_\_  
Clerk or Secretary of the Corporation

## **ATTACHMENT D**

### **INSURANCE REQUIREMENTS**

1. The Contractor shall purchase and maintain such insurance as will protect the contractor from claims set forth below which may arise out of or result from the Contractor's operations under the Contract, whether such operation be by itself or by any subcontractor or by anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable.
  - 1.1 Claims under Worker's Compensation, disability benefit and other similar employee benefit acts;
  - 1.2 Claims for damages because of bodily injury, occupational sickness or disease, or death of its employees, and claims insured by usual personal injury liability coverage;
  - 1.3 Claims for damages because of bodily injury, sickness or disease or death of any person other than its employees, and claims insured by usual person injury liability coverage; and
  - 1.4 Claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom.
2. The insurance required by the above shall be written for not less than the following minimum limits of liability:

Comprehensive liability, including bodily and personal injury, property damage, and contractual liability	\$1,000,000 per occurrence \$3,000,000 aggregate
Automobile comprehensive liability to include owned, hired, and non-owned vehicles and equipment	\$1,000,000 per occurrence \$3,000,000 aggregate
Excess liability (umbrella coverage)	As needed to provide a minimum of \$5,000,000 per occurrence coverage listed above.

In addition, during the entire Contract Period, the Contractor, at its own expense, shall maintain for its employees all Workers Compensation coverage required by Massachusetts Law.

- 3.** The above insurance policies shall also be subject to the following requirements:
  - 3.1** Certificates of Insurance acceptable to the Town shall be addressed to and filed with the Town prior to commencement of work. Renewal certificate shall be addressed to and filed with the Town at least ten (10) days prior to the expiration date of required policies.
  - 3.2** No insurance coverage shall be subject to cancellation without at least thirty (30) days prior written notice forwarded by registered or certified mail to the Town. The Town shall also be notified of the attachment of any restrictive amendment to the policies.
  - 3.3** All Certificates of Insurance shall contain true transcripts from the policies, authenticated by the proper officer of the insurer, evidencing in particular those insured, the extent of the coverage, the location and operations to which the insurance applies, the expiration date and the above mentioned notice clauses.
  - 3.4** All premium costs shall be included in the Contractor's proposed cost quote.



**ATTACHMENT E – Evaluation Worksheet**

**PROPOSER:** \_\_\_\_\_

**SERVICES**

**PROPOSED:** \_\_\_\_\_

**EVALUATOR:** \_\_\_\_\_

**Rating Key:**

- Highly Advantageous (HA) – Proposal excels on specific criterion
- Advantageous (AD) – Proposal fully meets the evaluation standard which has been specified
- Not Advantageous (NA) – Proposal does not fully meet the evaluation standard, is incomplete or unclear, or both
- Unacceptable (UA) – Proposal does not meet the specific criterion

**Selection Criteria (From RFP):**

- a) Successful experience working with municipalities in similar situations including references

HA / AD / NA / UA

Comments:

- 
- b) Experience of firm in areas of technical expertise

HA / AD / NA / UA

Comments:

- 
- c) Education, training, professional qualifications, and experience of lead technical person in area of service required

HA / AD / NA / UA

Comments:

- 
- d) Availability of resources dedicated to the town on a flexible basis in a timely fashion

HA / AD / NA / UA

Comments:

- e) The ability of the firm to provide the listed services utilizing in-house staff to optimize communication, coordination and responsiveness

HA / AD / NA / UA

Comments:

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- f) The firm's willingness to commit the proposed staff to projects and tasks assigned by the Town

HA / AD / NA / UA

Comments:

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- g) Quality, clarity and responsiveness of the proposal

HA / AD / NA / UA

Comments:

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- h) Degree to which the information in the proposal and presentation are relevant to the needs of the Town

HA / AD / NA / UA

Comments:

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- i) Ability of the firm to provide electronic files of deliverable documents that are compatible with the Town's computer software

HA / AD / NA / UA

Comments:

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