



GOVERNMENT OF PUERTO RICO  
PORTS AUTHORITY

**AVISO DE SUBASTA**  
Bid Notice

**Solicitud de Propuestas para Servicios Profesionales de Ingeniería y Arquitectura**  
Architectural and Engineering Services to Recovery Projects under the FEMA Public Assistance  
Program for Disaster DR-4473-PR (Puerto Rico Earthquakes)

**Subasta Número: PRPA-DRP-RFP-2022-01**  
Bid Number: PRPA-DRP-RFP-2022-01

**Estatus: Abierta**  
Status: Open

<b>Agencia:</b> Agency:	<b>Autoridad de los Puertos (AP)</b> Puerto Rico Ports Authority (PRPA)
<b>Tipo de Subasta:</b> Bid type:	<b>Solicitud de Propuestas</b> Request for Proposals (RFP)
<b>Área de Trabajo:</b> Project venue:	<b>Puerto Rico</b> Puerto Rico
<b>Reunión Pre-Subasta</b> Pre-Bid Virtual Conference	<b>20 de mayo de 2022</b> <b>Hora: 10:00 am</b> May 20, 2022 Hour: 10:00 am
<b>Fecha Entrega de Propuestas:</b> Proposal Due Date:	<b>Hasta: 22 de junio de 2022</b> Until: June 22, 2022
<b>Costo Pliegos:</b> RFP Document Cost:	<b>\$0.00</b> \$0.00

**Descripción:**

En respuesta a los esfuerzos de recuperación después de la declaración de desastre para los terremotos (FEMA DR-4473-PR), la AP actualmente colabora con la Oficina Central para la Recuperación, Reconstrucción y Resiliencia (COR3, por sus siglas en Inglés) para asegurar que el Gobierno de Puerto Rico lleve a cabo con éxito los esfuerzos de recuperación con eficiencia, eficacia y transparencia, al tiempo que aprovecha las oportunidades para reconstruir su infraestructura aeroportuaria y marítima de una manera que hace a Puerto Rico mejor, más fuerte y más resistente.

**PRPA-DRP-RFP-2022-01**

La Autoridad de los Puertos (AP) está publicando esta Solicitud de Propuesta (RFP, por sus siglas en inglés) para adquirir firmas calificadas y capacitadas para proporcionar Servicios Profesionales de Ingeniería y Arquitectura (A&E, por sus siglas en inglés) a AP en relación con los Proyectos de recuperación incluidos en el Programa de Recuperación de Desastres (DRP, por sus siglas en Inglés) de la AP y financiado bajo el Programa de Asistencia Pública (PA) de FEMA para el desastre DR-4473-PR. Los proyectos generalmente consisten en el alcance de trabajo (SOW, por sus siglas en inglés) requerido para reparar, restaurar o reemplazar todos los daños relacionados con el desastre sobre la base del diseño y la función previo al desastre para las instalaciones elegibles de la AP y de conformidad con los códigos, especificaciones y estándares aplicables actuales.

El proceso de RFP está diseñado para promover una competencia justa y abierta mientras se busca una opción competitiva en costos. La documentación completa de RFP, incluidos los Anexos, se puede descargar en el siguiente enlace [PRPA-DRP-RFP-2022-01](http://www.prpa.pr.gov/PRPA-DRP-RFP-2022-01). Los proponentes son responsables de monitorear el sitio web de la PRPA (<http://www.prpa.pr.gov/>) para obtener actualizaciones del itinerario del RFP y otra información importante. Las presentaciones de respuestas al RFP solo se aceptarán por medios electrónicos. Se advierte a los proponentes que la AP no requerirá ni aceptará presentaciones de propuestas físicas, ya sea por mensajería, FedEx, UPS, DHL, entrega personal o medios físicos similares, así como tampoco por correo electrónico.

Las respuestas a esta solicitud deben prepararse de acuerdo con las instrucciones proporcionadas en el paquete de la RFP. Las Propuestas serán evaluadas por la AP como se describe en el documento del RFP y de conformidad con las leyes y reglamentos locales y federales aplicables, entre otros.

**Información de Contacto**

**Contacto Agencia:** Ing. Romel Pedraza

**Email de Contacto Agencia:** [rpedraza@prpa.pr.gov](mailto:rpedraza@prpa.pr.gov)

**Description:**

In response to the recovery efforts after the earthquakes disaster declaration (FEMA DR-4473-PR), the PRPA is actively working with the Central Office for Recovery, Reconstruction and Resiliency (COR3) to ensure that the Government of Puerto Rico successfully undertakes the earthquake recovery efforts with efficiency, effectiveness, and transparency, while capitalizing on opportunities to build back its airport and maritime infrastructure in a way that makes Puerto Rico better, stronger, and more resilient.

The Puerto Rico Ports Authority (PRPA) is issuing this Request for Proposal (RFP) to procure qualified and skilled firms to provide Architectural and Engineering (A&E) Services to the PRPA in connection with recovery Projects included in PRPA's Disaster Recovery Program (DRP) and funded under FEMA's Public Assistance (PA) Program for DR-4473-PR. Projects generally consist of the SOW required to repair, restore, or replace the all the disaster related damages on the basis of pre-disaster design and function for eligible PRPA facilities and in conformity with current applicable codes, specifications, and standards

The RFP process is designed to promote fair and open competition while seeking a cost competitive option. The complete RFP documentation, including Attachments and Exhibits, may be downloaded at the following link: [PRPA-DRP-RFP-2022-01](http://www.prpa.pr.gov/PRPA-DRP-RFP-2022-01). Proposers are responsible for

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**PRPA-DRP-RFP-2022-01**

monitoring the PRPA Website (<http://www.prpa.pr.gov/>) for updates to the RFP timeline and other important information. Submissions of responses to the RFP will only be accepted by electronic means. Proposers are advised that the PRPA will neither require nor accept physical proposal submissions, whether by courier, FedEx, UPS, DHL, personal delivery, or similar physical means.

Responses to this RFP should be prepared in accordance with the instructions provided in the RFP package. The Proposals will be evaluated by the PRPA as described in the RFP Document and in accordance with applicable local and federal laws and regulations, among others.

**Contact Information**

**Agency Contact:** Romel Pedraza, PE

**Contact Email:** [rpedraza@prpa.pr.gov](mailto:rpedraza@prpa.pr.gov)



GOVERNMENT OF PUERTO RICO  
PORTS AUTHORITY

## **REQUEST FOR PROPOSAL (“RFP”)**

FOR

### **ARCHITECTURAL AND ENGINEERING SERVICES TO RECOVERY PROJECTS**

UNDER THE

### **FEMA PUBLIC ASSISTANCE PROGRAM FOR DISASTER DR-4473-PR (PUERTO RICO EARTHQUAKES)**

**PRPA-DRP-RFP-2022-01**

**PUERTO RICO PORTS AUTHORITY**

RFP Issued: **May 11, 2022**  
Proposal Due Date: **June 22, 2022**

# Table of Contents

- 1. Definition/Acronyms .....5
- 2. Overview, Purpose, and Intent .....6
  - 2.1. Background .....6
  - 2.2. Purpose and Intent.....7
  - 2.3. Procurement Standards .....7
- 3. Scope of Services.....8
  - 3.1. Project Description .....8
  - 3.2. Services .....9
  - 3.3. Deliverables and Milestones.....13
  - 3.4. Delivery Schedule .....22
  - 3.5. Contract Term.....22
  - 3.6. Payment.....22
  - 3.7. Penalties and Liquidated Damages.....23
  - 3.8. Staff Requirements .....23
  - 3.9. Insurance Requirements .....24
  - 3.10. Local Participation, Minority, Disadvantaged, and Women Owned Business Enterprises  
24
- 4. RFP Procedures .....24
  - 4.1. RFP Documents Acquisition .....24
  - 4.2. Addenda .....24
  - 4.3. RFP Timeline .....25
  - 4.4. Pre-Bid Meeting and Due Diligence .....25
  - 4.5. Site Visits.....25
  - 4.6. Correspondence and Communications.....26
  - 4.7. Prohibited Communications/.....26
  - 4.8. Submission of Inquiries .....26
  - 4.9. Representation for Proposal Submission .....26
  - 4.10. No Obligation to Contract/ Rejection of Proposal/ Cancellation of RFP .....27
  - 4.11. Ownership of Proposals .....27
  - 4.12. Confidentiality of Proposals .....27
- 5. Proposal Requirements .....28

- 5.1. Proposal format ..... 28
- 5.2. Proposal Sections ..... 29
- 5.3. Proposal Execution ..... 29
- 5.4. Proposal Submission Procedure..... 30
- 6. Technical and Cost Proposal Requirements ..... 30
  - 6.1. Mandatory Requirements ..... 30
  - 6.2. Qualifications and Experience ..... 31
  - 6.3. Work Approach and Organization..... 32
  - 6.4. Cost Proposal ..... 32
- 7. Preference of 10 points for Local Participation, M/WBE, and/or DBE Businesses..... 33
- 8. Proposal Evaluation ..... 33
  - 8.1. Evaluation Committee..... 33
  - 8.2. Evaluation..... 34
  - 8.3. Proposal Scoring ..... 34
  - 8.4. Negotiations ..... 35
  - 8.5. Selection and Award..... 35
  - 8.6. Rejection of Proposals and Cancellation of RFP..... 35
- 9. Reconsideration and Judicial Review ..... 36
  - 9.1. Reconsideration..... 36
  - 9.2. Judicial Review..... 37

**Attachments**

- 1 Project’s Scope of Work (SOW) Documentation
  - 1.1 FEMA Project Report
  - 1.2 Available Assessments & Reports
  - 1.3 Available Drawings
  - 1.4 Available Photos
- 2. Model Contract
- 3. Insurance Requirements

**Exhibits**

- A Proposal Checklist

Request for Proposal (RFP)  
Puerto Rico Ports Authority

- B Form for Submission of Questions and Requests for Clarifications
- C Cost Form
- D Statement of Qualifications
- E List of Comparable Projects
- F Non-Conflict of Interests Certification
- G Non-Conflict of Interest on Existing or Pending Contracts Certification
- H Limited Denial of Participation Affidavit
- I Non-Collusive Affidavit
- J Sworn Statement Under Act 2-2018

## 1. Definition/Acronyms

The following terms shall have the meanings indicated below, which shall be applicable to both their singular and plural forms:

- **“Disaster Recovery Program”** or **“DRP”** refers to the Puerto Rico Ports Authority’s Recovery Program, as it may be amended, that outlines the uses for federal funds allocated to repair, reconstruction and strengthen the Puerto Rico’s airport and maritime infrastructure.
- **“Addendum”** or **“Addenda”** refers to a written or graphic document issued by the PRPA before the Proposal Due Date which modifies or interprets the RFP by means of additions, deletions, clarifications, or corrections.
- **“Applicant”** or **“Subrecipient”** refers to the terms used in certain federal grant programs to designate the entity that will be executing the purpose of the grant. For this RFP, PRPA is defined as the Applicant/Subrecipient. COR3 is defined as the Recipient.
- **“Authorized Representative”** refers to the person authorized to bind the Proposer in matters related to the RFP and the Contract. This is the person authorized to sign for the project.
- **“Award Notice”** refers to the award determination or notice to be issued by the PRPA Bid Board in relation to this RFP.
- **“Award Winner”** or **“Consultant”** or **“Selected Proposer”** means a Bidder or Proposer awarded a Contract resulting from this RFP.
- **“Bidder”**, **“Proposer”** or **“Respondent”** means a(n) (i) legal person, (ii) joint venture, or (iii) partnership, or (iv) consortium of partnerships, and/or companies or other entities that submit a response to this RFP that is not currently debarred.
- **“Bid Appeals Board”** refers to the administrative body in charge of resolving any dispute arising from the process whereby a bidder disputes the award of an Auction. The Bid Auction Appeals Board shall be appointed by the Executive Director and ratified by the Board of Directors of the Authority.
- **“Bid Board”** refers to a body designated and nominated by the Executive Director to receive, process, analyze, evaluate, and award bids for the procurement of equipment, materials and services.
- **“Contract”** or **“Contract(s)”** refers to the agreement(s) to be executed between the PRPA and the Selected Proposer(s) in accordance with this RFP.
- **“Evaluation Committee”** refers to the body designated by the Executive Director to receive, process, analyze, evaluate, and recommend RFP processes initiated in connection with the contracting of professional services, establishment of concessions and leasing of Authority property, or rental of equipment or services. The Committee shall be composed of at least five (5) members, which shall include: one (1) representative of the petitioning area; one (1) representative of the organizational component affected by what is requested in the proposals; one (1) representative of the Assistant Executive Director for Economic Development; one (1) representative of the Executive Director; and one (1) representative of the Office of the General Counsel.
- **“Federal Government”** means any of the departments of the Executive Branch of the Government of the United States of America, or any department, corporation, agency or instrumentality created, or which may be created, designated or established by the United States of America.
- **“Government Entity”** or **“Government Entities”** refer to any department, agency, board, commission, body, bureau, office, public corporation, or instrumentality of the



Government of Puerto Rico's Executive Branch, whether existing or to be created in the future.

- **“Key Individuals”** means an individual who will play an important role in the engagement or contract on behalf of a Team Member resulting from this RFP.
- **“Local Parties”** means local subcontractors or professionals and relevant service providers who are based in or have a significant on-going business presence in Puerto Rico.
- **“PRPA”** refers to the Puerto Rico Ports Authority.
- **“Proposal”, “Electronic Proposal”** refers to the response(s) submitted by Proposer(s) for this RFP.
- **“Proposal Due Date”** refers to the date and time on which the Proposals are due. Proposals received after the stipulated date will not be accepted by the PRPA.
- **“Public Interest”** means any government action directed to protecting and benefiting citizens at large, whereby essential goods and services are provided for the welfare of the population.
- **“Qualified Respondent”** means a responsible and responsive Proposer whose Proposal meets the Mandatory Requirements of this RFP and obtains a technical score greater than or equal to the minimum threshold set forth in this RFP.
- **“RFP”** means this Request for Proposals and addenda issued by the PRPA.
- **“Team Member”** means a member of a Proposer.

## 2. Overview, Purpose, and Intent

The Puerto Rico Ports Authority (PRPA) is a public corporation of the Government of Puerto Rico charged with developing, operating, and overseeing all seaports and airports in Puerto Rico. The PRPA was created pursuant to Act Number 125 of May 7, 1942, as amended, known as the “Puerto Rico Ports Authority Act”.

### 2.1. Background

On January 6, 2020, a magnitude 5.8 earthquake struck the southwest regions of Puerto Rico causing considerable damage to homes, private and public structures. On January 7, 2020, a magnitude 6.4 earthquake caused major damage to homes, private and public structures. Due to the damage and impact caused by the January 7th earthquake, the Government of Puerto Rico declared a state of emergency activating the National Guard and facilitating the flow of funds to the emergency response. A major disaster declaration (FEMA-4473-DR) was approved on January 16, 2020, for certain areas of the Government of Puerto Rico, ordering Federal assistance to supplement the Commonwealth and local recovery efforts in the areas affected by earthquakes, beginning on December 28, 2019.

In response, the PRPA is actively working with the Central Office for Recovery, Reconstruction and Resiliency (COR3) to ensure that the Government of Puerto Rico successfully undertakes the earthquake recovery efforts with efficiency, effectiveness, and transparency, while capitalizing on opportunities to build back its airport and maritime infrastructure in a way that makes Puerto Rico better, stronger, and more resilient.

## **2.2. Purpose and Intent**

PRPA, in accordance with the faculties granted by Act No.125 of May 7, 1942, as amended, and Regulation Number 8981 for Bids and Request of Proposals, is seeking Proposals from interested Qualified Respondents to provide Architectural and Engineering (A&E) Services to the PRPA in connection with recovery projects included in PRPA's DRP and mostly funded under FEMA's Public Assistance (PA) Program, Disaster Recovery DR-4473 Puerto Rico Earthquakes.

PRPA reserves the right, without limitation, to grant more than one Contract and/or select more than one Qualified Respondent or Bidder and to cancel this solicitation and reissue this RFP, or another version of it, at any moment prior to the execution of a binding Contract, if it deems that doing so is in its best interests and in the Public Interest. Likewise, PRPA reserves the right to modify the Contract(s) of the Selected Proposer(s) to extend the original duration, as further explained in this RFP, or to extend the scale of the scope to include work under subsequent plans as long as it is related to the services requested herein.

Award of the Contract(s) will be made to the Qualified Respondents whose Proposal, in accordance with this RFP, is the most advantageous to the Government, price and other criteria to be considered. Section 3 of this RFP contains a detailed description of the Scope of Services. It is the Government's intent to ensure that all work performed, pursuant to this RFP, is eligible for United States Federal Emergency Management Agency (FEMA) Public Assistance (PA) and United States Department of Housing and Urban Development (HUD) grant funding and performed in accordance with FEMA, HUD and other applicable Federal and Local Government regulations, policies and guidance including, but not limited to, Davis-Bacon Act (40 U.S.C. 276a to 276a-7) and Clean Air Act (42 U.S.C. 1857(h)). Qualified Proposer(s) shall possess all required Federal and local Government licensing. This may include, without limitation, the programs known as FEMA Public Assistance (PA), FEMA Hazard Mitigation Grant Program, Private Property Debris Removal (PPDR), HUD Community Development Block Grant Program, HUD Community Development Block Grant Program—Disaster Relief, HHS Social Services Block Grant Program, DOT, FHA, FTA, FAA Grant Programs, Department of the Interior Grant Programs, USDA Emergency Watershed Protection Program, USDA Emergency Forest Restoration Program, among others.

## **2.3. Procurement Standards**

This RFP is published pursuant to the provisions and authorities granted in Act 125-1942, as well as the Puerto Rico Port Authority Regulations for the Solicitation of Auctions and Request for Proposals, Regulation Number 8981, dated July 7, 2017, as amended.

Likewise, as services requested in this RFP will be funded in whole, or in part, with federal funds, the PRPA is required to comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirement for federal awards as detailed (2 CFR Part 200). According to Section 200.317, "When procuring property and services under a federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with § 200.322: "Procurement of recovered materials" and ensure that every purchase order or other contract includes any clauses required by section § 200.326 "Contract provisions". Also, Federal financial assistance awards are governed by the Uniform Administrative Requirements at either 44 CFR Part 13, for state, local and Indian Tribal governments.

Given that Projects under consideration involve funding from FEMA, the FEMA Procurement Guidance will be part of the Contract between the PRPA and the Selected Proposer(s). In addition, the Consultant shall make sure whether compliance Federal Labor Standards Provisions set forth as required. The Respondent shall flow these terms and conditions down to all subconsultants directly servicing the contract or purchase order. These general provisions may be updated from time to time. It is the sole responsibility of the contracted firm to be aware of any changes hereto, to implement such changes when effective, and to flow such changes down to its subconsultants, if any.

### 3. Scope of Services

The PRPA is seeking to select Qualified Respondents capable of providing required A&E Services to the PRPA as it relates to Projects under FEMA PA Program Disaster Recovery DR-4473 Puerto Rico Earthquakes. Specific tasks, deliverables and milestones and further detailed in this section.

#### 3.1. Project Description

The degree and Scope of Work (SOW), as required for the design and construction, varies for each Project. However, Projects generally consist of the SOW required to repair, restore, or replace the all the disaster related damages on the basis of pre-disaster design and function for eligible PRPA facilities and in conformity with current applicable codes, specifications, and standards as agreed and documented in FEMA's Project Report available in **Attachment 1** (Project's Scope of Work (SOW) Documentation).

Services will be required for the following recovery Projects funded under FEMA PA Program Disaster Recovery DR-4473 Puerto Rico Earthquakes:

<b>FEMA Project Number:</b>	<b>Project Name:</b>
144436	Guayanilla Pier
144438	Tallaboa Pier
144428	Mercedita International Airport (PSE)
144486	Guánica Pier

All Projects under DR-4473 Puerto Rico Earthquakes shall be processed by FEMA under standard PA procedures set forth in Section 406, Repair, Restoration, and Replacement of Damaged Facilities of the of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). Standard PA procedures refers to the process by which permanent work projects are reimbursed by FEMA based on actual costs.

Qualified Respondents are allowed to submit Proposals to participate for one or more Project. Each Project will be evaluated independently and separate from the other. If the Qualified Respondent intends to submit a Proposal for more than one Project, then it shall include a separate Proposal for each Project.

Projects may be funded in whole or in part through FEMA PA Program and will be subject to all applicable Federal and Local Government laws, regulations, policies, and guidance. Projects will require periodic review by FEMA and COR3, which may result in adjustments to Projects'

schedules and timelines. This may result in multiple phases, task orders, and/or multiple notices to proceed for the Selected Proposer.

Project information and supporting documentation provided herein is based upon circumstances existing at the time this document was released. Qualified Respondents shall coordinate with the PRPA to visit the Project site, investigate, examine, and become fully acquainted with the conditions relating to and affecting the performance of the Services. This includes the identification of applicable consensus-based codes, specifications, and standards pursuant to Section 1235(b) of the Disaster Recovery Reform Act of 2018 (DRRA). The failure or omission of any Qualified Respondent to receive or examine the RFP documentation or to visit the Project site and become acquainted with conditions there existing shall not relieve any Selected Proposers from its obligations with respect to the Proposal or to the Contract.

### **3.2. Services**

The scope covers all A&E services required to prepare, including any required coordination, all necessary and requested plans, designs, specifications, cost estimates, bid and construction documents and any other supporting documents necessary for construction of the Projects. These include, but are not limited to surveys, evaluations, investigations, reports, preliminary engineering, final designs, permitting, bidding support, and construction oversight.

All Services shall be performed in accordance with all Local and Federal Government laws, regulations, and executive orders applicable to these funding programs, including professional licensing requirements set forth in local law, including without limitation, Act 173 of August 12, 1988, as amended, which sets forth the requirements for the practice of engineering and architecture in Puerto Rico.

The Selected Proposer will be directly responsible for ensuring the accuracy, timeliness, and completion of all Services and related Deliverables, implementing best practices understanding that the Projects will be mostly funded by FEMA, but may receive additional federal funding under additional programs such as the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery Program (CDBG-DR) and Mitigation Program (CDBG-MIT), and FEMA's Hazard Mitigation Grant Program (HMPG) under Section 404, among others.

The scope of Services shall be divided into the following three phases of performance.

- Phase 1: Preliminary Engineering
- Phase 2: Final Design
- Phase 3: Services during Construction

#### Phase 1: Preliminary Engineering:

Consist of the preliminary engineering analysis and design, including the scope of work development, cost estimation, and technical support required to determine final cost-effectiveness and secure funding obligation of the Projects. During this phase, the Selected Proposer shall work with PRPA's staff and consultants, including, but not limited to, coverage of the following tasks and duties:

Request for Proposal (RFP)  
Puerto Rico Ports Authority

- Review and analyze available documentation, including FEMA's Project Report detailing the approved Damage Description and Dimension (DDD) for each Project and other supporting documents (**See Attachment 1**).
- Perform site visits and detailed inspections, as required, develop the Scope of Work (SOW) per each damaged item, and establish the Method of Repair (MOR) in conformity with applicable consensus-based codes, specifications, and standards pursuant to Section 1235(b) of the Disaster Recovery Reform Act of 2018 (DRRA).
- Develop a detailed scopes of work (SOW) document according to the required format, including specific requirements for the Project in order to repair, restore, or replace the eligible facility. The SOW document shall include, at minimum, the following:
  - Provide documentation to support the eligibility of code or standard upgrades, including, but not limited to, the requirement to apply the codes or standards and to support they were formally adopted, implemented, and uniformly applied.
  - Recommended SOW based on a value engineering analysis (e.g., methods of repair (MOR), improved project and/or alternate projects) to improve efficiency, expedite schedule, or reduce the Project cost.
  - Recommended Hazard Mitigation Proposals (HMPs) that can be funded under Section 406 and/or 404 of the Stafford Act, including the development of cost estimates, and completing a Benefit Cost Analysis when required by FEMA.
  - Applicable Environmental and Historic Preservation (EHP) compliance considerations, including necessary permits and approvals required for the Project final design approval and construction.
- Develop a Preliminary Engineering Drawing Design Set to include preliminary as-built drawings (as constructed, representing each Project's facility without damages); as-found drawings (identifying the damages caused by the Earthquakes); key plans and floor plans indicating the location of the damages and any drawings necessary or required to propose the construction details to repair it, and sufficient to achieve the Preliminary Engineering phase milestone.
- Develop a preliminary construction Cost Estimates (CEs) for the final SOW of the Project, including related costs for HMPs, EHP considerations, permits and approvals. Prepare CEs in RS Means with the corresponding City Cost Index (CCI) factor. All items shall be described in the same order of the validated DDD and according to FEMA Cost Estimate format.
- Develop a Preliminary Engineering Report according to the required format stamped by a licensed professional engineer (PE) or architect in compliance with Puerto Rico's Act 173 of August 12, 1988, as amended, and including all findings, DDD analysis and validation, recommended SOW, HMPs, Preliminary Design Drawing Set, CEs and/or supplemental professional certifications, sufficient to satisfy FEMA's requirement for Project funding obligation.
- Support PRPA during collaboration meetings and/or requests for information (RFIs) with FEMA and/or COR3 for all eligible work under FEMA DR-4473-PR.

In addition to the basic engineering services described above, the following special A&E services may be required during the performance of the Services. These include, but shall not be limited to:

- Engineering surveys
- Soil investigations
- Feasibility studies
- Project Specific Testing
- Archeological Studies
- Underwater Structural Investigations
- Geotechnical Investigations

At the end of this phase, each Project's final SOW and CE prepared by the Selected Proposer will be submitted to FEMA for their validation and acceptance as being reasonable and eligible based on the work required to address the disaster-related damage. If validated, the SOW and CE will be accepted by FEMA and used to form the basis of the federal funding obligation. Under standard PA procedures (Section 406), any changes to the Project's SOW will require a written request with detailed justification and documentation to support the eligibility of the requested revision. If the request involves previously unreported damage, the Selected Proposer must also provide documentation demonstrating how the incident caused the damage. Changes in SOW due to one of the following reasons are generally eligible:

- Alternate repair method is more cost-effective than the original proposed repair method;
- Original repair method is not technically feasible;
- Increase in previously approved quantities due to errors and omissions;
- Hidden damage discovered during construction and is disaster-related; or
- The Applicant wishes to pursue an Improved or Alternate Project.

Once acceptance is reached for each Project's SOW and CE, the PRPA will issue a notice to proceed to Phase 2.

#### Phase 2: Final Design:

Consist of the development of final designs, construction plans, specifications, bid and construction documents, and permit management. During this phase, the Selected Proposer shall prepare final Construction Documents, including drawings and specifications, for regulatory approval and construction bidding. There are three deliverables within this phase: 50% Construction Documents, 100% Construction Documents, and the Compliance/Bid Documents. The level of A&E Design development at each submission is different. The Selected Proposer shall work with PRPA staff and consultants, including, but not limited to, coverage of the following tasks and duties:

- Prepare a complete design, including all final Construction Documents and any necessary revisions thereof. Construction Documents will undergo constructability and bid packaging review at the 50% and 100% Construction Documents Phases. Upon final acceptance of the Construction Documents, the Selected Proposer shall issue a set of final bid documents.
- Identify, manage, and secure all necessary permits and approvals required for Project construction. The Selected Proposer shall meet with regulatory agencies as necessary

and shall cooperate in obtaining all required approvals. The Selected Proposer shall submit documents to all applicable regulatory agencies or authorities as directed by the PRPA.

- Assist the PRPA and any service provider related to the Project with all necessary documentation to ensure compliance with all applicable laws, regulations, policy, and guidance.

Upon successful completion and acceptance of the Final Design deliverables, the PRPA will issue a notice to proceed to Phase 3.

Phase 3: Services during Construction:

Consist of the services during the bidding process and the construction phase of the Project. During the bidding process, the Selected Proposer shall work with PRPA staff and consultants, including, but not limited to, coverage of the following tasks and duties:

- Interpret plans and specifications when requested by the PRPA in response to inquiries by prospective bidders.
- Prepare and issue all necessary addenda, amendments, and drawings required for the clarification of plans and specifications in full compliance with 2 CFR 200. Such documents shall be issued by the PRPA.
- Attend meetings to answer questions from bidders and to assure that all parties clearly understand the intent of the Contract Documents. Meetings will be held at the site to ensure that all bidders become familiar with existing conditions. Agenda items include highlights of the contract emphasizing any unusual work. If any of the questions posed by the Contractors requires a change to the Contract Documents, the Selected Proposer is responsible for the preparation and issuance of an Addendum.
- Assist in the analysis and evaluation of bids and make written recommendations and reports on the disposition of bids and the award of Contracts. Assist in the review and evaluation of special experience qualifications of the subcontractors proposed by the Prime Contractors.
- Attend meetings to answer questions and to provide additional support and analysis in the understanding of the intent of the Contract Documents.
- Support PRPA in the conducting of a preconstruction conference.

In addition, the Selected Proposers may be tasked with services during the construction phased of the Project. This does not include PRPA's DRP administration and/or management, as these are not included in the scope of this RFP and shall be separately contracted by the PRPA. During the construction phase, the Selected Proposer shall work with PRPA's staff and consultants, including, but not limited to, coverage of the following tasks and duties:

- Ensure delivery of the Project in accordance with construction contract.
- Provide ongoing construction oversight reports detailing the status of construction for project.
- Review all contractor submittals to ensure compliance with construction contract documents and provide recommendations to PRPA.
- Provide periodic and final inspections and tests reports, as required for the Project.
- Provide on-site supervision and oversight of construction activities at a minimum on a bi-weekly basis or as directed by the PRPA.

- Review shop drawings, change orders, and/or requests for information/clarification.
- Review invoice/draw requests and provide recommendation to PRPA as to appropriate action, in compliance with the construction contract documents.
- Support PRPA with issue identification and claims resolutions.
- Enter all requisite information into systems of record in accordance with established policies and procedures.
- Develop final “as built” drawings and report of quantities, drawings, and specifications.
- Host and/or attend project coordination meetings in person, by phone, or by video conference, which may or may not fall during normal business hours.
- Perform other contract administration and construction oversight duties as required to ensure success of the Project.

The above is not meant to be complete listing of all Services that may be required or those guaranteed under the Project. A copy of the Model Contract for the Services is included in **Attachment 2 (Model Contract)**. Please be aware that this Model Contract is just a draft and may be subject to modifications before execution, at the PRPA’s discretion, as a result of negotiations with the Selected Proposers, by virtue of law or regulations, or any other event that may affect the dispositions therein contained.

The Selected Proposer shall provide hard copy, if necessary, of all Deliverables and Milestones as stated in the Model Contract, in addition to electronic copies to the PRPA, and as requested by the PRPA during the performance of the Services. Electronic copies should be in the native format (AutoCAD DWG) along with PDF packages and should contain all corresponding references, databases, or files associated with the completed design documents. All deliverables and resulting work products will become property of PRPA.

### **3.3. Deliverables and Milestones**

Deliverables shall be considered those tangibles and resulting work products which are to be delivered to the PRPA as a result of the performance of the Services. All deliverables and resulting work products from this contract will become the property of the PRPA. The Selected Proposer shall certify the accurateness of its deliverables to the PRPA. The PRPA is required to maintain a high degree of contractor oversight and efficient and effective cost controls.

The Selected Proposer will complete the performance of the Services in a timely manner as required under this Agreement and in accordance with the Deliverables and Milestones set forth below. Compliance with the Service delivery schedule is of utmost importance. Non-compliance will constitute a material breach of the Contract.

Following is a list of anticipated Project Reporting Requirements and Service Deliverables, per specific phase and milestone:



### **3.3.1. Reporting Requirements:**

3.3.1.1. Weekly Status Report – A weekly report which contains the following information:

- **Staffing:** a description of significant anticipated changes to the Selected Proposer's staffing plan, including, but not limited to, additions or departures of employees, independent contractors, subcontractors, etc.; promotions and demotions of the aforementioned persons as it relates to their work for the PRPA; planned vacations or leaves of absence that will impact workflow; and other human resource related information that will affect the Selected Proposer's provision of Services to the PRPA.
- **Summary of Work Performed:** a brief description of the work performed in the preceding work week, including a list of open projects and their progress as compared to the previous week.
- **Needs List:** a numbered list of work items, information, or decision points that the Selected Proposer requires from the PRPA for the week ahead, listed in priority order, with the highest first.
- **Meetings Minutes:** The Selected Proposer shall prepare Meeting Minutes, within three working days of each Meeting held. Meeting Minutes shall include a list of attendees, decisions made and by whom, and open issues, identifying the persons responsible for resolution, with due dates.

3.3.1.2. Monthly Presentation – A monthly in-person presentation by the Selected Proposer's designated design manager and (and any other key personnel as may be requested by the PRPA). The presentation should include a PowerPoint or similar document that provides the status of the overall performance of the Services, including quantifiable metrics. The presentation should also highlight key successes and challenges of the preceding month and total approved and total denied funding to date.

### **3.3.2. Phase 1 – Preliminary Engineering Deliverables:**

Deliverables for Phase 1 shall be organized in a Preliminary Engineering Report, certified and stamped by a licensed professional engineer (PE) or architect in compliance with Puerto Rico's Act 173 of August 12, 1988, as amended, and including all findings, SOW analysis and validation, HMPs, Preliminary Design Drawing Set, CEs and/or supplemental professional certifications, sufficient to satisfy FEMA's requirements. The Report shall document the principles, assumptions, rationale, criteria, and considerations used for calculations and decisions required during design and the methods recommended to comply with the Project requirements, and shall include, at minimum, the following:

3.3.2.1. Scope of Work (SOW) – The SOW shall include all Project's requirements, final MORs, recommended HMPs, EHP Considerations, and required permits

in accordance with all applicable laws, regulations, policy, and guidance. This includes the identification and mitigation of potential obstacles to Project implementation prior to moving forward with the final design.

- 3.3.2.2. 30% Design Set – This shall include preliminary engineering drawings, sufficient to achieve the 30% completion milestone, stamped by a licensed professional engineer (PE) or architect in compliance with Puerto Rico’s Act 173 of August 12, 1988, as amended, and sufficient to achieve the Preliminary Engineering phase milestone.
- 3.3.2.3. Cost Estimate (CE) – The Selected Proposer shall provide a CE for each option, alternative, phase, or component of the Project in accordance with FEMA requirements for Applicant-submitted cost estimates, including the use of FEMA Cost Estimating Format (CEF). CE should reflect an appropriate level of detail for each cost item. The CE shall be in accordance with all applicable requirements.
- 3.3.2.4. Preliminary schedules for the entire Project duration – This include, but is not limited to, a complete activities checklist with milestones, due dates for all submittals, and the construction duration. Include a phasing plan for construction if applicable.

### **3.3.3. Phase 2 – Final Design Deliverables:**

Deliverables for the Final Design phase shall be organized in accordance with the applicable progress milestone as further detailed below. Drawings must be coordinated between disciplines and organized according to trade. They must include developed site plans, floor plans, elevations, building and wall sections, material selections and finishes. Outline Specifications and a Cost Estimate shall also be included.

### **3.3.4. Phase 2A: 50% Construction Documents:**

- 3.3.4.1. Regulatory Approvals – All correspondence, applications, objections, approvals, findings, test results, etc. received to date shall be submitted with the documents for review. The Selected Proposer shall submit a status report on all required submittals to the PRPA showing actual submittal dates, approvals received, and any unresolved issues including any objection issued by the regulatory agency.
- 3.3.4.2. Construction Drawings – All drawing submissions, including the work of all required disciplines, shall represent a minimum of 50% completion of the final Construction Documents set. Construction drawings shall be stamped by a licensed professional engineer (PE) or architect in compliance with Puerto Rico’s Act 173 of August 12, 1988, as amended, and including any necessary revisions thereof. The drawing set shall be coordinated with no room for unreasonable additional interpretation. Drawings shall use appropriate drafting scales and include symbols, legends, dimensions, drafting conventions and abbreviations following industry standards. For multiple contract construction

projects, the documents shall clearly indicate separation of contract work among the various contracts. Drawings shall be sufficient to achieve the 50% completion milestone, including at a minimum:

- Cross sections/elevations
- Project layout/staging areas
- General notes
- Special notes
- Design details
- Specifications
- Calculations and Analysis
- Narratives
- Renderings or Perspectives

The examples provided above do not constitute any limitation on the documentation required to properly contract for the construction of the Project or limit the Selected Proposer's liability for errors and omissions.

3.3.4.3. Technical Specifications – Technical Specifications shall be prepared and coordinated with the drawings in accordance with the Building Design and Construction sections of the latest AIA Handbook of Professional Practice. At 50% Construction Documents, the Selected Proposer shall proofread and coordinate the entire specifications with all trades prior to submission for review. All specifications shall be edited for project specific scope of work. Generic specification is not acceptable. The specifications shall reflect any changes, revisions, clarifications, or additional information as a result of the PRPA review comments and recommendations, and all regulatory agency approvals.

3.3.4.4. Cost Estimate – The CE shall be in accordance with all applicable requirements. The CE shall be updated as needed, and in the same CEF format as earlier estimates with the exception that design contingency is reduced to 5% at 50% Construction Documents.

3.3.4.5. Addendum to General Conditions

### **3.3.5. Phase 2B: 100% Construction Documents:**

3.3.5.1. Regulatory Approvals – Regulatory Approvals At this stage of the project all submissions to the PRPA and other regulatory agencies and utility companies should be completed. All correspondence, approvals, findings, and

test results shall be submitted with the documents for review and record. The Selected Proposer shall submit a final status report on all required submittals to the PRPA showing actual submittal dates, approvals received, and any unresolved issues, including any objections issued by the applicable regulatory agency.

3.3.5.2. Construction Drawings – This includes all drawing submissions, including all required disciplines, shall show a minimum of one hundred (100%) percent completion. All drawing submissions, including all required disciplines, shall show a minimum of one hundred (100%) percent completion and shall include at minimum:

- Cross sections/elevations
- Project layout/staging areas
- General notes
- Special notes
- Design details
- Calculations and Analysis
- Narratives
- Specifications
  
- Renderings or Perspectives

The examples provided above do not constitute any limitation on the documentation required to properly contract for the construction of the Project or limit the Selected Proposer's liability for errors and omissions.

3.3.5.3. Technical Specifications – Technical Specifications shall be developed as noted in the 50% Construction Document phase to a 100% level of completion for every involved Project discipline. The specifications shall reflect any changes, revisions, clarifications, or additional information as a result of THE AUTHORITY review comments and recommendations, and all regulatory agency approvals.

3.3.5.4. Construction Documents – The Construction Documents as outlined in 50% Construction Documents Deliverables shall be completed to 100%. Documents shall reflect any changes, revisions, clarifications, or additional information and/or details as a result of THE AUTHORITY review comments and recommendations, and all regulatory agency approvals. If the 100% Construction Documents submitted are deemed to be unacceptable for bidding, the Selected Proposer will revise the documents as necessary and resubmit.

Construction Documents shall include all necessary design information for the Project construction, and sufficient to achieve the 100% Construction Document phase milestone.

- 3.3.5.5. Final Cost Estimate – The final CE shall be in accordance with all applicable requirements. The CE shall be updated as needed, and in the same CEF format as earlier estimates with the exception that design contingency is no longer included. The CE shall be reconciled with all specifications. It shall include every specification number and title from the Project specifications in numerical order.
- 3.3.5.6. Addendum to General Conditions – The Selected Proposer shall insert Project specific information in the “Addendum to General Conditions”. At 100% Construction Document deliverables, a revised “Addendum to the General Conditions” conforming to 50% Construction Document review comments shall be submitted in an electronic format.
- 3.3.5.7. Construction Schedule – The Selected Proposer shall present a final schedule for approval by the Selected Proposer for the entire Project duration. This includes, but is not limited to, a complete activities checklist with milestones, due dates for all submittals, and the construction duration. The Selected Proposer shall also provide a narrative description and diagrams for proposed phasing and staging of the Project construction.

### **3.3.6. Phase 2C: Construction/Bid Documents:**

#### **3.3.6.1. Construction Documents:**

- Drawing Format – Full size drawings shall be on reproducible media as directed by the AUTHORITY. They shall conform to the approved deliverables identified in the 100% Construction Documents.
- Conformity with Comments – Drawings shall fully conform to 100% Construction Document Review Comments by the AUTHORITY.
- Sign and Seal - Include identification, professional seals and signatures of the CONSULTANT and any subconsultants on all drawings and in compliance with Puerto Rico's Act 173 of August 12, 1988, as amended.
- Approvals – Submit original of all drawings or documents bearing stamps of approval by each regulatory agency, as applicable to the Project.

3.3.6.2. Specifications – Shall be in clear legible form, typed doubled sided, and collated, on 8 1/2" x 11" white bond paper, unbound without punched holes, collated, boxed for bid packaging and photocopying.

3.3.6.3. Final Cost Estimate – Electronic file of final cost estimate in the PRPA's approved format shall be submitted.

### **3.3.7. Phase 3 – Services during Construction:**

During the bidding Process, the Selected Proposer shall prepare the following, as necessary:

3.3.7.1. Addenda – Addenda drawing, and specifications shall be produced by the Selected Proposer as required in response to Contractor questions and requests for information arising during the Pre-Bid Meeting or as otherwise necessary for the clarification of the Bid Documents. The Selected Proposer shall submit all addenda, including drawings and specifications, to the AUTHORITY for review and approval. The PRPA will inform the Selected Proposer of all format requirements, including the specific addendum number.

3.3.7.2. Filing and Signature – The Selected Proposer shall sign and seal all necessary drawings. Drawings which need to be filed with, or presented to applicable regulatory agencies, shall be prepared, and filed by the Selected

Proposer. The Selected Proposer shall send regulatory agency approvals to the PRPA.

- 3.3.7.3. Bid Tabulation Analysis – The Selected Proposer shall attend the Bid Opening and review the Bid Tabulation available at the conclusion of the Bid Opening to assist in discovering any bid anomalies.

During the construction phase of the Project, the Selected Proposer shall perform the following services as described below:

- 3.3.7.4. Monthly Site Visit and Field Inspection Reports – The Selected Proposer shall visit the Project site monthly for the purpose of preparing a Field Inspection Report. The Selected Proposer shall report in writing all observations on issues to quality of ongoing inspected work or site conditions. The content of the Field Inspection Reports is essential to assuring the quality of the construction work being installed. Detailed observations on current work, field conditions, connections, clearances, and Contractor capability will assist the PRPA and its consultants in quality control efforts. The Field Inspection Report is the vehicle by which the Selected Proposer is empowered to assure that ongoing construction work is in compliance with the design intent, details, and specifications, which form the basis of the Contract Documents. The Field Inspection Reports are to be prepared by members of the Selected Proposer team who are thoroughly familiar with the Project. The Field Inspection Reports are to be submitted in writing to the PRPA within five working days of the site visit. This will enable the PRPA to address the issues identified in the reports at the next project site meeting. The Field Inspection Reports shall be signed and sealed by by a licensed professional engineer (PE) or architect in compliance with Puerto Rico's Act 173 of August 12, 1988, as amended.

- 3.3.7.5. Bi-Weekly Job Site Meetings and Minutes – To facilitate completion of the work according to the standards of quality and the schedule set by the Construction Documents, the Selected Proposer is required to attend all project meetings. These include the Construction Kick-off (Pre-Construction) meeting, job site meetings held every two weeks, and all meetings relating to the design. At the job site meetings, the progress of the work is reviewed, and the work coordinated between the various Contractors. Attendees identify and confirm the next scheduled activities of work and eliminate, if possible, potential delays due to deliveries, field conditions, staffing or swing space conflicts. Also, review of the Shop Drawing Log, taking appropriate action to ensure that submittals deadlines and review turn-around periods are met.

- 3.3.7.6. Review of Shop Drawings, Samples, Cuts and Mock-Ups – The Selected Proposer shall receive shop drawings, samples, cuts, and mock-ups directly from the Contractor for review and approval. The Selected Proposer shall review, approve, and distribute submittals per procedures described in the General Conditions. The Shop Drawing Log Form shall be presented to the Contractor at the Construction Kick-off (Pre-Construction) Meeting. Contractors shall be responsible for filling in the item submission dates and the delivery dates for approval by the PRPA. The Selected Proposer shall receive copies of the Contractor prepared approved schedules for the submission of shop

drawings, samples and catalogue cuts and shall review these lists every two weeks. The Selected Proposer shall review and direct modifications if required. The Selected Proposer shall act promptly and systematically to check all shop drawings, materials samples, catalogue cuts and items exhibited in mock-ups to determine if the submittals are in accordance with the Contract Documents and Specifications.

- 3.3.7.7. Review of Schedules of Items and Costs – The Selected Proposer shall promptly examine, recommend adjustments to, or indicate approval of, the schedules of items and costs submitted by the Contractor. This will allow the PRPA to establish a reasonable basis for subsequent partial payments to Contractors.
- 3.3.7.8. Recommendation of Subcontractor Qualifications – The Selected Proposer shall review the credentials of the proposed subcontractors for compliance with the special experience requirements.
- 3.3.7.9. Interpretation of Contract Documents – The Selected Proposer shall interpret Contract Documents, provide clarifications, and make recommendations, by drawing and in writing, as required by the PRPA. The Selected Proposer shall promptly prepare any supplementary drawings that may be necessary for clarifying the Contract Documents. Supplementary drawings are to be sealed and signed by the Selected Proposer. The Selected Proposer shall obtain any approvals for supplementary drawings as necessary from applicable regulatory agencies and utilities.
- 3.3.7.10. Review of Contractor Coordination Documents – The Selected Proposer shall review the Contractor's coordination documents and promptly report in writing to the PRPA on issues relating to meeting the project schedule and achieving the quality of work specified in the Contract Documents. The Selected Proposer shall systematically monitor the progress of all construction work scheduled and promptly report to the PRPA any conditions that may cause delays in the completion of the work.
- 3.3.7.11. Resolution of Design Errors or Omissions – The Selected Proposer shall promptly submit to the PRPA any necessary correspondence, supplementary or revised drawings, specifications, negotiated cost estimates and any other documentation or coordination material to resolve design errors or omissions. Upon approval of the required changes in the contract documents by the PRPA, the Selected Proposer shall promptly provide to the Contractors all the documentation necessary to execute the work as revised.
- 3.3.7.12. Construction Punch List – At Substantial Completion the Selected Proposer shall participate in the preparation of Construction Punch Lists. The Selected Proposer shall submit a list of items for the Punch List to the PRPA within ten working days of the request of such a list. This list of items shall be based on a final site visit and Field Inspection Report, and on any unresolved problems that have been the subject of earlier reports or job site meetings. The Construction Punch Lists, prepared by the Selected Proposer, the Contractor, and the PRPA,



will be compiled at a job site meeting and shall be part of the minutes of that meeting.

The Selected Proposer shall provide hard copy, if necessary, of all deliverables stated above including but not limited to construction drawings and bid documents, in addition to electronic copies to the PRPA, and as requested by the PRPA during the performance of the Services. Electronic copies should be in the native format (AutoCAD DWG) along with PDF packages and should contain all corresponding references, databases, or files associated with the completed design documents. All deliverables and resulting work products will become property of the PRPA.

**3.4. Delivery Schedule**

The Selected Proposer shall perform the Services, complete, and submit all corresponding Deliverables and Milestones per each phase, in accordance with the following delivery schedule:

<b>Service Deliverables and Milestone</b>	<b>Duration *</b>
Phase 1: Preliminary Engineering	45 days
Phase 2: Final Design	90 – 120 days
Phase 3: Services during Construction	12 – 18months

\* Duration is a preliminary estimate based on Calendar Days from the date of a Notice to Proceed for each Phase, as applicable.

**3.5. Contract Term**

The term of the Contract will be two (2) year(s) with the option of annual extensions up to two (2) year(s). The PRPA reserves the right to re-bid the Contract at any time during the performance of the Contract. Nothing of the above will be understood as a prohibition to the Selected Proposer to compete in the new solicitation at the end of their Contract(s).

**3.6. Payment**

Payments shall be issued for services provided previously approved by the PRPA. It is the Selected Proposer’s responsibility to provide all services as set forth under the Scope of Services detailed in this RFP. The Selected Proposer shall submit invoices to PRPA based on the progress milestones achieved and the corresponding fees associated with each Service phases, as well as the required Deliverables for each Project.

All Invoices must be submitted including all required invoice supporting documents, including but not limited to, monthly reports, timesheets, invoice and photos evidence, expense plan, work projections. If PRPA determines that, the submitted invoice and supporting documentation as acceptable, then the invoice will be approved for payment.

An authorized representative of the PRPA will review and certify each invoice and, if adequate, will approve and recommend its payment. PRPA reserves the right to conduct any audits it deems necessary. The Selected Proposer agrees to cooperate fully with any such audit or audits.

### **3.7. Penalties and Liquidated Damages**

The Services will be subject to penalties and liquidated damages as further described in **Attachment 2** (Model Contract).

### **3.8. Staff Requirements**

The Selected Proposer shall be available to begin work within two (2) weeks of the anticipated Contract Execution date provided below. The Selected Proposer shall have or will secure, at its own expense, all personnel required in performing the Services under the contemplated contract. The Selected Proposer shall provide competent and fully qualified staff that are authorized or permitted under federal, state, and local law to perform the Services. PRPA reserves the right to request the removal of any staff not performing to standard.

Any additional staff will require a written authorization from the PRPA before the new staff member(s) can commence work. No staff may be assigned to the contemplated contract without the written consent of the PRPA, and any Service performed without PRPA's written authorization cannot be invoiced and will not be paid.

The Selected Proposer shall consider the following key staff to conduct the Services required during the construction phase of the Project.

#### **3.8.1. Design Manager:**

The Design Manager (DM) position will be the main point of contact between the PRPA and the Selected Proposer during the performance of the Services. The DM shall be available on-call and assist the Project design delivery, status, and progress meetings. The DM position responsibilities includes formulating, organizing, and monitoring the overall performance of the Services for the Project; deciding on suitable strategies and objectives; coordinating cross Project activities; lead and control deadlines, budgets, and activities; apply change, risk, and resource management; assume responsibility for the Service's performance and its staff; assess program performance and aim to maximize it; resolve project issues; prepare and review reports to the PRPA; and any other function required in support of the project. The DM shall maintain a complete understanding of all applicable laws, regulations, policy, and guidance; and shall possess knowledge of regulatory and statutory compliance requirements for disaster recovery funding program and technical requirements for projects of similar complexity.

The DM must have a bachelor's degree education in Engineering, Architecture, Project Management, or similar discipline. Must have at least ten (10) years of experience as a Design Manager in comparable projects, federally funded programs, or related field.

### **3.9. Insurance Requirements**

The Selected Proposer shall be aware that, in case of resulting selected for the award of this RFP, it must have a minimum of required insurance policies and coverages. For details regarding insurance requirements refer to **Attachment 3 (Insurance Requirements)**.

### **3.10. Local Participation, Minority, Disadvantaged, and Women Owned Business Enterprises**

The Services to be performed under the contract resulting from this RFP shall be subject to the regulations set forth in the C.F.R. 200.321 require the non-federal entity to take necessary steps to ensure that all Subrecipients, Contractors, Sub-Contractors, and/or Developers funded in whole or in part with federal funding assistance ensure that, when possible, contracts and other economic opportunities are directed to small and minority firms, women owned business enterprises (WBEs), and labor surplus area firms. Consistent with Executive Orders No. 11625, 12138, and 12432, the subrecipient shall make every feasible effort to ensure that small businesses, minority-owned business enterprises (MBEs), WBEs, (together M/WBEs), and labor surplus area businesses participate in contracting.

The PRPA recognizes its obligation to promote opportunities for maximum feasible participation of certified Minority and Women Owned Business Enterprises (MBE/WBE's), and the employment of minority group members and women in the performance of the contracts. All participating entities engaged with the PRPA must make a commitment and demonstrate an acceptable "Good Faith Effort" toward the achievement of PRPA's MBE/WBE's subcontracting goals of twenty percent (20%) of the entire contract value consisting of ten percent (10%) for MBE and ten percent (10%) for WBE participation.

## **4. RFP Procedures**

This RFP shall be governed by the procedures described in the following sections.

### **4.1. RFP Documents Acquisition**

The RFP documents are available for download by qualified firms at the PRPA Website (<http://www.prpa.pr.gov/>) To download the documents, prospective Proposers must go to the Website, where all procurement documents will be published. RFP Documents will be available from the RFP Issuance date.

### **4.2. Addenda**

The PRPA reserves the right to amend this RFP at any time. Any amendments prior to the receipt of the Proposals will be issued by an Addendum. The PRPA will post copies of each Addendum for all prospective Proposers to download at the PRPA Website (<http://www.prpa.pr.gov/>) All prospective Proposers must monitor PRPA's Website to retrieve any Addenda.

### 4.3. RFP Timeline

A summary schedule of major activities as associated with this RFP is presented in the table below. Please note that the RFP timeline includes target dates and may change, subject to the sole discretion of PRPA, through the issuance of Addendum.

Proposers are responsible for monitoring the PRPA Website (<http://www.prpa.pr.gov/>) for updates to the RFP timeline and other important information.

Event	Time and Date
Publication of RFP on PRPA's website	<b>May 11, 2022</b>
Request Invitation to Pre-Bid Virtual Conference via Email	On or before <b>May 17, 2022</b>
Pre-Bid Virtual Conference	<b>May 20, 2022, at 10:00 am (AST)</b>
Period for Site Visits	From: <b>May 23, 2022</b>
	Up To: <b>June 2, 2022</b>
Submission of Questions and Request for Clarifications	<b>June 3, 2022</b>
Responses to Questions and Request for Clarifications	<b>June 10, 2022</b>
Proposal Due Date (Electronic Submission Only)	On or before <b>June 22, 2022</b>
Proposal Evaluation Period (Expected)	From: <b>June 23, 2022</b>
	Up To: <b>July 15, 2022</b>
Notice of Award (Expected)	<b>July 20, 2022</b>
Executed Contract (Expected)	<b>August 5, 2022</b>

### 4.4. Pre-Bid Meeting and Due Diligence

If Proposers are interested in attending a virtual pre-bid meeting, an invitation may be requested by email to [rpedraza@prpa.pr.gov](mailto:rpedraza@prpa.pr.gov) on or before the scheduled date in Section 4.3.

### 4.5. Site Visits

Prospective Proposers shall coordinate with the PRPA to visit the Project site, investigate, examine, and become fully acquainted with the conditions relating to and affecting the performance of the Services. Site visits must be coordinated with the PRPA and under no circumstances shall the prospective Proposers visit the premises without the express written consent and authorization from the PRPA.

The failure or omission of any Proposer to receive or examine the RFP documentation or to visit the Project site and become acquainted with conditions there existing shall not relieve them from obligations with respect to their Proposal or to the Contract. No additional allowances will be granted because of lack of knowledge of such conditions. The submission of a Proposal shall be taken as prima facie evidence of compliance with this section.

#### **4.6. Correspondence and Communications**

Inquiries and communications regarding the RFP must be submitted to the PRPA by electronic mail to [rpedraza@prpa.pr.gov](mailto:rpedraza@prpa.pr.gov).

#### **4.7. Prohibited Communications/**

Verbal communications regarding the contents of this RFP are prohibited during the submission and selection processes. Failure to adhere to this requirement may result in the rejection of submitted Proposals. The blackout period is a specified period during a competitive procurement process in which any Respondent, bidder, or its agent or representative, is prohibited from communicating with any PRPA employee or contractor involved in any step in the procurement process about this procurement. The blackout period applies not only to PRPA employees, but also to any current contractor of PRPA. "Involvement" in the procurement process includes but may not be limited to project management, design, development, implementation, procurement management, development of specifications, and evaluation of proposals for a particular procurement. This solicitation designates the contact person (RFP Coordinator) and all communications to and from potential Respondents and/or their representatives during the blackout period must be in accordance with this RFP's defined method of communication with the RFP Coordinator.

#### **4.8. Submission of Inquiries**

Each prospective Proposer may submit questions as to the intent of clarity of this RFP, its Attachments, and its Exhibits. Proposers shall submit all questions in writing on or before the deadline established in Section 4.3 of this RFP to the electronic mailing address specified in Section 4.5 of this RFP. Inquiries shall be submitted by prospective Proposers using the document titled Form for Submission of Inquiries included as **Exhibit B**. Questions shall be clearly labeled and shall cite the Section(s) and page number in this RFP or other document that forms the basis of the question. Questions may be submitted in English or Spanish. Responses to all Proposers' questions will be distributed as an Addendum to this RFP on or before the date established in Section 4.3 and will be posted in the PRPA Website (<http://www.prpa.pr.gov/>)

All procurement documents pertaining to the procurement process, including Addenda issued by the PRPA, are and will be available for download at <http://www.prpa.pr.gov/>. All prospective Proposers must monitor PRPA Website (<http://www.prpa.pr.gov/>) to retrieve Addenda, if any, issued for this procurement process.

#### **4.9. Representation for Proposal Submission**

No individual, or firm, is assured of obtaining any work because of this RFP process. The PRPA further reserves the right, without limitations, to make such investigations as it deems necessary as to the qualifications or perceived conflicts of interest of any and all firms submitting Proposals in response to this RFP. The mere appearance of a conflict of interest, as defined at 2 C.F.R. Part 215 and 24 C.F.R. 85.36 (2013) (or 84.42 (2013), if applicable), shall constitute sufficient cause for the outright rejection of a Proposal. In the event that any or all Proposals are rejected, the PRPA reserves the right, without limitations, to re-solicit Proposals.

By submitting a Proposal, the Proposer shall adhere to complying with all applicable Federal and state laws and regulations. This RFP, its award, and any derivative contract are subject to a grant agreement between the Government of Puerto Rico or the PRPA, and FEMA; and the availability of the allocated FEMA funds.

Proposer acknowledges and agrees that any suspension, cancellation, or termination of the FEMA funding allocation(s) will result in the immediate suspension, cancellation, or termination of this RFP, award, or executed contract, upon PRPA's notice.

Issuance of this RFP does not constitute a commitment by the Government of Puerto Rico and/or the PRPA to award a Contract.

#### **4.10. No Obligation to Contract/ Rejection of Proposal/ Cancellation of RFP**

Issuance of this RFP does not constitute a commitment by PRPA to award a contract. None of the participants in this RFP process have any acquired proprietary rights. The execution of a contract will be subject to all approvals required by law, including the FOMB if applicable. PRPA will not have any binding obligation, duties, or commitments to the Selected Respondent(s) until and unless a contract has been duly executed and delivered by PRPA after approval by the appropriate governmental authorities. If PRPA is unable to negotiate a mutually satisfactory agreement with the Selected Respondent(s), it may, in its sole discretion, negotiate with the next highest-ranked Respondent(s) or cancel and reissue a new RFP.

PRPA reserves the right to accept or reject, in whole or in part, all Proposals submitted and/or cancel this RFP and/or reissue this RFP or another version of this RFP, at any time prior to the execution of a contract, if it determines, in its absolute discretion, that doing so is in its best interests or the best interests of the impacted communities or the Government of Puerto Rico. If any or all proposals are rejected, PRPA reserves the right to re-solicit proposals

#### **4.11. Ownership of Proposals**

All materials submitted in response to this RFP shall become the property of the PRPA and will not be returned. Selection or rejection of a Proposal does not affect this provision.

#### **4.12. Confidentiality of Proposals**

PRPA shall have no obligation to treat any information submitted in connection with a Proposal as proprietary or confidential unless (i) the Respondent so identifies such information in its Proposal as proprietary or confidential, and (ii) PRPA determines that the information is proprietary or a trade secret and legitimately requires such treatment or that it must otherwise be protected from publication according to law. PRPA obligations with respect to protection and disclosure of such information shall always be subject to applicable law. If the Respondent desires to identify any information in its Proposal as proprietary or confidential, it shall limit such designation to only those particular portions of the Proposal that actually constitute proprietary information, trade secrets, or other confidential matters or data. Identification of the entire Proposal or entire sections of the Proposal or other overly broad designations as confidential or proprietary are strongly discouraged and may result in the Proposal being deemed unresponsive.

PRPA shall have the right to use all portions of the Proposal, other than those portions identified and marked as confidential or proprietary, as it considers necessary or desirable in connection with this RFP; and, by the submission of the Proposal, the Respondent thereby grants to PRPA an unrestricted license to use such unrestricted portions of the Proposal.

This Request for Proposal (RFP) also contains confidential and proprietary information that is the property of the Puerto Rico Port Authority (PRPA) which is provided for the sole purpose of permitting the recipient to respond to the RFP. The recipient agrees to maintain such information as confidential and not to copy or disclose the RFP information to any person outside the group directly responsible for responding to its contents. The contents of this document may not be used for any purpose other than preparation of a response or proposal to this RFP.

## 5. Proposal Requirements

All Proposals shall comply with the general requirements stated in the following sections.

### 5.1. Proposal format

To ensure uniformity to specific requirements and prompt reference among all Electronic Proposals, the format of the Electronic Proposals shall adhere to the following parameters:

- Electronic Proposal documents shall be typewritten on standard 8" x 11" pages. Pages shall have a one-inch margin. Written content of the Proposal must be set at one and one-half (1.5) line spacing.
- Larger paper (up to 11" x 17") and smaller fonts are permissible for charts, diagrams, spreadsheets, etc.
- The documents must be submitted in PDF Format (searchable PDF Format is recommended). Multiple PDFs may be merged into one single document. Also, multiple files may be uploaded in a Zip File.
- The Electronic Proposal and its Exhibits shall be drafted in the English language, excluding certifications and/or documents issued by the Government of Puerto Rico in the Spanish language.
- All documents that need a signature as part of the Electronic Proposal shall be signed in blue or black ink. Documents consisting of more than one page that require signature shall contain the initials of the Proposer's Authorized Representative at the right-top corner of every page.
- Electronic documents must be sealed with the Proposer's Corporate Seal when applicable.
- Electronic Proposals' cover pages shall include the Proposer's name, contact information, and mailing address, the RFP submission date, and the RFP title. The responses shall be addressed to:

- **Attn. Romel Pedraza, PE  
Assistant Executive Director for  
Planning, Engineering and Construction**

- Electronic Proposal documents shall be organized as per the Proposal Checklist included as Exhibit A.
- All blanks on Exhibits and any other document must be completed by the Proposer. In fields that don't apply to certain Proposers, N/A (not applicable) shall be written. If filled in handwriting, documents, must be completed in print type using blue color ink.
- Below each signature, full name of each signatory must be included.

## **5.2. Proposal Sections**

Proposals shall incorporate the following sections in the order provided. The forms included as part of the RFP must be completed and incorporated as part of the Proposal. In each section, Proposers must meet all of the general, technical and cost requirements included in the RFP. PRPA reserves the right to reject any proposal that does not fully satisfy these requirements.

### **5.2.1. Cover Page (1 page)**

### **5.2.2. Cover Letter (maximum 2 pages)**

### **5.2.3. Qualifications, Experience, and Capabilities (maximum 10 pages, excluding required forms)**

### **5.2.4. Work Approach and Organization (maximum 6 pages, excluding required forms)**

### **5.2.5. Cost Proposal (maximum 2 pages, excluding required forms)**

## **5.3. Proposal Execution**

The Proposals must be properly executed by an authorized representative of the Proposer. In order to constitute proper execution, the Proposal shall be in strict compliance with the following:

- Individuals: Proposals submitted by Individuals shall be signed by them. If the Proposal is signed by an authorized representative, a power of attorney, dated and executed by the individual, shall be attached to the Proposal as evidence of the representative's authority to sign the Proposal and to bind the Proposer thereto.
- Partnerships: Proposals submitted by a partnership shall be signed on the partnership's behalf by at least one general partner or by an authorized representative of the partnership. If authorized representative signs the Proposal, a power of attorney, dated



and executed by all partners of the Proposer, shall be attached to the Proposal as evidence of the representative's authority to sign the Proposal and to bind the Proposer.

- **Corporations:** Proposals submitted by corporations shall state the correct name of the corporation and must be signed by an authorized officer, whose authority to bind the corporation must be evidenced by the corresponding corporate resolution. The title or position occupied by the corporate officer executing the Proposal shall appear below the signature.
- **Joint Venture:** Proposals submitted by a joint venture shall be signed by all members of the joint venture. If the Proposal is signed by only one member of the joint venture entity, the Proposal shall be accompanied with a copy of the joint venture agreement evidencing that the Proposal is signed by a member with authority to bind the joint venture. The joint venture agreement shall be executed before the date and time specified for proposal submission.

#### 5.4. Proposal Submission Procedure

Proposals are to be submitted on the Proposals Due Date stated in Section 4.3 of this RFP. Proposals submitted after the prescribed deadline will not be allowed. Submissions of Proposals in response to the RFP will only be accepted by electronic means to the following email address and subject line:

<b>To:</b> <a href="mailto:rpedraza@prpa.pr.gov">rpedraza@prpa.pr.gov</a>	<b>Subject Line:</b> A/E Proposal for Recovery Projects under FEMA PA DR-4473-PR (PRPA-RFP-2022-001)
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The Proposer is solely responsible for the submission of their Electronic Proposal on or before the date established in Section 4.3. Proposers are advised that the PRPA will neither require nor accept physical proposal submissions, whether by courier, FedEx, UPS, DHL, personal delivery, or similar physical means. If Proposals are submitted in both electronic and in paper formats, the PRPA will only consider the electronic format for evaluation.

## 6. Technical and Cost Proposal Requirements

Proposals shall comply with the technical information specified in the following sections.

### 6.1. Mandatory Requirements

Proposers shall comply with the following Mandatory Requirements in order for their Proposals to be evaluated on their technical and cost aspects. Mandatory Requirements will be scored as either "Pass" or "Fail". If the Proposal meets all Mandatory Requirements of this RFP, the Proposal will "Pass" the Mandatory Requirements evaluation. If the Proposal does not meet all Mandatory Requirements of this RFP, the Proposal will "Fail" the Mandatory Requirements evaluation. Failure to comply with the Mandatory Requirements of this RFP will result in the disqualification of the Proposer. Mandatory Requirements for this RFP are as follows:

**6.1.1. Organizational Documentation:** The Proposer, in its Proposal, must submit organizational documents, which will vary by the Proposer's type of organization. Such documents may include (but are not limited to) Certificates of Incorporation, Partnership Agreements, Joint Venture Agreements, Certificates of Good Standing, and Joint Venture Agreements. Refer to Section 5.3 for further details. The Proposer must provide organizational documentation of any of its Team Members and/or First Tier Subcontractor/s.

**6.1.2. Conflicts of Interest:** For compliance with this Mandatory Requirement the Proposer must submit with his response to this RFP: **Exhibit F** (Non-Conflict of Interest Certification), **Exhibit G** (Non-Conflict of Interest on Existing or Pending Contracts Certification), **Exhibit H** (Limited Denial of Participation Affidavit), **Exhibit I** (Non-Collusive Affidavit), and **Exhibit J** (Sworn Statement Under Act 2-2018), duly completed and notarized, if applicable. All documents authorized by a Notary Public outside of Puerto Rico jurisdiction shall be authenticated and include an official certificate or apostille from the Secretary of State, County Clerk or corresponding entity of the State government.

## **6.2. Qualifications and Experience**

Proposer shall comply with each of the following requirements in order to qualify for the next phase of the evaluation of the Proposal. However, PRPA reserves the right to waive minor irregularities and minor instances of non-compliance. The Proposer must demonstrate that it has the reputation, managerial, organization, financial and technical capabilities to perform the services under the RFP. Qualifications, Experience, and Capabilities requirements will have a total maximum score of 60 points.

**6.2.1. Statement of Qualifications:** Proposers shall provide the information requested herein as part of Exhibit D (Statement of Qualifications). The Proposer must demonstrate their qualifications, past performance, and record of integrity for the provision of similar Services in the form of a company profile. The Proposer must also provide an organizational chart showing the corporate structure and lines of responsibility and authority in the performance of the Services. This part will have a maximum score of 20 points.

**6.2.2. Comparable Project Experience:** The Proposer must demonstrate that it has the experience in projects of similar size and complexity. The Proposer must provide a list of three (3) projects, within the past ten (10) years, in which the Proposer has performed similar Services. These Projects, and their data, will be provided by the Proposer in **Exhibit E (List of Comparable Projects)**. This part will have a maximum score of 15 points.

**6.2.3. Financial Capabilities:** The Proposer, in its Proposal, shall also demonstrate that it has adequate financial resources to perform the Services under the Contract. Accordingly, the Proposer shall provide a third-party certification from a bank or financial institution, dated within sixty (60) days before the Proposal submission date, stating experience, account balances, availability of lines of credit with their terms and conditions, and/or a confirmation from a bank or financial institution indicating their willingness to provide such a line of credit for the required amount if the contract is granted to the Proposer. If the Proposer plans to use its own cash balances to fund

the services under the RFP, or a combination of a line of credit and its own cash balances, it must provide a statement duly signed by an authorized officer of the Proposer, dated not later than sixty (60) days before the Proposal submission date, ascertaining that its cash balances will be available and used to fund the services under the RFP. This part will have a maximum score of 20 points.

**6.2.4. References:** Each Proposer shall provide at least three (3) past or current clients references for Program Management Services. Proposers will provide for each reference the client name, contact person, phone, email address and description of services provided in their Proposals. The Proposers may provide additional references to the minimum required. This part of the Proposer's Qualifications will have a maximum score of 5 points.

### **6.3. Work Approach and Organization**

Each Proposer shall draft and submit a Work Approach document as part of the Proposal. The Work Approach will have a total maximum score of 40 points. The document shall clearly state the following:

**6.3.1. Work Approach:** provide a detailed explanation as to how they would approach and manage the engagement to ensure maximum effectiveness, efficiency, transparency, and positive outcomes. Respondents are encouraged to include information about any unique or specialized approaches and capabilities they will bring to the engagement. This part will have a maximum score of 10 points.

**6.3.2. Proposed Key Personnel and Team Organization:** Proposers shall provide an organizational structure and proposed staffing pattern (including number of personnel) that they anticipate utilizing to deliver the required services contemplated under this RFP. For Key Staff as related to the engagement the Proposer must provide the name of resources to be assigned, their education, years of experience, licenses, certifications, and resumes or professional information, specifying year of graduation, start and end dates for each job position (s) and project (s). The Proposer must fill the pertinent Key Staff members information as part of Exhibit D (Statement of Qualifications). Refer to Section 3.8 for detailed requirements and roles of each Key Staff member. This part will have a maximum score of 20 points.

**6.3.3. Overall Understanding Applicable Federal and Puerto Rico Local Regulations:** The Proposer shall explain their commitment and plan to ensure compliance with all applicable Federal and Puerto Rico laws, regulations, and policies. Indicate what characteristics of the team set them apart in terms of commitment to comply and what specific trainings and expertise reside within the team that reinforces the commitment to compliance. This part will have a maximum score of 10 points.

### **6.4. Cost Proposal**

A Cost Proposal will be submitted by Proposers using **Exhibit C (Cost Form)**. The Proposer's compensation will be determined as follows:

- For Services related to Phase 1 and Phase 2 (Design), the contracted A&E firm will be compensated based on the progress achieved and the fees associated with the required Tasks, Deliverables and Milestones identified under in this document. See Cost Form 1 in Exhibit C (Cost Form).
- For Services related to Special A&E Services, the Proposer will be compensated based on completed Deliverables and Milestones, and the fees associated with the required Deliverables and Costs. See Cost Form 2 in Exhibit C (Cost Form).
- For Services rendered during Phase 3 (Services during Construction), the Proposer will be compensated based on the fees associated with the Staff Requirements set forth in RFP. See Cost Form 3 in Exhibit C (Cost Form).

The PRPA may exercise its option to negotiate with Proposers that have reasonable chance of being selected for award with the intent of allowing the Proposers to revise their Cost Proposals. This determination is based on the relative score of the Proposals as these have been evaluated and rated, in accordance with the scoring criteria specified in the RFP. A fixed sum contract will be negotiated with the Selected Proposer. Before a contract is executed, a cost and price analysis will be performed by the PRPA to ensure cost reasonableness of the Service fees.

The Cost Proposal will have a total maximum score of 40 points.

## **7. Preference of 10 points for Local Participation, M/WBE, and/or DBE Businesses**

The PRPA shall provide a preference of ten (10) points in the evaluation criteria of the method of rating, for a greater local participation of Minority and/or Women-Owned (M/WBE) and Disadvantaged Business Enterprises (DBE). Proposers shall provide an explanation in their Proposals on how they are including Small, M/WBE, and/or DBE part of the proposed team, and how much work it estimates will be provided to those firms in this engagement. Explain how the Local Party(ies) will add value to the team and their expected role. Identify the Key Personnel from the Local Party(ies) and provide an indication of the expected level of involvement on the day-to-day activities and interaction with PRPA. Firms to be utilized as part of the Proposer's team need to be identified and described in this section.

Proposers seeking M/WBE and/or DBE preference should provide a copy of their M/WBE and/or DBE certifications to evidence their status.

## **8. Proposal Evaluation**

Proposals will be evaluated by the PRPA as described in the following sections.

### **8.1. Evaluation Committee**

An Evaluation Committee will be appointed by the PRPA, for which it may rely on specialized advisers, consultants, and/or subject-matter experts that will review and score the different

sections of this RFP, as well as make final recommendations to the PRPA Executive Director. Following receipt, the responses of all Proposers will be reviewed for completeness and analyzed based upon the criteria described in this RFP.

## 8.2. Evaluation

The Evaluation Committee shall conduct a comprehensive, fair, and impartial evaluation of Proposals received in response to this RFP.

Following the submittal of Proposals, the Evaluation Committee will meet to evaluate each Proposal based on the criteria stated in this RFP. Initial evaluation will consider the Proposal Requirements stated in Section 5 of this RFP. Those Proposer’s whose Proposals meet the Proposal Requirements will be evaluated by the Evaluation Committee for Qualifications and Experience, Work Approach and Team Organization, and Cost Proposal requirements. A score to each evaluation criteria will be assigned by the Evaluation Committee. **To be considered “Qualified Proposers”, Proposers need to obtain a score greater than or equal to 70 points combined in the evaluation of their Qualifications and Experience, and their Work Approach and Team Organization.**

After completing this stage of the evaluation process the Evaluation Committee will determine if it is necessary to invite the Proposers to provide an Oral Presentation. In the instances that an Oral Presentation is not required and/or after the Oral Presentations are completed, the Evaluation Committee will evaluate the Cost Proposals submitted by the Proposers who obtain a score greater than or equal to 70 points combined in their Qualifications and Experience, and their Work Approach and Team Organization. The Evaluation Committee may request clarifications to Proposers to assist in gaining additional understanding of the Proposals. A response to a clarification request must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

## 8.3. Proposal Scoring

The table below presents the maximum points for the Mandatory, Technical Requirements and Cost Proposal requirements. For details regarding the distribution of each technical aspect of the Proposal refer to the corresponding section. It also considers scoring for the 10 Preference points for Local Participation, M/WBE, and/or DBE Businesses.

<b>Criteria</b>	<b>Maximum Points</b>
Mandatory Requirements	Pass/Fail
Qualifications, Experience, and Capabilities	60 Points
Work Approach and Organization	40 Points
<b>Maximum Technical Points:</b>	<b>100 Points</b>
Cost Proposal	40 Points
<b>Total Proposal Score:</b>	<b>140 Points</b>
Preference of 5 points M/WBE	5 Points
Preference of 5 points DBE	5 Points
<b>Maximum Total Proposal Score (including Preference)</b>	<b>150 Points</b>

Proposals will be scored using a Best Value methodology. Proposals will be evaluated on their technical capabilities, namely the Proposer's qualifications and work approach, and a score for each criterion will be assigned based on the maximum allowable points stated above. Once the technical evaluation of the Proposals is completed, the Evaluation Committee will evaluate the Cost Proposals submitted by the "Qualified Proposers" and will combine the technical and economic aspects of the Proposals to determine the Proposer whose Proposal, conforming to this RFP, is most advantageous to the PRPA. **To be considered a "Qualified Proposer", Proposers need to achieve a technical score greater than or equal to 70 points.** For the purpose of clarity, in the determination of "Qualified Proposer" the Evaluation Committee will also consider any bonus point awarded for the 10 Preference points for Local Participation, M/WBE, and/or DBE Businesses.

Cost Proposals of the "Qualified Proposers" will be awarded points based on the following formula:

$$\text{Cost Proposal Points} = \frac{\text{Lowest Proposal Cost Received}}{\text{Proposal Cost}} \times [\text{Max. Cost Proposal Points}]$$

#### **8.4. Negotiations**

The Evaluation Committee may recommend discussion and negotiations with "Qualified Proposers". Negotiations are exchanges between the PRPA and Proposers that are undertaken with the intent of allowing the Proposers to revise their Cost Proposals. The primary objective of discussions is to maximize the PRPA's ability to obtain the best possible offers, based on the requirements set forth in the RFP.

The PRPA may (but is not obligated to) select one or more Qualified Proposers to be invited to one or more finalist meetings. The purpose of such meetings will be to clarify any aspects of the Qualified Proposer's Proposal, clarify any doubts as to the requirements of the RFP and/or confirm that the terms of the envisioned contract are understood by the Qualified Proposers to ensure compliance with the specifications. No statement made or action taken by the PRPA during these discussions or negotiations shall bind the PRPA in any manner. After each interview or meeting with any Qualified Proposers, the Evaluation Committee may require the Qualified Proposers to submit a written confirmation of any clarification of the Proposal discussed at the meeting.

#### **8.5. Selection and Award**

The Evaluation Committee shall recommend the "Qualified Proposer" with the Proposal, conforming to this RFP, which obtains the highest total proposal score. After final recommendation from the Evaluation Committee, the PRPA Board of Directors will issue a resolution to award or cancel. The resolution to award from the PRPA Board of Directors shall include a determination that costs are reasonable.

#### **8.6. Rejection of Proposals and Cancellation of RFP**

The PRPA reserves the right, without limitations, to accept or reject, in whole or part, any or all Proposals submitted and/or to cancel this solicitation and reissue this RFP or another version of

it, if it deems that doing so is in the best interest of the Public Interest, the Government of Puerto Rico, the PRPA or the impacted communities.

## 9. Reconsideration and Judicial Review

### 9.1. Reconsideration

Any person, party or entity that considers itself having been adversely affected by an award determination of the PRPA, made in relation to this RFP, may file a petition for reconsideration ("Protest") before the PRPA Bids Appeals Board within the twenty (20) days from the date on which a copy of the Award Notice is duly notified in accordance with Article XIX of the Regulation 8981, and the Puerto Rico Uniform Administrative Procedure Act, Act No. 38-2017, 3 LPRA § 9659, as amended. A Protest must be in writing, shall be submitted with two (2) copies, and contain the following:

- The procurement title and/or number under which the Protest is made.
- Name and address of the allegedly aggrieved party.
- A summary of the Bids presented in the Auction and a true and concise narrative of the important and pertinent facts
- A detailed description of the specific grounds for the Protest, including a brief and concise statement of the errors and all supporting documentation.
- A discussion of the errors stated, including the applicable provisions of law and jurisprudence
- The specific ruling or relief requested.
- A protest bond that shall serve as security for any damages that the protest may cause to the Authority, and which shall consist of fifteen percent (15%) of the Proposal amount, which shall not be reimbursable. The bond shall be posted in cash, certified check, money order or a bond issued by a company approved by the Office of the Commissioner of Insurance of Puerto Rico.

The Protest shall be addressed to:

Bid Appeals Board  
PO Box 362829  
San Juan, P.R. 00936-2829

A copy of the Protest shall be sent to the President of the Bids Board and to all Proponents participating in the RFP. The Protest must include a certification that the Bids Board and Proponents that participated in the RFP were notified by certified mail with return receipt, within the term established to submit the motion for reconsideration.

A request for reconsideration or other petition for review that fails to comply with Applicable Law may be dismissed or denied without further consideration.

The Bids Appeals Board shall consider the motion for reconsideration within thirty (30) calendar days from the date of filing thereof. If the Bid Appeals Board does not resolve, address or otherwise resolve the Protest, the period for seeking judicial review will begin to run after the aforementioned term.

## **9.2. Judicial Review**

Any party adversely affected by a final decision or order by the Bid Appeals Board may seek judicial review before the Puerto Rico Court of Appeals within twenty (20) days from the date in which a copy of the notice of the final decision or order of the Bid Appeals Board was filed by U.S. postal mail.

The mere filing of a petition for reconsideration before the PRPA Bid Appeals Board or filing of a judicial review petition before the Puerto Rico Court of Appeals will not have the effect of halting the contested award.