Purchasing Division
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Addendum 1
Solicitation 24-99693
RFP for Perch Lake Landing Design

This addendum serves to notify all bidders of the following changes to the solicitation documents:

1. The attached Additional Conditions per the Grant Agreement shall apply.

2. To clarify, wetland delineation is not part of this scope and will be performed by others. The wetland delineation information will be provided to the selected consultant.

3. Part III Criteria for Selection is removed in its entirety and replaced with the following.

The proposals will be reviewed by City Staff. The intent of the selection process is to review proposals and make an award based upon qualifications as described therein. A 100-point scale will be used to create the final evaluation recommendations. The factors and weighting on which proposals will be judged are:

Qualifications and experience of the personnel and company	35%
Understanding of the project scope and work plan	30%
History of past work	15%
Experience with local, state and federal permitting processes	10%
Cost to complete the project	10%

Proposals will be evaluated on a best value basis with 90% qualifications and 10% cost consideration. The review committee will not open the cost proposals until after the qualification points have been awarded.

4. The pre-proposal meeting sign-in sheet has been uploaded to the City's website under the solicitation at https://www.duluthmn.gov/purchasing/bids-request-for-proposals/.

5. Questions asked at the pre-proposal meeting are answered in the attachment.

Please acknowledge receipt of this Addendum by including a copy of it with your proposal. The pages included will not count toward any page limitation, if any, identified in the RFP.

Posted: **September 27, 2024**

Attachments
1. Additional Conditions per Grant Agreement
2. Questions and Answers from Pre-Proposal Meeting

ADDITIONAL CONDITIONS PER GRANT AGREEMENT
(City Contract C24730)
24-99693 RFP for Perch Lake Design

1. Invasive Species Prevention.
   The DNR requires active steps to prevent or limit the introduction, establishment, and spread of invasive species during contracted work. The contractor shall prevent invasive species from entering into or spreading within a project site by cleaning equipment prior to arriving at the project site.

   If the equipment, vehicles, gear, or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned by contractor-furnished tool or equipment (brush/broom, compressed air or pressure washer) at the staging area. The contractor shall dispose of material cleaned from equipment and clothing at a location determined by the Cit and approved by the DNR Contract Administrator. If the material cannot be disposed of onsite, secure material prior to transport (sealed container, covered truck, or wrap with tarp) and legally dispose of offsite.

   The contractor shall ensure that all equipment and clothing used for work in infested waters has been adequately decontaminated for invasive species (ex. Zebra mussels) prior to being used in non-infested waters. All equipment and clothing einncluding but not limited to waders, tracked vehicles, basrges, boats, turbidity curtain, sheet pile, and pumps that comes in contact with any infested waters must be thoroughly decontaminated.

2. Pollinator Best Management Practices
   Habitat restorations and enhancements conducted on DNR lands and prairie restorations on state lands or on any lands using state funds are subject to pollinator best management practices and habitat restoration guidelines pursuant to Minnesota Statutes, section 84.973. Practices and guidelines ensure an appropriate diversity of native species to provide habitat for pollinators through the growing season. Current specific practices and guidelines to be followed can be found in the DNR Pollinator Best Management Practices and Habitat Restoration Guidelines.

3. Whistleblower Protection Rights
   41 USC 4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection.
   a. This award and employees working under this project will be subject to the whistleblower rights and remedies in the pilot program on Award Recipient employee whistleblower protections established at 41 USC 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub.L. 112-239).
   b. Contractors related to this award shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41USC 4712.
   c. The recipient shall insert this clause, including this paragraph ©, in all subawards and in contracts over the simplified acquisition threshold (currently $250,000) related to this award.

4. Build America Buy American (if applicable)

a. Requirements

The recipient is subject to the Buy America Sourcing requirements under the Build America, Buy America provision so the Infrastructure Investment and Jobs Act (IIJA) (P.L> 117-58, §§70911-70917) for the types of infrastructure projects under the PA program and activities specified in EPA's Identification of Federal Financeal Assistance Infrastructure Programs Subject to the Build America, Buy America Provisions of the Infrastructure Investment and Jobs Act. None of the funds provided under this award may be used for a project of infrastructure unless all iron and steel, manufactured products, and construction materials that are consumed in, incorporated into, or affixed to an infrastructure project are produced in the United States. The Buy America preference requirement applies to an entire infrastructure project, even if it is funded by both Federal and nonfederal funds. The recipient must implement these requirements in its procurements, and these requirements must flow down to all subawards and contracts at any tier. For legal definitions and sourcing requirements, the recipient must consult EPA's Build America, Buy America website and the Office of Management and Budget's (OMB) Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

When supported by rational provided in IIJA §70914, the recipient may submit a waiver request to EPA. Recipients should request guidance on the submission instructions of an EPA waiver request from the EPA Project Officer for this agreement. A list of approved EPA waivers (general applicability and project specific) is available on the EPA Build America, Buy America website.

b. Compliance

The Cotnractor is required to submit documentation prior to incorporating any Materials into the Project containing iron or steel, or construction materials. This shall be accomplished by the Contractor submitting the appropriate documentation to the Department when the Materials are delivered to the project site. Documentation may be received and maintained in hard copy or electronically. The following must be demonstrated:

(a) Documentation is linked to the project. For example, this can be in the form of the project name, project location, contract number, or project number.
(b) Documentation is linked to the product used on the project. For example, description of product(s) (simple explanation sufficient to identify the product(s)), or an attached (or electronic link to) purchase order, invoice, or bill of lading.
(c) Documentation includes statement attesting that the products supplied to the Department are compliant with BABA requirement. Reference to the Infrastructure Investment and Jobs Act ("IIJA") or the Bipartisan Infrastructure Law (BIL) are also acceptable. For iron and steel items under BABA, references to the American Iron and Steel (AIS) requirements are also acceptable and reciprocal with BABA for such items.
(d) Documentation that manufacturing occurred in the United States, which could include, for example, the location(s) of manufacturing for each manufacturing step that is being certified. It is acceptable for manufactured products to note a single point of manufacturing, documenting that the final point of manufacturing is in the United States. Note that each BABA category may require different determinations for compliance.

(e) Signature of company representative (on company letterhead and signature can be electronic). The signatory of the certifying statement affirms their knowledge of the manufacturing processes for the referenced product(s) and attests that the product meets the BABA requirements.

Perch Lake Landing Pre-Proposal meeting

1. **Has the City communicated with MnDOT for approval of the new access?**
    a. The City has communicated with MnDOT about the project. The selected consultant will need to coordinate approval with MnDOT for final designs.
2. **Has any geotechnical work been done yet?**
    a. No. The selected consultant will be responsible for determining if soil borings or other geotechnical work is required for successful design and implementation of Perch Lake Landing site improvements.
3. **Is there any flexibility on deadlines for 30/60/90 percent designs?**
    a. Final design procured under this RFP must be completed by December 1, 2024. There is no flexibility in the completion date. The City did not specify deadlines within the RFP for 30/60/90 percent design plans, but we will need a check-in at each of those milestones including probable cost estimates. Proposers should include a schedule that seems feasible.
4. **Does design firm deal with putting in picnic tables?**
    a. The selected consultant will be responsible for identifying placement of site amenities within the design documents, including picnic tables, paddle launch, trash/recycling receptacles, signage, and a bike rack. The City will provide preferred product specifications for picnic tables and trash/recycling receptacles. The City will order the park entry sign, bike rack, and new dock/kayak launch this year and supply them to the general contractor for installation.
5. **Does this contract include design of shelter on site?**
    a. The selected consultant will be responsible for incorporating placement of a picnic shelter within the design documents. The City can provide preferred product vendors/specifications for a pre-fabricated picnic shelter.
6. **Does the parking lot need to have exactly 14 parking spaces?**
    a. No. Parking lot needs to be designed to be practical, safe, usable, and have enough maneuverability so that vehicles towing trailers can get in and out.
7. **Do plans need to include storm water treatment?**
    a. Yes. The selected consultant will be responsible for ensuring designs will follow all necessary Federal, State, and local requirements, including sufficient stormwater treatment for additional impervious surface proposed within designs.
8. **Is the new bridge part of this scope?**
    a. No.

9. **Is City of Duluth contributing any funds to the project?**
    a. Design is funded entirely by the MnDNR subgrant with funding through the U.S. EPA. The City is in the process of securing funding for implementation of the improvements designed by the selected firm. Implementation funding could include Federal, State, and/or local sources.
10. **Is there a separate budget for tree and vegetation control?**
    a. No. All proposed site improvements will be incorporated within the design documents for one contract.
11. **What is the actual funding source?**
    a. See above response to 9.
12. **What is the actual budget?**
    a. The implementation budget will be determined by the site design and the selected consultant's market-based cost estimate for the proposed design. Implementation funding is not yet secured. The City anticipates a project budget of approximately $300,000, which would include implementation of all elements the selected consultant proposes except the purchase of the park entrance sign, paddle launch, and bike rack.