

CITY OF MADISON

REQUEST FOR PROPOSALS



Title: Review of City Codes/Ordinances for Distributed Green Infrastructure.

City Agency: Engineering Division

Due Date: May 11, 2020
4:00 PM CST

EN- Greg Fries

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1 NOTICE TO PROPOSERS

1.1 Summary of Services Requested

City of Madison Engineering ("City") is soliciting Proposals from qualified Consultants to review City Codes, Ordinances, policies and rate structures for limitations/restrictions/disincentives/internal conflicts to the implementation of Distributed Green Infrastructure ("DGI") as part of public/private development/redevelopment projects and implementation on existing sites. Further, as part of the review the Consultant shall be responsible for making recommendations on how to amend City Codes/Ordinance/Policies/Rate Structures to actively encourage and incentivize the use of DGI. This shall explicitly include review of the City of Madison Stormwater Utility rate and adjustment policy for recommendations on how to use the utility to encourage DGI on existing sites. Consultants submitting Proposals ("Proposers") are required to read this Request for Proposals ("RFP") in its entirety and follow the instructions contained herein.

1.2 Project Description

The City of Madison, like many communities, has seen a recent increase in extreme flood events. This increase has occurred most notably in Madison since 2016, when a large and intense rain event in late July of 2016 caused extensive flooding of public and private property on Madison's west side. Large events in July 2017 and June of 2018 caused similar flooding, again largely focused on Madison's west side.

On August 20, 2018, Dane County and areas west experienced an unusual precipitation event that caused flooding in excess of that seen in any of the prior events mentioned. Rain gages monitoring that event registered between 3-4" of precipitation on Madison's east side and 8-10" of precipitation on its west side over (approximately) a 12-hr period. Many of Madison's west side neighborhoods experienced flash flooding, resulting in tens of millions of dollars in property damage.

In response to the damage incurred due to recent extreme rainfall events, as well as the likely increasing frequency of such events due to global climate change, the Madison Common Council authorized the City of Madison Engineering Division (City Engineering) to develop watershed models and plans for watersheds of greatest concern in the Madison area. For the past two (2) years City Engineering has moved forward on ten (10) watershed models with the entirety of the City's watersheds being modeled by 2025.

It is already apparent that many of the flooding problems identified in the watershed studies with not have traditional add additional capacity solutions to solve the problem. The inability to simply add capacity to solve flooding problems is due to the volume problems being experienced by the Yahara Chain of Lakes, concerns about simply pushing additional water downstream to other communities that are not prepared to accept it, and the physical challenges associated with adding miles of large sewer through existing infrastructure.

As a result of the above limitations, the City of Madison is committed to using DGI where feasible to address portions of the flooding problems identified as part of the studies. It is not required that this study identify the places where DGI makes fiscal and hydraulic sense within the watersheds - City Engineering will be conducting this analysis separately as part of the aforementioned watershed study efforts.

The Proposers on this RFP shall be responsible for review of City Codes, Ordinances, Reports, Policies, and Rate Structures to identify existing impediments to the implementation of DGI and methods to increase the implementation rate of DGI throughout the City on public/private new/redevelopment and existing developments. This includes a review of the Stormwater Utility Rate Structure and adjustment policy and the possible creation of a grant or reimbursement program.

1.3 Important Dates

Deliver Proposals no later than the due time and date indicated below. The City will reject late Proposals:

Issue Date:	April 24, 2020
Questions Due Date:	May 1, 2020
Answers Posted Date:	May 6, 2020
Proposal Due Date:	May 11, 2020, 4:00 PM CST

1.4 Format

Given the challenges in submitting physical documents currently, proposals will be submitted in PDF format via email (max size 17 MB).

The City will not consider illegible Proposals.

Elaborate Proposals beyond that sufficient to present a complete and effective Proposal, are not necessary or desired.

1.5 Delivery of Proposals

PLEASE NOTE: due to the Covid-19 restrictions the Engineering office is currently closed to the public. In-person drop off of proposals are currently not an option.

Emailed proposals will need to be limited to 17 MB or less. Please see section 4.3 for Submittal Details.

1.6 Appendix A: Standard Terms & Conditions

Proposers are responsible for reviewing this attachment prior to submission of their Proposals. City of Madison Standard Terms and Conditions are the minimum requirements for the submission of Proposals.

1.7 Appendix B: Sample Contract for Purchase of Services

Proposers are responsible for reviewing this attachment prior to submission of their Proposals. The Sample Contract for Purchase of Services shall serve as the basis of the contract resulting from this RFP. The terms of this template contract shall become contractual obligations following award of the RFP. By submitting a proposal, Proposers affirm their willingness to enter into a contract containing these terms.

If Proposers request modifications to the terms of the Sample Contract for the Purchase of Services those should be clearly noted with the proposal, and a separate redline of the contract shall be sent to the City prior to award of the RFP.

1.8 Affirmative Action Notice

If Contractor employs 15 or more employees and does aggregate annual business with the City of \$50,000 or more for the calendar year in which the PO and/or Contract is in effect, Contractor shall file, within thirty (30) days from the PO/Contract effective date and BEFORE RELEASE OF PAYMENT, an Affirmative Action Plan designed to ensure that Contractor provides equal employment opportunity to all and takes affirmative action in its utilization of applicants and employees who are women, minorities and/or persons with disabilities. A sample affirmative action plan, Request for Exemption forms, and instructions are available at: www.cityofmadison.com/civil-rights/contract-compliance/vendors-suppliers/forms or by contacting a Contract Compliance Specialist at the City of Madison Affirmative Action Division at (608) 266-4910. Vendors must register for an account to complete the required forms online, here: <https://elam.cityofmadison.com/citizenaccess>

Contractor shall also allow maximum feasible opportunity to small business enterprises to compete for any subcontracts entered into pursuant to this PO/Contract.

Job postings: All Contractors who employ 15 or more employees (regardless of the dollar amount of this contract or their annual aggregate business with the City) must notify the City of all external job openings at locations in Dane County, Wisconsin, and agree to interview candidates referred by the City or its designated organization. Job posting information is available at: <http://www.cityofmadison.com/civil-rights/programs/referrals-and-interviews-for-sustainable-employment-raise-program>. Instructions for Contractors: http://www.cityofmadison.com/civil-rights/documents/RaISE_Job_Posting_Instructions.pdf

The complete set of Affirmative Action requirements for this purchase can be found in **paragraph 20 of Appendix A – Standard Terms and Conditions** and, if applicable, in **Section 13 of Appendix B – Sample Contract for Purchase of Services**.

1.9 City of Madison Contact Information

The City of Madison is the procuring agency:	Greg Fries City of Madison Engineering Division PH: (608) 267-1199 gfries@cityofmadison.com
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For questions regarding Affirmative Action Plans please contact:	Contract Compliance Department of Civil Rights City-County Bldg., Room 523 210 Martin Luther King, Jr. Blvd. Madison, WI 53703 PH: (608) 266-4910 dcr@cityofmadison.com
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The City employs spam filtering that occasionally blocks legitimate emails, holding them in ‘quarantine’ for four calendar days. The contacts listed in this RFP will acknowledge all emails received. Proposers not receiving acknowledgement within twenty-four hours shall follow-up via separate email to the contact listed with specific information identifying the originating email address for message recovery.

1.10 Inquiries and Clarifications

Proposers finding any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in this RFP document shall immediately notify the City and request clarification. In the event that it is necessary to provide additional clarification or revision to the RFP, the City will post addenda – see 1.11 below. Proposers are strongly encouraged to check for addenda regularly.

Proposals should be as responsive as possible to the provisions stated herein. Exceptions are not permitted. The City of Madison reserves the right to disqualify any and all bids that are non-responsive or that include exceptions.

Any questions regarding the submittal process and/or aspects of the RFP may be made via e-mail to Greg Fries at gfries@cityofmadison.com, only email communications will be accepted.

An acknowledgement of receipt of the questions will be emailed to the Consultant as the questions are received. No questions will be accepted after 4:00 p.m. (CDT) May 1, 2020. All questions and responses will be sent and posted no later than May 6, 2020 by 4:00 p.m.

1.11 Addenda

In the event that it is necessary to provide additional clarification or revision to the RFP, the City will provide an addendum or clarification of scope to all consultants. The addendum will be provided via email to the contact listed on the RFP and also posted to the City's website. If other group members would like to be included on the email for addendum it's the consultant's responsibility to identify those persons wishing to receive the email.

1.12 Local Vendor Preference

The City of Madison has adopted a local preference purchasing policy granting a scoring preference to local suppliers. Only suppliers registered as of the bid's due date will receive preference. Learn more and register at the City of Madison website: www.cityofmadison.com/business/localPurchasing.

1.13 Acceptance/Rejection of Proposals

The City reserves the right to accept or reject any or all Proposals submitted, in whole or in part, and to waive any informalities or technicalities, which at the City's discretion is determined to be in the best interests of the City. Further, the City makes no representations that a contract will be awarded to any proposer responding to this request. The City expressly reserves the right to reject any and all Proposals responding to this invitation without indicating any reasons for such rejection(s).

The City reserves the right to postpone due dates and openings for its own convenience and to withdraw this solicitation at any time without prior notice.

1.14 Withdrawal or Revision of Proposals

Proposers may, without prejudice, withdraw Proposals submitted prior to the date and time specified for receipt of Proposals by requesting such withdrawal before the due time and date of the submission of Proposals. After the due date of submission of Proposals, no Proposals may be withdrawn for a period of 90 days or as otherwise specified or provided by law. Proposers may modify their Proposals at any time prior to opening of Proposals.

1.15 Non-Material and Material Variances

The City reserves the right to waive or permit cure of nonmaterial variances in the offer if, in the judgment of the City, it is in the City's best interest to do so. The determination of materiality is in the sole discretion of the City.

1.16 Public Records

Proposers are hereby notified that all information submitted in response to this RFP may be made available for public inspection according to the Public Records Law of the State of Wisconsin or other applicable public record laws. Information qualifying as a "trade secret"—defined in State of Wisconsin Statutes—may be held confidential.

Proposers shall seal separately and clearly identify all information they deem to be "trade secrets," as defined in the State of Wisconsin Statutes. Do not duplicate or co-mingle information, deemed confidential and sealed, elsewhere in your response.

S. 19.36(5)

(5) TRADE SECRETS. An authority may withhold access to any record or portion of a record containing information qualifying as a trade secret as defined in s. 134.90(1)(c).

s. 134.90(1)(c)

(c) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

The City cannot ensure that information will not be subject to release if a request is made under applicable public records laws. The City cannot consider the following confidential: a bid in its entirety, price bid information, or the entire contents of any resulting contract. The City will not provide advance notice to Proposers prior to release of any requested record.

To the extent permitted by such laws, it is the intention of the City to withhold the contents of Proposals from public view—until such times as competitive or bargaining reasons no longer require non-disclosure, in the City's opinion. At that time, all Proposals will be available for review in accordance with such laws.

1.17 Usage Reports

Annually, the successful Proposers shall furnish to City Purchasing usage reports summarizing the ordering history for each department served during the previous contract year. The report, at a minimum, must include each and every item or service ordered during the period, its total quantities and dollars by item/service and in total. The City reserves the right to request usage reports at any time and request additional information, if required, when reviewing contract activity.

1.18 Tax Exempt

The City of Madison as a municipality is exempt from payment of federal excise taxes (Registration Number 39-73-0411-K) and State of Wisconsin taxes per Wisconsin statute 77.54(9a). Federal Tax ID #39-6005507. A completed Wisconsin Department of Revenue Form S-211 (R.2-00) can be found on the City website. Our tax-exempt number is ES 42916.

1.19 Proposers Responsibility

Proposers shall examine this RFP and shall exercise their judgment as to the nature and scope of the work required. No plea of ignorance concerning conditions or difficulties that exist or may hereafter arise in the execution of the work under the resulting contract, as a consequence of failure to make necessary examinations and investigations, shall be accepted as an excuse for any failure or omission on the part of the Proposers to fulfill the requirements of the resulting contract.

2 SCOPE OF SERVICES

Specific tasks for this RFP have been identified below, along with the required deliverable per task. All cost estimates shall reference the specific task number or sub-task component as outlined in the **Cost Proposal** document, included with the RFP.

Certain items in the Scope of Services request the CONSULTANT provide the approach, scope, and deliverables.

TASK 1 Review Existing Data

The City of Madison currently has 255,000 residents and expects to grow by another 70,000 residents by 2040. Starting in 2019, in response to multiple significant and one historic flooding events over the course of the last 3-4 years, City Engineering began a process to both revise our Ordinance regarding stormwater system design requirements and to begin the creation of stormwater watershed plans using SWMM based products for the entire city.

In May 2019, the City launched watershed studies to look at designing a more resilient storm water system. The City of Madison [2011 Sustainability Plan](#) also calls for improving surface water quality and improving storm water managements. Some of the recommended action include encouraging infiltration, where appropriate through the use of pervious surface, the creation of rain gardens, bio-swales and other natural water purification. The Sustainability Plan also calls for the installation of treatment devices during construction projects and, where appropriate, incorporating permeable pavement surfaces.

In January 2020, the Madison Council accepted the final report and recommendations from the [2019 Urban Forestry Task Force Report](#). The report and recommendations seek to preserve and enhance the City's tree canopy and makes recommendations regarding the allocation of right of way within a street.

Finally, currently on going is an RFP to review our street design typology and creation of a hierarchy of priorities for use when new streets are constructed or existing streets are reconstructed. That RFP is being led by our Transportation Department.

1.2 CONSULTANT shall review existing plans, codes, reports, ordinances, rate/adjustment policies including but not limited to the following:

Exhibit 1:	Existing RFP being completed for Transportation on Complete Green Streets
Exhibit 2:	Adopted Sustainability plan
Exhibit 3:	Draft of proposed revisions to Madison General Ordinance (MGO) 37 Stormwater Management
Exhibit 4:	Adopted Urban Forestry Task Force Report
Exhibit 5:	Copies of MGO 10, 14, 16, 28 – which all relate to land use regulations in the City of Madison
Exhibit 6:	Pollinator Protection Task Force Report
Exhibit 7:	Stormwater Utility Rate and Adjustment policy

1.3 CONSULTANT shall in its review of above, document areas where the codes conflict either directly or indirectly with existing codes, policies or related items as identified as Exhibits 1-7 above. CONSULTANTS shall document any potential disincentives for the use of DGI, and document areas where the codes do incentivize the use the use of DGI.

TASK 2 Proposed Changes

Consultant to provide approach, scope, and deliverables as follows:

Document potential changes to City Codes / Rate Structures / Policies, creation of grant or reimbursement programs to further encourage the implementation of DGI in conjunction with ongoing flood mitigation watershed studies. This should include, but not be limited to, a report with executive summary and concise table of conflicting codes, policies or related items as identified as Exhibits 1-7.

Project deliverables shall be a word file with any and all related digital files used to create the document. A PDF of the compiled submittals will also be required.

TASK 3 Community and Governance Engagement

Based on the results of TASK 2

The CONSULTANT shall develop a community engagement program that:

- a. Gathers feedback from residents and policy makers about potential increases in the use of DGI.
- b. It is expected that this effort will include a minimum of one (1) public information meeting (PIM) the CONSULTANT shall propose the format and setting for this or a number of PIMs that they suggest.
- c. Educates policy makers and residents on potential uses of DGI including examples.
- d. Upon completion of all tasks, creates literature and a PR plan to roll out changes for the use and implementation of DGI.

Project deliverables shall be any and all digital files used to create the documents. The digital files will need to be editable by staff. A PDF of the final deliverables will also be required. Identify in the proposal which program(s) you intend to utilize to produce the literature as described above.

TASK 4 Progress Meetings and Coordination

CONSULTANT will attend a kick-off meeting and up to four (4) additional virtual monthly progress meetings as requested by the City and participate in preparing meeting minutes summarizing the discussions held during the meetings.

CONSULTANT will attend up to four (4) weekly coordination meetings via conference call or acceptable virtual platform, as-needed and participate in preparing meeting minutes summarizing the discussions held during the meetings.

CONSULTANT will make a presentation of the results of the study to a minimum of two (2) boards/committees/council.

CONSULTANT shall include necessary travel costs as needed in their proposal to attend and present at the board/committee/council meetings.

3 ROLES AND RESPONSIBILITIES

Responsibilities of the City of Madison

1. The City of Madison Engineering Division will provide the all documents identified in Exhibits 1-7 and other documentation of existing City policies as requested.
2. The City will assist in coordinating PIMs, policy makers meetings including posting all notices, providing translators and translating services as necessary, mailing postcards or posting information on the City's website, social media, and finding and coordinating meeting locations.

3. The City will pay all fees associated with room reservations and copying expenses related to meeting material distribution if meetings are held in-person.
4. All public meetings and stake holder meetings will be attended by City staff.

Responsibilities of the Consultant

The Consultant shall be responsible for the following:

1. Provide items identified in the Scope of Work
2. Provide a detailed schedule and project updates on a monthly basis, including development of milestones.
3. Prepare minutes for all meetings. Draft meeting minutes shall be provided in digital format to the City within 3 days for review and comment by staff.
4. Provide and update active Action Items List.
5. Create a PR plan and literature, including, but not limited to creating flyers, handouts, milestones and schedules, etc.

4 SCHEDULE AND SUBMISSION CONTENT

4.1 Timeline

TIMELINE	
RFP released	April 24, 2020
Submission deadline	May 11, 2020
Selection of Consultant(s)	May 20, 2020
Anticipated Project Start/Project Kick off Meeting	June 23, 2020
Anticipated Project Completion	October 31, 2020

4.2 Submission Contents

There are no page limits for the Proposal submission. Please keep responses clear and concise and include the following information:

- a. Cover Letter
- b. Lead Consultant name and mailing address
- c. Contact person's name, title, phone number, and email address
- d. Signature of the individual(s) authorized to negotiate and bind the Consultant contractually, including full legal name of contracting entity.
2. Introduction
 - a. Describe the Team's understanding of the project.
 - b. Describe the opportunities related to the anticipated work, including challenges or unique issues.
 - c. Describe Team's understanding of scope of work and ability to successfully provide scope of work within the proposed project schedule.
3. Project Approach
Please limit to maximum of 5 pages.
4. Team Composition, Performance, and Key Personnel
 - a. Summarize the Consultant Team's background and focus.
 - b. Provide a Team organizational chart that identifies a project manager and the relationship among consulting team members, including sub-consultants.
 - c. Briefly summarize the Key Personnel's role for this project.
5. Relevant Project Experience
 - a. Provide up to 5 relevant projects, including Client and Project information, Team's responsibility in the projects, the challenges presented by each project, and the final results. Include which Key Personnel were involved.

- b. Limit project examples to those completed within the last 10 years.
 - c. List the project year(s), Key Personnel, and Client contact person and telephone number for each.
6. Schedule, Level of Effort, and Costs
- a. Include schedule for completion by Task.
 - b. Provide information showing Team can meet schedule outlined in this RFP. For example, include percent availability for Key Personnel.
 - c. Complete attached **Cost Proposal** and include with submittal.
Costs to include:
 - i. List proposed costs by Main Task (1-4)
 - ii. Provide unit costs for meetings
 - 1. Weekly, and monthly meeting
 - 2. Public Informational meeting
 - 3. Presentations to Board/Councils
 - iii. Provide a total not-to exceed dollar value for any reimbursable expenses associated with each individual task, including the type of expense, such as mileage, travel, printing expenses, etc.
 - d. Provide detailed project budget, estimated hours by position title per task, and billing rates for all personnel to be assigned to the project.
7. Attachments/Appendices
- a. Resumes (suggested length: 2 pages maximum per resume)
 - b. References: Provide three references for the consultant team. Include the reference contact's name, address, phone number and relationship to the firm/team.
 - c. Additional Tasks or Services: Consultants may offer suggestions for additional tasks to be conducted for this RFP based on their approach. Provide a summary of the tasks that were not identified in the provide Scope of Work, along with a separate line item with costs for those services they wish the City to consider.
 - d. Comments on Contract Standard Terms and Conditions: The entity that would enter into the contract with the City for the RFP will need to be able to meet the City's Standard Terms and Conditions or be able to come to a mutual agreement with the City on the Standard Terms and Conditions. If they are not able to meet those conditions it may impact the City's selection. Firms should acknowledge if they are able to meet the City's Standard Terms and Conditions or if they have had experience with successfully negotiating mutually agreeable exceptions to the City's standard language.

4.3 Submittal Details

Only proposals submitted electronically will be accepted.
Submit Proposal by 4:00 p.m. (CDT) on May 11, 2020 to the following:

gfries@cityofmadison.com
jschmidt@cityofmadison.com

Subject line: Review of City Codes for Green Infrastructure

Complete submittals shall consist of one PDF copy of the Proposal to each of the above named staff. The maximum size file City Employees can receive is 17 MB - proposals shall not exceed that size.

Upon receipt of a proposal we will respond confirming the receipt.

5 EVALUATION OF PROPOSALS

Responses to this RFP will be reviewed by a Selection Committee chosen by the City Engineer based on the appropriateness of the Proposal, budget, and ability to meet the proposed timeline.

