

**CITY AND COUNTY OF DENVER
DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE**

**RFQ – ON-CALL PROFESSIONAL SERVICES FOR WATERWAY RESILIENCY PROGRAM
STAFF AUGMENTATION & OWNER ADVISOR SERVICES**

**ADDENDUM NO. 1
SEPTEMBER 26, 2023**

Firms are hereby instructed that the RFQ documents are modified, corrected, supplemented and/or superseded for the above-mentioned project as hereinafter described:

ADDITIONAL DOCUMENTS

Red-lined RFQ with revisions is attached

REVISION/SECTION

	Notice of Invitation
Page 6	Submission Ownership, Use and Rights
Page 6	Ineligible Firms
Page 7	Conflicts of Interest; City Ethics Code
Page 7	Organizational Conflicts of Interests
Page 8	Selection Process Overview
Page 10	Interview Criteria
Page 12	Submittal Requirements, 2.1
Page 13	Submittal Requirements, 2.5
Page 18	Interviews
Page 20	DSBO Policy Statement
Page 21	DBE Responsiveness Requirements; 3. DBE EDI Plan



DENVER
THE MILE HIGH CITY

**DEPARTMENT OF TRANSPORTATION
AND INFRASTRUCTURE**

REQUEST FOR QUALIFICATIONS

**ON-CALL PROFESSIONAL SERVICES
FOR
WATERWAY RESILIENCY PROGRAM STAFF
AUGMENTATION & OWNER ADVISOR SERVICES**

DATE OF ISSUANCE: September 21, 2023
SOLICITATION NO. 202369871

**CITY AND COUNTY OF DENVER
DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE
NOTICE OF INVITATION**

**ON-CALL PROFESSIONAL SERVICES
WATERWAY RESILIENCY PROGRAM STAFF AUGMENTATION & OWNER ADVISOR SERVICES
SOLICITATION NO. 202369871**

The Department of Transportation & Infrastructure (“DOTI”) has issued a Request for Qualifications (“RFQ”) for On-Call Professional Services for the program named above. A link to the RFQ documents can be found at www.work4denver.com. The complete RFQ documents are available for download at www.bidnetdirect.com/cityandcountyofdenverdotti, reference solicitation No. 202369871

A Pre-Submittal Meeting will be held at 10:00 a.m. local time, October 6, 2023, in Conference Room 4F6 – Webb Building, 201 West Colfax Avenue, Denver, CO 80202. Interested firms are encouraged to attend. Consultants are responsible for any information conveyed at this meeting.

Deadline to Submit Questions: October 13, 2023, at 3:00 p.m. local time.

Submittals for this project will **ONLY** be received and accepted via the online electronic bid service through www.bidnetdirect.com/cityandcountyofdenverdotti. **Responses must be submitted via BidNet no later than 10:00 a.m. local time, November 2, 2023.** Late submissions will not be accepted.

General Statement of Work: The Waterway Resiliency (WATR) Program (Program) is embarking on an unprecedented opportunity to reshape the City and County of Denver’s (City) waterways by enhancing natural ecosystems, reducing flood risk, and creating places where people and nature can thrive in harmony. This Program will deliver Denver’s One Water Vision for substantial portions of the South Platte River, Weir Gulch, and Harvard Gulch by restoring and reconnecting habitats, providing flood protection, and creating more inviting spaces along Denver’s waterways. The Program will directly benefit some of the City’s most underrepresented, historically disadvantaged, and under-resourced neighborhoods and advance Denver’s goals for enhanced mobility, resiliency, and equity. The WATR Program is a long-term partnership effort with the US Army Corps of Engineers (USACE) and a USACE Civil Works alternative delivery pilot program.

The City is seeking to award one professional services on-call contract for a three-year duration and a maximum contract capacity of \$30,000,000.00 or as determined by the City prior to the execution of this contract. The successful team will be able to dynamically adapt and respond to a complex set of relationships among agencies and partners. This will be achieved through the issuance of Task Orders that will anticipate and accomplish as much as possible at a single time, as explained below. The idealized delivery of this scope would include a single ‘lead’ firm supported by local expertise in disciplines and functional areas/categories outlined in the Scope of Work.

Federal Funding Requirements:

The project is anticipated to be funded in part by already appropriated Bipartisan Infrastructure Law (BIL) funds as well as other potential local, state and federal funding sources. Federal requirements shall apply to all work performed as part of the Project, including flow down of those requirements and obligations to Project contractors and subcontractors. DBE goals, rather than City-level MWBE goals, will be determined on a Task Order by Task Order basis in consultation with the partnering federal agency. Reference **Attachment 4: Sample Agreement**.

Disadvantaged Business Enterprise Participation: The U.S. Department of Transportation (USDOT) grants authority to the Division of Small Business Opportunity (DSBO) to establish participation requirements under 49 C.F.R § 26 and 40 C.F.R. § 30. The DBE participation requirement for this project **will be established on a Task**

Order by Task Order basis. The requirement must be met with certified firms, 49 C.F.R. § 26.55, or through the demonstration of a sufficient good faith effort. 49 C.F.R. § 26.53. A proposed DBE Equity, Diversity, and Inclusion Plan (DBE EDI Plan) ~~is required as part of the RFQ response and will be scored~~ will be required and scored for all firms that are shortlisted. DSBO's approval of the DBE EDI Plan will be required prior to contract execution.

General: As the City's best interests may appear, the Executive Director of DOTI reserves the right to waive informalities in, and to reject any or all, submittals/responses.

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Table of Contents

Section 1 – Introduction	1
Section 2 – Tentative Selection Schedule	1
Section 3 – Description of Services	1
Background and Program Scope Summary	2
Section 4 – On-Call Professional Services.....	3
Section 5 - General Requirements	4
Contract Management	4
RFQ Administration	4
Addenda.....	4
Applicable Laws.....	4
Verification of Information	5
Colorado Open Records Act.....	5
Disadvantaged Business Enterprise (DBE) Participation.....	5
Diversity and Inclusiveness in City Solicitations	5
Contract Review	5
Insurance and Indemnification	6
No Discrimination in Employment	6
Rules and Regulations Regarding Equal Employment Opportunity	6
Submission Ownership, Use and Rights	6
Ineligible Firms	6
Conflicts of Interest; City Ethics Code.....	6
Organizational Conflicts of Interest	7
Changes to Organizational Structure.....	7
Section 6 – Selection Process	8
Appropriations.....	8
Selection Process Overview	8
City Selection Committee.....	8
Evaluation Criteria	9
Section 7 – Submittal Requirements	10
Tab 1 Letter of Transmittal and Required Documents.....	10
Tab 2 Team Qualifications/Experience – Firms, Organization and Roles.....	11
Tab3 Team Qualifications/Experience – Individual Key Personnel	15
Tab 4 Program Approach and Insights	17

Tab 5	Sample On-Call Agreement Review	18
	Interviews	18
Section 8	- Disadvantaged Business Enterprise (DBE) Program.....	18
	City and County of Denver’s DBE Policy Statement.....	18
	City’s Equity, Diversity, & Inclusion Values.....	19
	Counting DBE Participation.....	19
	DBE Responsiveness Requirements.....	19
	1. Non-Competition	19
	2. Joint Ventures	19
	3. DBE Equity Diversity and Inclusion Plan (DBE EDI Plan)	20
	DBE Goals and Good Faith Compliance Efforts.....	20
	1. Commitment to DBE Participation	20
	2. Good Faith Effort.....	20
	3. DBE Equity, Diversity, and Inclusion Plan (DBE EDI Plan)	21
	4. Authority	22
APPENDED MATERIAL	23
	ATTACHMENT 1	24
	ATTACHMENT 2	30
	ATTACHMENT 3	34
	ATTACHMENT 4	36
	ATTACHMENT 5	112
	ATTACHMENT 6	113
	ATTACHMENT 7	114
	ATTACHMENT 8	121
	ATTACHMENT 9	133
	ATTACHMENT 10	133
	ATTACHMENT 11.....	173

**CITY AND COUNTY OF DENVER
DEPARTMENT OF TRANSPORTATION AND INFRASTRUCTURE
REQUEST FOR QUALIFICATIONS**

**ON-CALL PROFESSIONAL SERVICES
WATERWAY RESILIENCY PROGRAM STAFF AUGMENTATION & OWNER ADVISOR
SERVICES
SOLICITATION NO. 202369871**

Section 1 – Introduction

This Request for Qualifications (“RFQ”) is issued for On-Call (Task Order Based) Professional Services for the Project named above. The Project may be funded with federal, state and/or local funds, thereby requiring that the Submitters adhere to all pertinent requirements. Firms submitting a response/submittal to the RFQ will be asked, at a minimum, to state their qualifications, understanding/experience relating to the Project, and offer their methodology for meeting the scope of services defined below. The competitive selection process provided for under this solicitation will focus on the qualifications and prior history of performance on similar projects of each prime firm and the members of the prime firm’s proposed team. The Department of Transportation and Infrastructure (“DOTI”) will review submitted Qualifications and may determine a short-list of firms that will be asked to participate in an Interview/Presentation. Consultants are required to submit required DBE forms and grant recipient certifications with their response.

Section 2 – Tentative Selection Schedule

Advertise and Issue RFQ.....	September 21, 2023
Pre-Submittal Meeting 10:00 a.m.	October 6, 2023
Deadline to Submit Questions 3:00 p.m.	October 13, 2023
City Response to Questions.....	October 19, 2023
Response (Submittal) to RFQ Due 10:00 a.m.	November 2, 2023
Shortlist Notification	November 22, 2023
Interviews	Early December 2023
Notice of Selection	Mid December 2023
Finalize DBE EDI Plan.....	March 2024
Notice to Proceed (“NTP”).....	March 2024

Note: All dates are tentative and subject to change.

Section 3 – Description of Services

Project Justification

The Waterway Resiliency Program (WATR) is a long-term partnership effort with the United States Army Corps of Engineers (USACE) to restore ecosystems on 6.5 miles of the South Platte River and reduce flood risk on the South Platte River and Weir Gulch and East Harvard Gulch tributaries. Upon completion of the 2014-2018 Integrated Feasibility Report and Environmental Impact Statement (FEIS) and 2019 Record of Decision, the project was Federally authorized under Section 401(4) of the Water Resource Development Act (WRDA) at a cost of \$550 million. The Bipartisan Infrastructure Law (BIL) appropriated nearly \$350 million of federal funds for the Program in March of 2022. In May of 2023, the City and County of Denver (City) and the USACE entered into a project partnership agreement (PPA) utilizing WRDA 1986 Section 204(d) legislative authority as part of the USACE Civil Works alternative delivery pilot program. This precedent setting PPA will allow the City to serve as the lead in project delivery, with the goal of expediting project delivery and realizing potential cost savings. Participation in the USACE pilot program looks to accelerate the delivery of the WATR Program by leveraging appropriations while optimizing local participation and promoting risk sharing in project delivery. Both the City and the USACE have voiced strong commitment to successful collaboration and delivery of this Program.

Background and Program Scope Summary

The Waterway Resiliency Program is embarking on an unprecedented opportunity to reshape Denver's waterways by enhancing natural ecosystems, reducing flood risk, and creating places where people and nature can thrive in harmony. This Program will deliver Denver's One Water Vision for substantial portions of the South Platte River, Weir Gulch, and Harvard Gulch by restoring and reconnecting critical habitats, providing flood protection, and creating more inviting spaces along Denver's waterways. The Program will directly benefit some of the City and County of Denver's most underrepresented, historically disadvantaged, and under-resourced neighborhoods and will advance Denver's goals for enhanced mobility, resiliency, and equity.

The South Platte River and its tributaries sustain culturally and nationally significant ecosystems that provide important habitat linkages between the Rocky Mountains and Great Plains river systems. In particular, the wetland, riparian, and aquatic habitats are of critical importance in a semi-arid region where severe losses and degradation of these habitats have occurred due to urbanization and impacts related to USACE reservoir projects. The City and its partners (Mile High Flood District, Colorado Water Conservation Board, and The Greenway Foundation) engaged in a 10+ year planning effort with the USACE to define the needs for ecosystem restoration and flood risk mitigation within the study area. The resulting final Integrated Feasibility Report and Environmental Impact Statement ([Final Integrated Feasibility Report and Environmental Impact Statement - Adams and Denver County, CO > Omaha District > Project Reports \(army.mil\)](#)) recommended a tentatively selected plan (TSP) to restore riparian and wetland habitat along a 6.5-mile portion of the South Platte River between 6th Avenue extending north to 58th Avenue adjacent to Riverside Cemetery in Adams County. Flood risk mitigation measures were proposed along Weir Gulch from just west of Sheridan Boulevard to the confluence with the South Platte River and along Harvard Gulch from Colorado Boulevard to the confluence with the South Platte River.

Anticipated Program Outcomes:

- Ecosystem restoration along the South Platte River:
 - Restore approximately 160 acres of critical riparian corridor and wetland habitat
 - Restore nearly 100 acres of aquatic habitat
- Flood risk mitigation (FRM) along the South Platte River:
 - Remove the floodplain designation for approximately 100 structures
- FRM Plan along Weir Gulch:
 - Implement channel and culvert widening
 - Improvements on adjacent properties
 - Remove the floodplain designation for more than 300 structures
- FRM Plan along Harvard Gulch:
 - Improvements on adjacent properties
 - Reduce the flood risk for more than 150 structures

Portions of this work are already in progress. Please refer to **Appendix 9: Summary of Current Related Work.**

The initial duration of this contract is expected to be three years based on immediately foreseeable work with potential to amend/renew for additional years. Although this RFQ identifies a potential set of professional services needed for the WATR Program, work will be authorized by Task Order in a logical manner for specific scopes when availability of funds and task needs are aligned.

Section 4 – On-Call Professional Services

DOTI intends to competitively procure a new professional services on-call contract for staff augmentation/owner advisor (SA/OA), that will be compliant with federal contracting requirements, outlined in **Attachment 4: Sample Agreement**, as well as meeting DBE participation goals on a Task Order by Task Order basis. One On-Call Contract is intended to be awarded and Task Orders will be issued for specific scopes of work.

The City will maintain control of program management for WATR. It is anticipated that the SA/OA team members will work closely with City staff and staff from the USACE to create a blended/matrixed team with diverse expertise. It is extremely important that the SA/OA team approach this Program with a goal of high levels of communication and inclusion with the blended team approach.

The selected firm will report to the Program Director and work closely with other team members by providing expertise, standards, processes, comparative data, and systems that facilitate effective deliverables as assigned by Task Order. Specific tasks may include but are not limited to the following (refer to **Attachment 5: Scope of Work** for additional detail):

1. **Staff Augmentation/Owner Advisor Support Management.** Work closely with Program Director, Program Implementation Manager, and other Program leaders to support in program management.
2. **Technical Services.** Support the City's scope definition and preliminary/conceptual design. Support review of design documents and technical deliverables from alternative delivery team.
3. **Environmental and Permitting.** Support the City's permitting responsibilities and delegation of permitting scope to a CM/GC and/or PDB.
4. **Procurement.** Act as an Owner Advisor to implement procurement best practices for CM/GC and/or PDB solicitations.
5. **Risk Management and Allocation.** Identify, assess, assign, and mitigate risks.
6. **Adaptive Management Implementation and Monitoring.** Establish clear long-term adaptive management and O&M strategies including technical and performance criteria.
7. **USACE Coordination/Interface.** Support the City in collaborating closely with the USACE.
8. **Project and Document Controls.** Provide support of project-related documentation and project controls processes, systems, and tools.
9. **Estimating/Independent Cost Verification.** Validate City cost estimates and provide independent review of CM/GC and PDB cost estimates.
10. **Construction Management and QA/QC Support.** Define and facilitate the QA/QC program and document construction progress.
11. **Agency, Stakeholder and Community Engagement.** Support the City in creating a program of effective, innovative, and equitable stakeholder engagement and ensuring communications are clear, transparent, and timely.
12. **Utilities Coordination.** Ensure that all utilities relocation tasks are identified, assigned, and completed with minimal disruption.
13. **Real Estate Coordination.** Provide staff augmentation to support the City's identification and required acquisition of real estate and easements.
14. **Subcontracting, Procurement, and Workforce Requirements.** Provide staff augmentation to meet subcontracting goals and workforce requirements.
15. **Program Management Advisory Services.** Provide executive-level, program management advisory services to the City on a recurring basis.

Section 5 - General Requirements

Contract Management

The City and County of Denver Department of Transportation and Infrastructure will manage and administer the contract. The DOTI Project Manager (“PM”) is the City representative authorized to administer the agreement contemplated hereunder and directs and approves all services provided and work performed hereunder. The DOTI PM is:

Department of Transportation and Infrastructure
Project Manager: Travis Bogan
201 W Colfax Ave, Dept. 608
Denver, CO 80202

In accordance with the City Charter, the City’s Executive Director of DOTI is charged with the management and control of public improvement projects. It is the City’s expectation that this RFQ and selection process will result in the selection of a firm and affiliated team to be retained in a professional capacity for the development and execution of the anticipated Professional Services described herein.

This RFQ solicitation is issued by the Executive Director of DOTI pursuant to the authority vested in the Manager by the Charter of the City and County of Denver. As its best interests may appear, the Executive Director of DOTI reserves the right to terminate, modify or suspend the process, reject any or all submittals, modify the terms and conditions of this selection process and/or waive informalities in any submission.

The awarded contract will be administered by: The Department of Transportation and Infrastructure.

The Consultant shall be directed by the DOTI PM and work closely with DOTI, City regulatory agencies, and other external regulatory agencies throughout the Project duration. The DOTI PM shall have the right to reject inaccurate or substandard work and cause such rejected work to be satisfactorily corrected without additional cost to the City.

RFQ Administration

The Executive Director of the Department of Transportation and Infrastructure hereby designates Cindy Ackerman, the Department of Transportation and Infrastructure Contract Administration, to serve in the capacity of administrator for this selection process and will be responsible for coordination of the procedures and rules specified in this RFQ, managing this process and all other matters related to this process. In conducting the process in a fair and equitable manner, the administrator will serve as the primary intermediary between the Consultants, the City, and the members of the Selection Committee. All inquiries and questions regarding this RFQ shall be directed to Cindy Ackerman in the Department of Transportation and Infrastructure in writing via email at DOTI.Procurement@denvergov.org; failure to comply with this requirement, from the date of issuance of the RFQ and prior to the completion of the selection process, may result in disqualification from further participation in the selection process, at the City’s sole discretion.

Addenda

As the City may require, addenda may be issued to supplement this RFQ. Any Consultant who downloads the RFQ from [BidNet](#) shall receive automated notification of issued addenda. It shall be conclusively presumed that the Consultant did, before submitting a response to the RFQ, register and download the RFQ documents from [BidNet](#), read all addenda, posted decisions, and other items relevant to the qualifications. Consultants should acknowledge all addenda in *Tab 1* Letter of Transmittal.

Applicable Laws

This selection process and the performance of any selected Consultant shall be subject to, governed by and construed in accordance with the laws of the State of Colorado and the Charter, Revised Municipal Code, Rules, Regulations, written policies and Executive Orders of the City and County of Denver, as the same may be amended

from time to time. Specifically, this process shall be governed by the provisions of the Charter and the provisions Section 20-56 – Competitive Selection Process, D.R.M.C.

Verification of Information

Consultants are hereby notified that the City will rely on the accuracy and completeness of all information provided in making its selection. As such, Consultants are urged to carefully review all information provided to ensure the clarity, accuracy, and completeness of such information. As the City deems necessary and appropriate in its sole discretion, the City reserves the right to make any inquiries or other follow up required to verify the information provided.

Colorado Open Records Act

Documents submitted pursuant to this RFQ will be subject to the Colorado Open Records Act, C.R.S. §§ 24-72-201, *et seq.* Information clearly marked as confidential and proprietary will be kept confidential by City, unless otherwise provided by law. City will attempt to notify the Consultant if a request is made for pages of documents clearly marked as confidential and proprietary so that the Consultant may take any action it deems necessary to defend the request. The Consultant, not the City, shall be the entity responsible for defending against Colorado Open Records Act disclosures for any records claimed by the Consultant to be confidential and proprietary.

Disadvantaged Business Enterprise (DBE) Participation

The Division of Small Business Opportunity (DSBO) has designated a Disadvantaged Business Enterprise (DBE) requirement for this project, submittal requirements for which are set forth in Section 8 below. This procurement and resulting contract are governed by the U.S. Department of Transportation (USDOT) Rules and Regulations and Code of Federal Regulations (C.F.R.) 49 C.F.R. § 26 or 40 C.F.R. § 30, as well as DSBO’s DBE Program Plan (collectively, the “DBE Program”). Throughout the life of the contract, the awarded contractor/consultant (the “Contractor/Consultant”) will be required to comply with the DBE Program and their Approved DBE Equity, Diversity, and Inclusion Plan (DBE EDI Plan). Failure by the Contractor/Consultant to comply therewith during the performance of the contract is a material breach of the contract, which may result in the imposition of sanctions on the Contractor/Consultant, as deemed appropriate by DSBO.

Diversity and Inclusiveness in City Solicitations

Effective January 4, 2016, the method in which City collects Diversity and Inclusiveness data has changed from a physical form to a link where all prospective bidders must enter required information. Each Consultant shall, **as a condition of responsiveness to this solicitation**, complete and submit via the link below, their response to the “Diversity and Inclusiveness in City Solicitations Information Request Form”. Include a copy of the completed form with submittal as indicated in the Submittal Requirements section.

[Diversity and Exclusivity in City Solicitations Form](#)

The information provided on the “Diversity and Inclusiveness in City Solicitations Information Request Form” will provide an opportunity for City Consultants to describe their own diversity and inclusiveness practices. Consultants are not expected to conduct intrusive examinations of its employees, managers, or business partners in order to describe diversity and inclusiveness measures. Rather, the City simply seeks a description of the Consultant’s current practices, if any.

Diversity and Inclusiveness information provided by City Consultants in response to City solicitations for services or goods will be collated, analyzed, and made available in reports consistent with City Executive Order No. 101. However, no personally identifiable information provided by or obtained from Consultants will be in such reports.

Executive Order 101 is available for review at: [Executive Order 101](#)

Contract Review

Consultants shall undertake a detailed review of the Sample Agreement (**Attachment 4**) and submit with their proposal a list of all questions, issues, or requested modifications which the Consultant would like the City to

review and address, should they be selected as the top ranked Consultant. The City shall assume that the Sample Agreement has been thoroughly reviewed and discussed with legal counsel prior to submission of the list of issues. Therefore, all Consultants are strongly advised to seek legal counsel prior to preparing such a list. The Consultant waives, and the City reserves the right to deny, any concern or request for modification to the Sample Agreement not submitted with their proposal. Comments submitted pertaining to the Sample Agreement do not count toward the prescribed page limits.

Insurance and Indemnification

The selected Consultant for this Project shall be required to strictly comply with the Insurance and Indemnification requirements set forth in the Sample Agreement (**Attachment 4**). The selected Consultant, all other primary firms and all subcontractor firms performing work or providing services for the Project will be required to obtain insurance coverage in the amounts and under the terms and conditions specified therein. As such, each Consultant shall submit with their proposal in *Tab 1* Letter of Transmittal, a statement indicating the firm's intention to comply with the insurance requirements of this agreement.

No Discrimination in Employment

In connection with the performance of work under this contract, the selected Consultant may not refuse to hire, discharge, promote, demote, or discriminate in matters of compensation against any person otherwise qualified, solely because of race, color, religion, national origin, ethnicity, citizenship, immigration status, gender, age, sexual orientation, gender identity, gender expression, marital status, source of income, military status, protective hairstyle, or disability. The Consultant shall insert the foregoing provision in all subcontracts.

Rules and Regulations Regarding Equal Employment Opportunity

The Rules and Regulations Regarding Equal Employment Opportunity have been promulgated and adopted by the Executive Director of DOTI pursuant to and by authority of Article III, Division 2, Chapter 28 of the Revised Municipal Code of the City and County of Denver, and for the purpose of ensuring that contractors, subcontractors and suppliers soliciting and receiving compensation for contract work from or through the City and County of Denver provide equal opportunity in employment without regard to race, color, creed, sex, national origin, age, religion, marital status, political opinion or affiliation or mental or physical handicap and meet certain requirements for the hiring, training, promotion, and treatment during employment of members of ethnic groups subject to differential treatment, including persons of African descent (Black), Spanish-surnamed (Hispanic), Asian-American and American Indian Groups.

Submission Ownership, Use and Rights

The City reserves the option of retaining any or all of the materials and drawings submitted by the Proposers/Respondents to this RFQ. ~~Any unique or exclusive design concepts or features represented in the submission documents shall remain the property of the authoring Design Consultant. They may not be used by the City or other parties to design or construct any facility, in whole or in part, without the further agreement of, and compensation to, the authoring party.~~

Ineligible Firms

~~The City has retained the consulting services of WSP USA, Inc. to provide Infrastructure Investment and Jobs Act Support services. WSP USA, Inc. is thus not eligible to submit an SOQ or a Proposal for this procurement, or to act as a member of any Submitter's team, or to discuss any aspects of the Project with Submitters unless in the presence of the Administrator. If any ex parte contact is made to any of these entities by a Submitter, the attempted contact will be reported to the Administrator, and the Submitter will be disqualified from further participation in the procurement at the City's sole discretion.~~

Conflicts of Interest; City Ethics Code

Submitter shall identify relevant facts relating to past, present, or planned interest(s) of the Submitter's team (including the Submitter, Major Participants, proposed consultants, contractors and subcontractors, and their respective chief executives, directors, and Project Key Personnel) that may result, or could be viewed as, an organizational conflict of interest in connection with this Project.

~~Submitter shall disclose any current contractual relationships with the City (by identifying the City contract number) and any current contractual relationships where the Submitter is a joint venture or partner with Parsons. The foregoing is provided by way of example and shall not constitute a limitation on the disclosure obligations.~~

For any fact, relationship, or circumstance disclosed in response to this Section, Submitter shall identify steps that have been or will be taken to avoid, neutralize, or mitigate any potential organizational conflicts of interest.

The contract awarded for this Project will contain a provision that reads substantially as follows:

1. No employee of the City shall have any personal or beneficial interest in the services or property described in the Agreement; and the Contractor shall not hire, or contract for services with, any employee or officer of the City in violation of the City's Code of Ethics, D.R.M.C. §2-51, et seq. or the Charter §§ 1.2.8, 1.2.9, and 1.2.12.
2. The Contractor shall not engage in any transaction, activity, or conduct that would result in a conflict of interest under the Agreement. The Contractor represents that it has disclosed any and all current or potential conflicts of interest, which shall include transactions, activities, or conduct that would affect the judgment, actions, or work of the Contractor by placing the Contractor's own interests, or the interests of any party with whom the Contractor has a contractual arrangement, in conflict with those of the City. The City, in its sole discretion, will determine the existence of a conflict of interest and may terminate the Agreement in the event that the City determines a conflict exists after the City has given the Contractor written notice describing the conflict.

Organizational Conflicts of Interest

The Submitter's attention is directed to 23 CFR Section 636 Subpart A, and in particular to Subsection 636.116, regarding organizational conflicts of interest. Section 636.103 defines "organizational conflict of interest" as follows:

“Organizational conflict of interest means that because of other activities or relationships with other persons, a person is unable or potentially unable to render impartial assistance or advice to the owner, or the person's objectivity in performing the contract work is or might be otherwise impaired, or a person has an unfair competitive advantage.”

The Submitter is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Project with any person or entity having an organizational conflict of interest, ~~including but not limited to Parsons~~. Such persons and entities are prohibited from participating in any Submitter organization relating to the Project.

The Submitter agrees that if, after shortlisting to interview, interviewing, and receiving the contract award, an organizational conflict of interest is discovered, the Submitter/Proposer shall make an immediate and full written disclosure to the City that includes a description of the action that the Submitter/Proposer has taken or proposes to take to avoid, remedy, or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the City may, at its sole discretion, cancel the award and then award the Project to the next-highest-ranking Submitter/Proposer; alternatively, the City may reprocure these services for the Project. If the Submitter/Proposer were aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the City, the City may terminate the contract for default.

~~The City may disqualify a Submitter if any of the Submitter's Major Participants belong to or participate in more than one Submitter organization.~~

Changes to Organizational Structure

Key Personnel or Major Participants identified in the SOQ shall not be removed, replaced, or added without the written approval of the City. The City may revoke an awarded contract if any Key Personnel or Major Participant identified in the SOQ is removed, replaced, or added to without the City's written approval. To qualify for the City's approval, the written request shall document that the proposed removal, replacement, or addition will be equal to or better than the Key Personnel or Major Participant provided in the SOQ. The City will use the criteria specified

in this RFQ, and the qualifications submitted by the Submitter in the SOQ, to evaluate all requests. Requests for removals, replacements, and additions shall be submitted in writing to the City's Administrator or City Project Manager.

Section 6 – Selection Process

Each Consultant must comply with the submission requirements as outlined below. Submittals that fail to comply with the requirements as specified may be deemed non-responsive and such determination will result in no further consideration of that Consultant or the Consultant's responses by the City. As provided for in the City Charter and Section 20-56, of the Denver Revised Municipal Code ("D.R.M.C."), the City reserves the right to terminate, suspend or modify this selection process at any time; reject any and all submittals at any time; and waive any informalities, irregularities or omissions in submittals at any time, all as the best interests of the City may appear.

Appropriations

Funds may be provided by local and federal sources in addition to City and County of Denver funds. As such, Consultants must comply with all applicable federal requirements. The City liability for expenditure of public funds pursuant to this response shall be contingent upon and limited to the appropriation of funds for the Agreement to the successful Consultant by the Denver City Council and payment of such funds into the Treasury of the City.

Selection Process Overview

The Selection Committee shall review the written responses to the RFQ. All firms will receive written notice of the results of the Committee's evaluation, with announcement of the firms whose submittals are accepted for shortlist. In making the selections under this solicitation, the Selection Committee will focus on the submittals and interviews of the applicants, general qualifications, and prior history of performance in accordance with the selection criteria set forth below.

The selection process will proceed, under the oversight and direction of the DOTI PM as follows:

- ~~1. As provided for in the RFQ documents, selected Consultant teams, as screened by a City Selection Committee, may be invited to participate in the interview phase. The Selection Committee will make the final selection and recommendation following a comprehensive RFQ evaluation process. As provided for in the RFQ documents, teams will be screened by a City Selection Committee and shortlisted firms will be invited to participate in the interview phase. The Selection Committee will make the final selection and recommendation following a comprehensive evaluation process.~~
2. In making the selections under this RFQ, the City and the Selection Committee will focus on the submittals and presentations of the Consultant's general qualifications, team make-up and prior history of performance in accordance with the selection criteria set forth in this RFQ. Any teams that are selected to participate in the interview process will receive additional information prior to the interview.

City Selection Committee

The Selection Committee is charged with the responsibility of reviewing and evaluating all responsive submittals and other information received in accordance with the requirements of this solicitation, later directives from the City and the official advertisement. In assessing the strengths and weaknesses of each Consultant, the Selection Committee may, at its discretion, request clarification of any response to this solicitation or other issue that may arise during the selection process. The City reserves the right to include or allow the Selection Committee to consult with any additional, non-voting "commentators" during the selection process.

Any applicant that contacts any member of the Selection Committee regarding this solicitation from the date of issuance and prior to the completion of the selection process may be disqualified from further participation in the selection process, at the City's sole discretion. The City reserves the right to replace members of the Selection Committee without notice as needed, in the City's sole discretion.

Evaluation Criteria

Evaluation Criteria that will be used to score the RFQ includes the following. Experience referenced should only include projects for which the final deliverable has been completed. Incomplete or in progress past experience should not be referenced.

1. **Team Qualifications/Experience – Firms, Organization, and Roles:** Qualifications/experience of firm in the professional areas listed in RFQ with emphasis on experience with City and County of Denver, U.S. Army Corps of Engineers, and other key Program stakeholders, including Mile High Flood District. Additional emphasis on large-scale alternative delivery strategy and administrative oversight, multidisciplinary matrix program management, stakeholder engagement, natural resources monitoring and management, procurement, risk management, schedule management, and program controls. Demonstrate the team's previous history and collaboration working with each other and describe how the team's previous interactions lead to successful project delivery. Demonstrate an ability to strategize and build consensus across a complex organization of program and project stakeholders. Provide examples of obtaining strategic and sustainable funding and financing tools to support project delivery. Experience referenced should only include projects for which the final deliverables have been completed.
2. **Team Qualifications/Experience – Individual Key Personnel:** Qualifications/experience of key personnel in the professional areas listed in RFQ with emphasis on experience with City and County of Denver, U.S. Army Corps of Engineers, and other key Program stakeholders. Additional emphasis on large-scale alternative delivery waterway projects, multidisciplinary matrix program management, community and stakeholder engagement, natural resources monitoring and management, procurement, risk, schedule and change management and program controls. Experience referenced should only include projects for which the final deliverable been completed.
3. **Program Approach and Insights:** Demonstrate value to the City in supporting a Program of this unique scope, complexity, stakeholder impact and duration. Provide insights to large, collaborative delivery project dynamics, risk/reward analysis and methodologies for ensuring successful project delivery. Demonstrate innovative and effective communication and public and stakeholder engagement methods and strategies for diverse audiences, impacted communities and project champions. Show commitment to project and program quality; share solutions-oriented approach to help project realize efficiencies and potential cost and time savings; describe tools, systems and data that would be used to streamline partner alignment and project reporting, tracking, accounting, and communications. Provide overview of how team would support in pursuit of and management of sustainable funding and financing tools and strategy.
4. **Diversity and Inclusiveness:** Diversity and inclusivity XO 101 weighted criteria requirement where firm demonstrates commitment to diversity and inclusiveness via the responses on the form.
5. **Diversity and Inclusiveness (Responsive/Non-Responsive):** Diversity and Inclusivity form has been submitted.

Evaluation Criteria and scoring that will be used to evaluate the Interview includes the following:

1. **Interview:** Presentation summarizing the proposal, describing Consultant's innovative ideas and unique resources, and identifying delivery strategies.
 - a. **Project Organization and Approach:** Provide lessons learned, insight and potential strategy for supporting the City in procurement and oversight of the appropriate alternative delivery methods (Progressive Design Build, Construction Manager/General Contractor), with consideration of the partnership opportunities and constraints with USACE and others.
 - b. **Team Integration:** Ability to meet City expectations for an open, communicative, and collaborative environment of a "Blended Team" including City and Stakeholder Agency staff, consultants, and subject matter experts to strategize and build consensus and shared outcomes.

- c. **Creativity and Innovation:** Expertise in establishing creative and innovative solutions for the multiple levels of communication, engagement, planning, design, tracking, reporting and decision-making required for Program success.
 - d. **Understanding of City’s Values, Processes, and Goals:** Demonstrate an understanding of Program and Citywide goals including the Project Final Integrated Feasibility Report and Environmental Impact Statement, Denver One Water Plan, Comprehensive Plan 2040, Blueprint Denver, Denver Moves Everyone, and other relevant Citywide Plans. Discuss how the selected team will utilize these plans to help create a cohesive vision for the Program and ensure alignment with city-wide priorities.
 - e. **DBE Equity, Diversity, and Inclusion Plan:** Demonstrate the team’s ability to engage Certified Firms in meaningful scopes of work for this contract. ~~EDI plan reviewed and scored by DSBO~~ EDI plans will be requested from shortlisted firms only and will be reviewed and scored by DSBO.
2. **Question and Answer Session:** Clarifying questions and answers related to Project understanding, approach, innovation, communication skills, and other aspects of the Project.

The final ranking will be determined based on the sum of the scores from the RFQ plus the Interview evaluation.

Section 7 – Submittal Requirements

Each submittal must comply with the submission requirements as outlined below. Submittals that fail to comply with the requirements as specified may be deemed non-responsive and such determination will result in no further consideration of that Consultant or the Consultant’s submittals by the City.

Consultants shall submit their RFQ response in PDF format via the online electronic bidding service through [BidNet](#). **Responses must be submitted via BidNet no later than 10:00 a.m. local time, November 2, 2023.** To submit a Response, click the online bidding button at the top of advertisement. Consultants must be on the plan holders list through [BidNet](#) for submittals to be accepted.

Submittals must be limited to the following:

- Pages are to be numbered in sequence and font size will be at least 11 pt. in body text and may be 8 pt. in footers.
- Graphics or charts that would not present well on 8½” x 11” size paper may be presented on 11” x 17” size paper and will count as one page each. The 11pt. font requirement does not apply to graphics.
- Sections shall be labeled for easy reference.
- Page size shall be 8½” x 11” and portrait in orientation.
- Submittals shall not exceed 30 pages in length, subject to the exceptions to the page count noted in the submittal instructions.
- This page limit is not affected by cover pages, divider sheets, comments relating to the Sample Agreement, or any other required forms, Key Personnel resumes, Relevant Project descriptions, or the Relevant Project Experience Matrix form. Please do not include any hyperlinks in your submittal.
- Additional information that exceeds the 30-page limit may be included within appendices; however, the selection committee is not required to consider additional information within the appendices as part of the evaluation.

Some requested information may overlap; it is at the Consultant’s discretion how their information will best be organized and presented among the tab sections. Submittals shall use the following sections and numbering:

Tab 1 Letter of Transmittal and Required Documents *(Tab contents do not count toward overall page limit)*

- a. Cover Letter: Clearly indicate the *single contact* (principal-in-charge/Contract Manager/etc.), mailing address, telephone, and email address that will be used as a single point of contact should a contract be awarded. Detail unique features of the organization and the project team that makes the

- Consultant uniquely suited to undertake this specific project. Acknowledge receipt and compliance with any addenda issued during the procurement.
- b. **Affirmative Statement**: Include an affirmative statement indicating willingness to strictly comply with the Insurance and Indemnification requirements and the PPA and Federal Requirements as described in Section 5.02 of the Sample Agreement (**Attachment 4**).
 - c. **Certificate of Good Standing**: Include Certificate of Good Standing from Colorado Secretary of State Website.
 - d. **Diversity and Inclusiveness**: Contractors shall include a copy of the Diversity and Inclusiveness form indicating successful completion and submittal of this required form as a condition of responsiveness. The form must also be submitted [online](#) as outlined in Section 3.H. For the email address of City and County of Denver contact person facilitating this solicitation, please enter DOTI.Procurement@denvergov.org to ensure the Contract Administrator receives a copy of the completed form.

Tab 2 Team Qualifications/Experience – Firms, Organization and Roles

Written Narrative Response

- Provide a written statement of qualifications (SOQ) narrative, including any desired tables or graphics, organized according to the Tab 2 sections listed below.
- All Relevant Projects should be included in the Project Experience Matrix table as required in Tab 2, Section 2.8
- Narrative responses contained within this Tab are included in the overall submittal page limitation, but the Relevant Project descriptions and Relevant Projects Matrix form are not included in the overall page count (Relevant Project descriptions are limited themselves to a total of 16 pages).

Organization Chart

- The organizational chart provided as required in Section 2.1 should clearly define the structure and organization of the staff augmentation/owner advisor resources (companies), and the roles and lines of accountability for all Key Personnel on the staff augmentation/owner advisor team (people).

Relevant Project Descriptions

- Respondents should identify Relevant Projects that align to the Project Experience Matrix table included in Tab 2, Section 2.8.
- A minimum of four and a maximum of eight Relevant Projects that demonstrate experience in the categories noted on the Project Experience Matrix form are required.
- Individual Relevant Project descriptions are not included in the overall submittal page count, but the total pages for Relevant Project descriptions may not exceed 16 (e.g., an average of two pages each if the maximum of eight Relevant Projects are submitted, or four pages each if the minimum of four Relevant Projects are submitted).

Project Experience Matrix

- Using the provided form as a template, provide a list of Relevant Projects that align with those included in the Relevant Project Descriptions section.
- For each project, indicate the experience categories that apply in aggregate for the Respondent and its team members. Caution: do not indicate relevance unless significant scope and experience is described in the accompanying Relevant Project description.
- For each Relevant Project, list the names of any participating Key Personnel listed in Tab 2 and their respective roles.
- Listing fewer projects that meet multiple experience categories is preferred, with four projects minimum and eight projects maximum.

2.1 Team Composition

- Respondents should describe the composition of its team, including a brief description of the role each will play on the team.
- Respondents should describe the type of team structure or partnership chosen for the project (single entity, joint venture, LLC, etc.) Further, the SOQ should provide rationale for why this team structure was chosen for the project and how the structure suits the Program.
- Provide an organizational chart that clearly defines the structure and organization of the Key Firms and clearly demonstrates the roles and lines of accountability for all Key Personnel on the team.
- ~~Describe how the team is utilizing local firms to leverage their experience, knowledge of the area, project delivery, and connections to provide value to the Program~~ Describe how the team is utilizing firms with knowledge of the area, local practices and customs, and project delivery to provide value to the Program.

High scoring responses will:

- Describe legal structure/basis and status of agreements in place (i.e., what form of entity is the team planning to form for this Program?)
- Provide clear, compelling rationale for choosing this team structure and roles of the team members.
- Demonstrate that the team structure was chosen based upon the team's past experience and the specific requirements of this Program
- ~~Demonstrates strong integration and utilization of local firms with clear value of experience and knowledge provided to the Program~~

2.2 Organizational Adaptability

- Respondents should highlight the ways in which their team structure may adapt over time as the project moves through various phases. Rationale for such changes in team structure over time should be clearly explained and suited to the project.

High scoring responses will:

- Demonstrate that any changes in team structure over time have been thoughtfully considered and reflect the needs and potential evolution of the Program

2.3 Team Experience with Structure

- Respondent should highlight its experience working together with the chosen structure for the Program. Specifically, the SOQ should address the number and value of projects that Respondent's team members have completed together under this approach and how the scope of those projects compares with the proposed scope of this Program.
- If the Respondent Team has not worked together under the proposed structure, then it should provide information to demonstrate that it is equipped and well-prepared for such a partnership.

High scoring responses will:

- Demonstrate that team member firms have applicable experience working together under the proposed arrangement or alternative experience that equips them for the proposed team relationship.
- Be able to demonstrate a record of success working together.
- Clearly indicate how previous experience is applicable to this Program's scope.
- Provide discussion of lessons-learned and how those lessons will be leveraged for this Program

2.4 Scope Allocation

- Respondent should clearly explain how the scope for the Program will be divided among its team member firms. Responses should indicate how the scope allocation among team members is suitable to a Program of this nature.

High scoring responses will:

- Demonstrate how scope is distributed among team members and that the scope distribution:
- has been thoughtfully considered and is suitable for this Program;

- *gives each element of the team a vested interest in the success of the Program; and*
- *ensures flexible and equitable scope apportionment between the companies that make up the team.*

2.5 Applicability of Relevant Project Experience

- Provide a summary description of and rationale for the selection of the Relevant Projects listed on the Project Experience Matrix and described in detail in the Relevant Project descriptions.
- Relevant Projects should be chosen such that they demonstrate the Respondent teams' collective experience on programs and projects with similar scope (as demonstrated by the number of experience categories that are 'checked' on the Project Experience Matrix and the information provided in the Relevant Project descriptions).
- Highlight where specific Relevant Projects encompass and demonstrate experience on as significant number of the scope categories included in Attachment 5.
- Highlight where specific Relevant Projects included participation by a significant number of your proposed Key Personnel listed in Tab 2.

High scoring responses will:

- *Highlight Featured Projects that check the most experience category boxes in the Project Experience Matrix.*
- *Provide Featured Project Descriptions for each Featured Project that validate information listed on the Experience Project Matrix.*
- *Describe experience with collaborative delivery.*
- *Highlight impactful project/program outcomes in other staff augmentation roles.*
- *Provide narratives that link how previous experience will provide legitimate benefits to this Program.*
- *Explain why specific technologies were selected on past projects and how they relate to this Program.*
- *Demonstrate specific experience working on other large scale collaborative projects that required careful consideration of project phasing.*
- *Respondent demonstrates applicable experience in all of the following: alternative delivery strategy and oversight, sophisticated communication, and stakeholder engagement management, risk and schedule management, the ability to develop, pursue, and manage sustainable funding and finance program.*
- *Overall, demonstrates that the team's working experiences are applicable and relevant to the scope of the WATR Program.*

2.6 Additional Experience Summary

- Respondents may provide additional examples of program or project experience not otherwise included in the Relevant Project experience descriptions and the Project Experience Matrix.
- Additional projects may be summarized using any combination of short narrative descriptions, summary graphics, maps, or tables.
- The rationale and alignment to the scope in Attachment 5 for including additional projects should be clear.
- Participation by the Respondent and its team members Key Personnel and other named personnel on any applicable additional project should be noted.

High scoring responses will:

- *Demonstrate that experience beyond the named Relevant Projects is of value and benefit to the City, either in terms of specific alignment to elements of the Program scope or to demonstrated depth and breadth of the Respondent's team capability and capacity.*
- *Demonstrate the engagement of Key Personnel and other named personnel in projects that are relevant to the Program's scope.*
- *Supplement and demonstrate relevant experience in areas not otherwise fully covered by the Respondent's Relevant Project descriptions.*

2.7 Relevant Project Descriptions

- Respondents should complete a project description for each Relevant Project included in the Project Experience Matrix.

- Relevant Project names and relevance should strictly align to the information and boxes checked in the Project Experience Matrix.
- Relevant Project descriptions should provide sufficient background detail and context for reviewers to understand the scope, size, and relevance of the project, including the roles of the Respondent and/or its team member firms.
- Relevant Project description details should focus on the relevance areas checked on the Project Experience Matrix and refer to the Respondent’s Key Personnel participation as listed in the Project Experience Matrix.
- Fewer Relevant Projects (with a minimum of four) that encompass more of the relevance criteria are preferred. Up to eight Relevant projects may be included (e.g., one project for each of the relevant criteria columns included in the Project Experience Matrix).
- On each relevant Project Descriptions, include the following required information:
 - Full name and location of the project or program
 - The full name of the project owner and/or client
 - Respondent and/or its team member firm(s’) specific role(s) on the project
 - Respondent and its team member’s Key Personnel (as listed on Tab 2) specific role(s) on the project
 - Accurate and timely reference contact information that includes, at a minimum, the reference’s name and past/current position; the role on the project of the listed reference; and a direct phone number and an email address.
- Relevant Project descriptions should be included after the Additional Experience Summary narrative (Tab 2, Section 2.6), but prior to the Project Experience Matrix (Tab 2, Section 2.8).
- Relevant Project Descriptions do not count toward the total submittal page count, but a maximum of 16 pages may be included for Relevant Project descriptions, no matter how many Relevant Projects are included (e.g., the pages encompassing the minimum of four projects or maximum of eight projects may be allocated in any manner).

High scoring responses will:

- *Include individual projects or program experience that encompass multiple criteria listed on the Project Experience Matrix and that have been completed.*
- *Include a combination of projects or program experience that cover all of the multiple project criteria listed on the Project Experience Matrix.*
- *Include a combination of projects or program experience that include multiple Key Personnel listed in Tab 2 and on Project Experience Matrix.*
- *Include fewer (with a minimum of four) projects that cover more relevant experience categories in aggregate in a single project or program, provided project descriptions adequately demonstrate significant scope and experience in experience categories checked by the respondent in the project experience matrix.*
- *All required information is provided on each Relevant Project description, including reference contact information.*
- *Reference check feedback related to Relevant Project descriptions may be factored into the evaluation and scoring of this section.*
- *The summary information included in the “Project Experience Matrix” may be factored into the evaluation and scoring of this section.*

2.8 Project Experience Matrix

- Use the attached “Project Experience Matrix” template to list between four and eight Relevant Projects.
- Include a list of the Respondent’s and/or its team members’ Key Personnel (as listed in Tab 2) participation on the project.
- Check the box in the appropriate column for each area of relevant scope exemplified by the project. Note that this scope should be described in detail in the Relevant Project descriptions and, as such, the relevant experience column should not be checked unless such experience can be clearly validated.
- Relevant Project names should exactly match Relevant Project descriptions.
- The Project Experience Matrix is not included in the overall submittal page count and should be included at the end of this Tab.

Tab3 Team Qualifications/Experience – Individual Key Personnel

Written Narrative Response

- Provide a written narrative, including any desired tables or graphics, organized according to the Tab 3 sections listed below.
- All Key Personnel should be included in the Experience Matrix table required in Tab 2 as appropriate.
- Narrative responses contained within this Tab are included in the overall submittal page limitation, but the resumes for each identified Key Position are not included in the overall submittal page limitation (each resume is itself limited to two pages, however).

Key Position Resumes

- Respondents should identify Key Personnel for each of the Key Positions listed in Attachment 5.
- Respondents may assign the same individual for up to two Key Positions. In the case of multiple assignments for one person, a separate resume, tailored for the requirements of the specific Key Position should be included for each Key Position.
- Resumes are limited to two-pages per Key Position and should be included at the end of this Tab.

3.1 Key Personnel Summary and Program Commitment

- Briefly introduce the Key Personnel assigned to each Key Position required in Attachment 5 and their commitment to the Program, summarizing their experience with similar scope and in similar roles, highlighting owner advisor, technical specifications development, services during construction support, program management expertise, and experience working together.
- Narratives should affirm the team's intent to retain all key personnel throughout the duration of this contract.
- Respondents may identify up to two additional Key Positions and assigned Key Personnel for function that it seems critical to the scope identified for this contract. Clearly identify the rationale and potential scope for these positions, explaining how any additional Key Positions will add value to the City and to this Program.

High scoring responses will:

- *Provide a complete listing of Key Personnel, appropriately assigned for each Key Position as identified in Attachment 5.*
- *Demonstrate that Key Personnel will be appropriately committed to the project (they can devote an appropriate portion of their time to the project at the right time). Provide adequate assurances that Key Personnel will remain in their positions for the length of the Program. Identify plan to replace Key Personnel if they leave and how it will be demonstrated to the City that replacement personnel are equivalent.*
- *Demonstrate that existing commitments of Key Personnel do not negatively impact availability for this project.*
- *Demonstrate the clear benefit and detailed scope of any optionally added Key Positions and assigned Key Personnel, if any.*
- *Key Personnel have complex project/program experience demonstrating extraordinary multidisciplinary capabilities.*

3.2 Additional Named Personnel and Resources

- For the scope areas identified in Attachment 5 that are aligned to Key Positions and Key Personnel assignments,

describe the resources, expertise, and capacity available among the Respondent's team members to support the required scope over all potential phases of the Program.

- For scope areas identified in Attachment 5 that do not require the identification of a Key Position, describe the resources, expertise, and capacity available among the Respondent's team members to support the required scope over all potential phases of the Program.
- In support of the above, Respondents may identify "additional named personnel" not designated as Key Personnel that are available and committed to supporting the Program. Resumes should not be included for additional named personnel, but brief biographical statements for these individuals may be contained in this narrative.
- Note that Respondents should limit the number of additional named key personnel to only those that provide a clear benefit to the City in support of the scope identified in Attachment 5. An excessive number of additional named personnel is not desired.
- Material provided in this section, including biographies for other named personnel, are included overall submittal page limitation.

High scoring responses will:

- *Demonstrate that the Respondent and its team members have the technical capability and capacity to support the scope identified in Attachment 5.*
- *Demonstrate that the Respondent and its team members have appropriate supplemental expertise and availability to supplement the qualifications and availability of its identified Key Personnel.*
- *Demonstrate that the Respondent and its team members have adequate and qualified resources to support the scope identified in Attachment 5 that does not have a Key Position identified.*
- *Excessive identification of additional key personnel may detract from the evaluated score.*

3.3 Key Position Resumes

- Provide a resume for each Key Position as required in Attachment 5 and, optionally, up two additional Key Positions as identified by the Respondent in Tab 3, Section 3.1.
- On each resume: provide information regarding each Key Personnel member's experience filling similar roles on other projects.
- Demonstrate that proposed Key Personnel are equipped to handle the level of responsibility assigned to them.
- Demonstrate that proposed Key Personnel have the requisite experience for the Key Positions to which they are assigned.
- On each resume, include the following required information:
 - Identify the required or optional Key Position for this resume (identify if this person is also proposed as a Key Personnel for another Key Position)
 - Full name and relevant professional registrations, if any
 - Respondent or its team member's firm affiliation
 - Accurate and timely reference contact information that includes, at a minimum, the reference's name and past/current position; the context of the reference (e.g., personal, a past project, or a previous supervisor); and a direct phone number and an email address.
- Resumes are limited two pages each, but the resumes do not count toward the overall submittal page limitation.

High scoring responses will:

- *Experience provided on resume demonstrates that assigned Key Personnel is capable of handling the assigned level of responsibility.*
- *Experience provided on the resume demonstrates that assigned Key Personnel is highly qualified to support the scope required for the assigned Key Position.*
- *Key personnel provide the closest match to key position descriptions with attributes that go above and*

beyond what is listed to better match the needs of the Program as understood by the respondent.

- *The clear value and benefit to the City of any optionally added additional Key Positions and assigned Key Personnel.*
- *Strong experience across multiple individuals with USACE.*
- *Clearly articulated benefit and rationale of any Key Personnel assigned to multiple Key Positions.*
- *All required information is provided on each Key Position resume, including reference contact information.*
- *Reference check feedback related to Key Personnel may be factored into the evaluation and scoring of this section.*
- *Engagement of Key Personnel in the Respondent's referenced project experience (as identified on the "Experience Matrix" in Tab 2) may be factored into the evaluation and scoring of this section.*

Tab 4 Program Approach and Insights

Written Narrative Response

- Provide a written narrative, including any desired tables or graphics, describing the collective SA/OA team's approach to resource identification and utilization as well as approach to self-performance.
- This narrative is included in the overall submittal page limit.

4.1 Program Approach and Insights

- Describe how the Respondent and its team will provide value to the City in supporting a Program of this unique scope, complexity, stakeholder impact, and duration.
- Describe your understanding of the partnership arrangement between USACE and CCD and how this applies to your approach to supporting the Program. Elaborate on how your approach would address the complexities of the reimbursement-based Project Partnership Agreement (that utilizes Section 204 of WRDA 1986, as amended) as it relates to funding, real estate acquisition, Program duration, and reporting requirements.
- Provide specific examples of your approaches, insights, and lessons-learned that relate to specific challenges and opportunities on this Program, including working on collaborative delivery of projects that span more than one jurisdiction and/or that meet multiple purposes such as ecosystem restoration and flood risk management.
- Include your approach to defining and packaging projects within the Program, and your methodology for determining whether the use of CM/GC or progressive design-build is more appropriate for a given separable element or portion of the overall Program.
- Describe how you will support the City in identifying and pursuing external funding sources and how you will work with the team to ensure overall financial health of the Program throughout its duration.
- Describe how you will leverage your large-program insight and lessons-learned to mentor the City Program team and provide problem-solving and advisory resources for them.
- Commitment to quality: Approach to meeting schedules, defining scopes, and staying within budget – setting realistic deadlines; communicating for understanding; how to set the project up for success.

High scoring responses will:

- *Demonstrate clear understanding of the Program scope and its complexities, including Corps partnership, diverse funding sources, aligning various technical requirements, adaptive management, stakeholder engagement/management across numerous communities and jurisdictions, and overall extensive project area and Program duration.*
- *Provide clear and specific methods, tools, systems, and procedures that demonstrate value to navigating the known and unknown complexities the Program, including risk and schedule management and program controls.*

- *Demonstrate experience in supporting, advising and/or leading successful large-scale collaborative delivery projects on behalf of an owner.*
- *Provide innovative ideas across all aspects of Program Approach.*
- *Demonstrate track record in supporting the financial sustainability of large-scale programs and/or projects.*
- *Acknowledge CCD management and leadership of this Program in the Program Approach and identify ways in which the team will support and bolster this structure, including through a mentorship role.*

Tab 5 Sample On-Call Agreement Review *(The contents of this tab do not count toward overall page limit)*

Consultants shall review the Sample Agreement (**Attachment 4**) and submit with their proposal, a list of all questions, issues, or modifications which the Consultant would like the City to review, address, and be negotiated with should they be selected as a top ranked Consultant. The City shall assume that the Sample Agreement has been thoroughly reviewed and discussed with legal counsel prior to preparation of any list of requested modifications. Please note, **Attachment 4** is a Sample Agreement and, as such, is subject to revision or modification by the City at any time. The City reserves the right to modify any term or condition of this Sample Design Services Agreement, and to add, delete or modify terms and conditions, as the City’s interests may require, prior to execution of a final agreement.

Interviews

Shortlisted teams will be extended an invitation to further present the teams’ qualifications at an interview. It is expected that subconsultants playing a major role on the Consultant’s team be present at the interview, if necessary. Interviews will be conducted in person. If the use of hybrid or virtual interviews are required by the City, adequate advance notice will be provided when possible. The structure of the Interview will be as follows:

1. **Short Presentation:** Invited Respondents will summarize the proposal and describe their approach to Program organization, team integration, creativity & innovation, and the City’s values & goals. Demonstrate the strategies and abilities the Consultant brings to this Program to distinguish them from the other shortlisted candidates and why they will bring success to the Program. ~~Additionally, respondents will be asked to respond to or address a specific issue or sample problem relevant to the Program.~~ The Consultant needs to communicate to the Selection Committee why they should be selected. Please limit the presentation to the most critical points of the proposal and focus on what your team can bring to the table and why.
2. **Question and Answer Session with the Selection Panel:** The questions asked in this session will be the same for each Consultant but follow-up questions to clarify Consultants answers will be allowed.

Section 8 - Disadvantaged Business Enterprise (DBE) Program

City and County of Denver’s DBE Policy Statement

The City and County of Denver’s (“City”) Disadvantaged Business Enterprise (DBE) policy is to ensure nondiscrimination in the award and administration of the City’s construction contracts, professional services contracts, and in the procurement of common goods and services. The awarded contractor/consultant (the “Contractor/Consultant”) shall comply with and implement requirements of the U.S. Department of Transportation (USDOT) Rules and Regulations and Code of Federal Regulations (C.F.R.) 49 C.F.R. § 26 or 40 C.F.R. § 30, and DSBO’s DBE Program Plan (collectively, the “DBE Program”) in the award and administration of Subcontracts under any agreement resulting from this solicitation (the “Contract”). The Contractor/Consultant shall not discriminate on the basis of race, color, national origin, or sex in the administration and performance of the Contract. The Contractor/Consultant shall carry out DBE Program requirements in the award and administration of its contracts as well as the flow down provisions of this DBE Contract requirements to be incorporated in all DBE subcontract agreements regardless of tier. It is the City’s intention to create a level playing field on which

DBEs can compete fairly for federally-funded contracts. Failure by the Contractor/Consultant to comply with or implement these requirements is a material breach of the Contract, which may result in the termination of the Contract or such other remedy as the City deems appropriate. These legal remedies may include but are not limited to: withholding monthly progress payments, assessing sanctions, liquidated damages, and/or disqualifying the Contractor/Consultant from future bidding as non-responsible. 49 C.F.R. § 26.13. The City's commitment to the DBE Program is not intended to and shall not be used as a justification to discriminate against any qualified company or group of companies.

City's Equity, Diversity, & Inclusion Values

The City is committed to advancing its vision of equity, diversity, inclusion, and sustainability through growing the capacity of historically underutilized businesses, which include DBE firms, providing significant contracting opportunities, and ensuring they benefit from said contracts.

Counting DBE Participation

For a firm's performance to count toward meeting the DBE requirement, they must be DBE certified by the City or the Colorado Department of Transportation (CDOT), also known as the Colorado Unified Certification Program (UCP), on or before execution of Contractor/Consultant's agreement with the DBE firm and must be certified in the NAICS code(s) that coincide with the scope(s) of work that they will be performing. In instances of a DBE Prime Contractor/Consultant, the DBE Prime must be certified prior to executing their agreement with the City. The UCP maintains a DBE Directory ("Directory"), which is a current listing of UCP-certified DBEs and may be accessed via the DSBO website at <https://www.denvergov.org/dsbo>. Submitters are encouraged to use the Directory to assist in identifying DBEs for the work and supplies required for the project. Submitters are reminded that changes may be made to the Directory at any time. DBE certification or listing in the Directory is not a representation or warranty by the UCP regarding the qualifications of any listed DBE.

During performance, accounting of DBE participation will be maintained for all purchase orders, task orders, and work orders, which participation will collectively be applied to the contract's overall DBE participation attainment.

In utilizing the participation of a DBE supplier, the degree to which their participation counts towards satisfaction of the DBE requirement varies. If materials or supplies are obtained from a DBE manufacturer, one hundred percent (100%) of the cost of the materials or supplies counts toward the requirement. Sixty percent (60%) of the value of the commercially useful function performed by DBE regular dealers counts toward satisfaction of the requirement. Only the bona fide commissions earned by manufacturer representatives or brokers for their performance of a commercially useful function counts toward meeting the requirement. Therefore, Submitter must separate bona fide brokerage commissions from the actual cost of the supplies or materials provided to determine the actual dollar amount of participation that can be counted towards meeting the requirement.

DBE Responsiveness Requirements

Award of this project will be determined, in part, on Submitter's commitment to strengthen the disadvantaged business community. Said commitment is shown through adherence to and thoughtful completion of the below-listed DSBO submittal requirements, which are all conditions of responsiveness. Failure to submit a responsive submittal constitutes cause for rejection thereof.

1. Non-Competition

Submitter shall not restrict a DBE from providing subconsulting or subcontracting quotations to other Submitters. Any Submitter who does so shall cause their submittal to be rejected.

2. Joint Ventures

If Submitter is participating in a joint venture with a certified DBE firm, submitter must submit the firm's Joint Venture Agreement to DSBO **at least 10 working days prior to the RFQ-response submission**. The Joint Venture must be approved by DSBO.

A Joint Venture is an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

DSBO will count a portion of the total dollar value of the joint venture contract toward the DBE requirement equal to the distinct, clearly defined portion of the work that the DBE performs with its own forces in a NAICS code in which the firm is DBE certified. The joint venture agreement MUST specify the services, dollar value, reporting structure, and details of the DBE's performance requirements associated with their percent of the joint venture ownership.

~~3. DBE Equity Diversity and Inclusion Plan (DBE EDI Plan)~~

~~A proposed DBE Equity, Diversity, and Inclusion Plan (DBE EDI Plan) is required to be included with Submitter's response to RFQ. The DBE EDI Plan is a separate document that details Submitter's approach and strategy to equity, diversity, and inclusion in the operation of their business as well as the overall administration of the DBE requirements, including expectations for their lower tier DBE contractors/consultants.~~

~~The City will review and score Submitter's DBE EDI Plan as part of the submittal evaluation criteria. To meet the minimum responsiveness requirements for the DBE EDI Plan, Submitter must submit with their submittal a separate document titled, "DBE EDI Plan," wherein each DBE EDI Plan category is meaningfully addresses in its own enumerated section of the plan. See the below section for the eight DBE EDI Plan categories.~~

DBE Goals and Good Faith Compliance Efforts

The DBE participation goal will be established after contract award based upon scope of services for each Work Order and will maximize the DBE opportunities available over the total contract duration. The DBE participation goal will be based on the total value of all work to be performed under the Work Order, which may include the value of all change orders, amendments, and modifications. In accordance with 49 C.F.R. § 26, Contractor's must make good faith efforts to meet the assigned goal. As noted below, failure to make such a good faith effort will prevent DOTI and Contractor finalizing an executable Work Order.

Contractors must make adequate and substantial good faith efforts to meet the assigned goal in order to complete negotiations of an executable Work Order. **No Work Order agreement will be executed unless a successful Contractor has demonstrated the required good faith efforts it expects to make to meet the established goal.** Specifically, the Contract will be conditioned on the Contractor meeting the DSBO requirements discussed in this section. Further, 49 C.F.R. § 26.53 shall serve as the basis for evaluating compliance with the good faith efforts requirements. Contractor will be required to solicit the support and assistance of DSBO if they are unable to meet the DBE participation goal assigned. The Contractor can meet these requirements (e.g., the established participation goal), which will be set out in the Contract, in one of two ways:

1.3. Commitment to DBE Participation

Contractor shall include with their Work Order submittal a completed DSBO form, entitled "Commitment to DBE Participation," stating their committed DBE participation percent on such Work Order. The committed participation level will be inserted into any resulting contract and the Contractor/Consultant must comply with that committed participation amount during the term of the contract.

2.4. Good Faith Effort

If Contractor cannot meet the DBE requirement established by DSBO or is able to only meet part of the requirement, they shall furnish to DSBO, with their Work Order proposal, a comprehensive statement of their good faith efforts to meet the requirement, along with supporting documentation demonstrative thereof. This means that Contractor must show that it took all necessary and reasonable steps to achieve a

DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

The statement of good faith efforts should address each of the categories outlined in 49 C.F.R. § 26, Appendix A and any additional criteria established by rule or regulation. As part of their good faith efforts, Contractors are encouraged to solicit the support and assistance of DSBO by contacting DSBO at dsbo@denvergov.org. All good faith efforts information must be complete, accurate, adequately documented, and submitted with the Work Order proposal. Good faith efforts must be demonstrated to be substantive and not merely for formalistic compliance with 49 C.F.R. § 26.53.

To award a Work Order to a contractor that has failed to meet the DBE requirement, DSBO will determine whether Contractor made good faith efforts to actively, effectively, and aggressively seek DBEs to meet the DBE requirement prior to submittal submission, which determination shall include consideration of Contractor's DBE-EDI-Plan strategies to meet their DBE participation commitment. Failure of Contractor to show good faith efforts shall render their submittal ineligible for further consideration with the City.

3.5. DBE Equity, Diversity, and Inclusion Plan (DBE EDI Plan)

~~Contract execution will be conditioned upon a DSBO approved DBE EDI Plan. Upon approval by DSBO of the DBE EDI Plan, the proposed DBE EDI Plan shall be referred to as the "Approved DBE EDI Plan." Thereafter, the Contractor/Consultant may be required to prepare and submit to DSBO an updated DBE EDI Plan, on a minimum of an annual basis, for DSBO approval throughout the term of the contract.~~

~~A proposed DBE EDI will be required to be submitted by all shortlisted firms unless submitter is submitting documentation of a good faith effort that states that they can meet 0% of the DBE requirement. The City will review and score Submitter's DBE EDI Plan as part of the submittal-evaluation criteria.~~

~~The DBE EDI Plan is a separate document that details Submitter's approach and strategy to equity, diversity, and inclusion in the operation of their business as well as the overall administration of their DBE Program, including expectations for their lower tier DBE Contractors/Consultants.~~

~~Contract execution will be conditioned upon a DSBO-approved DBE EDI Plan, unless DSBO has determined that Submitter made a 0%-participation good faith effort. Upon approval by DSBO of the DBE EDI Plan, the proposed DBE EDI Plan shall be referred to as the "Approved DBE EDI Plan." Thereafter, the Contractor/Consultant may be required to prepare and submit to DSBO an updated DBE EDI Plan, on a minimum of an annual basis, for DSBO approval throughout the life of the contract.~~

Submitter's DBE EDI Plan shall include, but is not limited to:

- A. A DBE Coordinator. Identify a DBE Coordinator that will have direct and independent access to DSBO, the project manager and/or chief operating officer. This coordinator should be identified as one of the Contractor/Consultant's key personnel and submitted with the submittal package. This Coordinator will manage DBE requirements including meeting and compliance with reporting requirements. The Coordinator shall identify key personnel and their duties as it relates to escalation matters, the execution of the project, and certified business relations. The Coordinator as well as key personnel shall attend DSBO meetings (compliance meetings, DSBO Equity & Empowerment Council, etc.). The Coordinator will also manage outreach and development efforts to DBE businesses to improve subcontracting/subconsulting opportunities and assist in the administration of the DBE EDI Plan. Please elaborate on experience the DBE Coordinator has related to: experience managing established subcontracting/subconsulting requirements. Experience should indicate success meeting local requirements and compliance with to reporting requirements; experience managing outreach and development efforts to small and local businesses to improve subcontracting/subconsulting opportunities.

- B. DBE Utilization Strategies. Indicate the anticipated work for DBEs, estimated value of that work and anticipated timeframe subcontracts will be signed with DBEs. Describe the strategies and tactics Submitter will use to increase the participation of new and existing DBE businesses in contracting opportunities.
- C. Technical Assistance and Support Services. Describe the assistance and/or guidance that Submitter will provide to DBE businesses that helps move this next generation of DBE businesses forward. This assistance and/or guidance could include technical, financial, or support services to the DBE businesses that allows them to have meaningful participation on this or other contracts with Submitter or other business partners. Examples of such assistance and guidance may include, but are not limited to, quality control, bonding, insurance assistance, prompt payment, mentoring programs, joint ventures, workforce development, technical assistance, access to capital platforms, etc.
- D. Procurement Process. Describe Submitter's procurement process (including policies and procedures) and provide details on the principles that will be used throughout the process to remove barriers in an effort to promote equity and how you ensure that the DBE Program requirements flow down to all tiers of subcontractor/subconsultant agreements. Indicate as project is designed/details known, how anticipated work will evolve into signed subcontracts with DBEs and how required DBE flow down provisions will be included.
- E. Communication and Vendor Management. Describe the communication strategies and assistance Submitter will use with DBE businesses to align their work with the contract requirements which may include, but are not limited to, training for internal and external staff to ensure effective communication, scheduling, safety requirements, terms and conditions, performance expectations, document control, and dispute resolution.
- F. Past Performance. Provide examples where Submitter has been successful in promoting equity, diversity, and inclusion both internally and externally. Describe Submitter's efforts and initiatives towards DBE mentorship and development, employee recruitment, training, development, and succession planning to promote equity, diversity, and inclusion. Describe how Submitter has promoted these values to both businesses and communities that they serve. Describe times when Submitter has been successful in promoting the participation of DBE businesses and/or any assistance provided to the DBE businesses that promoted their overall growth and success. Examples of such promotion may include, but are not limited to, bonding and insurance assistance, mentor-protégé programs, prompt payment, workforce expansion, innovative and successful partnering with a DBE firm (i.e., joint venture, performing as a subcontractor/consultant to a DBE etc.), technical assistance, access to capital platforms and community outreach.
- G. Submitter's Culture. Describe how EDI has been promoted internally and rooted within your company through programs that include but are not limited to 1) company policy and programs that advance equity, diversity, and inclusion priorities, 2) employment practices of recruitment/hiring, employee development/advancement, training (i.e., implicit bias), and 3) expectations of valuing and actively collaborating through partnerships with subcontractors / subconsultants.
- H. Future Initiatives. Provide a roadmap of the work Submitter intends to do over the next 5 years to promote equity, diversity, and inclusion both internally and externally. Describe practices Submitter intends to use in DBE mentoring & development, employee recruitment, training, development, and succession planning to promote equity, diversity, and inclusion. Describe any plans Submitter has made to promote these values to both businesses and communities that they serve.

4.6. Authority

DBE statutes, 49 C.F.R. § 26 or 40 C.F.R. § 30, and rules and regulations promulgated pursuant thereto apply to this project and are incorporated into these solicitation documents by reference. Compliance with

those, and any additional requirement contained herein, are conditions of responsiveness. The DSBO Ordinance, its accompanying rules and regulations, and additional DBE guidance are available here: <https://www.denvergov.org/dsbo>; the C.F.R. is available here: <https://www.eC.F.R..gov/>. Submitter is encouraged to contact the procuring agency/Buyer with specific questions related to compliance therewith, who will coordinate with DSBO to reply to Submitter's questions.

~ END OF RFQ ~

APPENDED MATERIAL

- Attachment 1 – Firm Responsibilities
- Attachment 2 – Consultant Team Members
- Attachment 3 – Preliminary Organization Chart
- Attachment 4 – Sample Agreement
- Attachment 5 – Scope of Work
- Attachment 6 – Project Experience Matrix
- Attachment 7 – Memoranda of Determination
- Attachment 8 – Related Links
- Attachment 9 – Summary of Current Work
- Attachment 10 – ERO Deliverables
- Attachment 11 – Acronym List