



REQUEST FOR PROPOSALS
RFP #2022-003

Engineering Professional Services for Power Grid Improvements at Roosevelt Roads, Ceiba, Puerto Rico



Issued by the Local Redevelopment Authority for Roosevelt Roads
July 14th, 2022

Proposal Deadline for Respondents: August 19th, 2022 at 5:00pm

Documents are available at WWW.ROOSEVELTROADS.PR.GOV

**One (1) Original, Seven (7) Copies,
and One (1) USB of Each Proposal Shall Be Submitted to:**
Local Redevelopment Authority for Roosevelt Roads
Comercio y Exportación Building
#159 Chardón Ave. 3rd Floor
Hato Rey, PR 00918



TABLE OF CONTENTS

1.	INVITATION TO SUBMIT PROPOSALS AND EXECUTIVE SUMMARY	3
1.1	INVITATION TO SUBMIT PROPOSALS.....	3
1.2	PROJECT DESCRIPTION.....	4
1.3	PROPERTY DESCRIPTION.....	4
1.4	BIDDER REGISTRATION FORM.....	4
1.5	MANDATORY PRE-SUBMITTAL MEETING AND MANDATORY SITE VISIT	4
1.6	ADDITIONAL INFORMATION AND QUESTIONS	4
2.	DEFINITIONS/ACRONYMS.....	5
3.	INTRODUCTION AND GENERAL INFORMATION.....	7
3.1	BACKGROUND.....	7
3.2	PROCUREMENT PROCEDURE.....	8
4.	SCOPE OF SERVICES.....	9
4.1	GENERAL DESCRIPTION.....	9
4.2	SCOPE OF SERVICES BREAKDOWN.....	10
4.3	GENERAL DESIGN CONSIDERATIONS AND OTHER CONDITIONS.....	25
4.4	DELIVERABLES AND METHOD OF PAYMENT.....	28
5.	FIRM'S PROFILE AND QUALIFICATIONS.....	31
5.1	TEAM STAFF REQUIREMENTS.....	31
5.2	STAFF EXPERIENCE AND QUALIFICATIONS.....	31
6.	GENERAL PROPOSAL REQUIREMENTS	32
6.1.	PROPOSAL FORMAT	32
6.2.	PROPOSAL EXECUTION.....	32
6.3.	PROPOSAL SUBMISSION.....	32
6.4.	RFP TIMELINE.....	34
7.	TECHNICAL PROPOSAL REQUIREMENTS	35
7.1.	PROPOSAL ORGANIZATION	35
7.2.	SECTION A: MANDATORY REQUIREMENTS.....	35
7.3.	SECTION B: STATEMENT OF QUALIFICATIONS.....	37
7.4.	SECTION C: FINANCIAL PROPOSAL.....	38
8.	EVALUATION CRITERIA.....	39
8.1.	EVALUATION PROCESS OVERVIEW	39
8.2.	EVALUATION AND SCORING CRITERIA TABLE	39
9.	MISCELLANEOUS TERMS AND CONDITIONS APPLICABLE TO ALL RESPONDENTS	41
9.1	LEGAL REQUIREMENTS.	41
9.2	REFERENCE DOCUMENTS.....	41
9.3	QUESTIONS AND INFORMATION.	41
9.4	AMENDMENTS TO THIS RFP.....	42

9.5	AUTHORIZATIONS BY PROPOSAL.....	42
9.6	TEAMING ARRANGEMENTS AND SPECIAL PURPOSE ENTITIES.....	42
9.7	HOLD HARMLESS.	42
9.8	PUBLIC INFORMATION.	42
9.9	ORGANIZATIONAL CONFLICTS OF INTEREST.....	42
9.10	OTHER TERMS AND CONDITIONS.	43
9.11	NOT A CONTRACT.....	43
9.13	RESERVATION OF RIGHTS.....	43
9.14	RESTRICTION OF DAMAGES.	44
9.15	INCURRED COSTS.	44
9.16	DISCLOSURE.	44
9.17	NO OBLIGATION TO ACCEPT SUBMISSIONS.....	44
9.19	NO COLLUSION OR FRAUD.....	44
9.20	PROPOSAL VALIDITY PERIOD.....	44

10. EXHIBITS

The following list are documents and legal requirements referenced throughout this RFP that must be part of the RFP submission. The actual Exhibits are enclosed separately in Appendix I.

- Exhibit A: Map of the Property.
- Exhibit B: Bidder Registration Form
- Exhibit C: Maps of Power Voltage System & Electric Poles
- Exhibit D: Photos of Substantions Existing Conditions
- Exhibit E-1: Non-Conflict of Interest Certification
- Exhibit E-2: Non-Conflict of Interest on Existing or Pending Contracts Certification
- Exhibit F: Limited Denial of Participation Affidavit
- Exhibit G: Applicable Federal Terms and Conditions
- Exhibit H: Non-Collusive Affidavit
- Exhibit I: Sworn Statement Under Act 2-2018
- Exhibit J: Anti-Lobbying Certification
- Exhibit K: Authorization for Background and/or Financial Information
- Exhibit L: Authorization for Request for References
- Exhibit M: Respondent Prior Performance Certification
- Exhibit N: Legal Requirements

1. Invitation to Submit Proposals and Executive Summary

1.1 Invitation to Submit Proposals

The Local Redevelopment Authority for Naval Station Roosevelt Roads (“LRA”) is issuing this Request for Proposals (“RFP”) to obtain technical and financial proposals from qualified engineering consultants, to provide studies, design and related tasks services for the improvements of a portion of the electrical power grid system at the former Naval Station Roosevelt Roads, in Ceiba and Naguabo, Puerto Rico. For specific details, refer to Section 3: Scope of Services of this RFP.

The RFP #2022-003 process will follow the Local Redevelopment Authority Request for Proposal Regulation attached hereto as Exhibit B.

1.1.1 Request of Proposal identification number. RFP #2022-003

1.1.2 Request of Proposal Issue Date: July 14th, 2022

1.1.3 Scope of Request of Proposal. This RFP seeks a Respondent that is capable of provide studies, design, and related tasks services for the improvements of a portion of the electrical power grid system at the former Naval Station Roosevelt Roads (NSRR), in Ceiba and Naguabo, Puerto Rico (collectively, the “Project”).

1.1.4 Proposal Deadline Date, Time, and Location. Friday, August 19th, 2022, at 5:00pm at the Local Redevelopment Authority for Roosevelt Roads, Comercio y Exportación Building, #159 Chardón Ave. 3rd Floor, Hato Rey, PR 00918.

1.1.5 Special Instructions with Date, Time and Location as to where to access the Request for Proposal documents. Documents will be available at our website www.rooseveltroads.pr.gov from July 14th, 2022 at 5:00pm through August 19th, 2022 at 5:00pm. There will be no cost to download the documents.

1.1.6 Bidder Registration Form. Interested bidders must submit the Bidder Registration Form attached hereto as Exhibit B to the LRA by e-mail at lra.fema@lra.pr.gov no later than July 28th, 2022 at 5:00pm. No Bidder Registration Form will be accepted after this date and time.

1.1.7 Mandatory Pre-Submittal Meeting and Mandatory Site Visit. August 2nd, 2022 at 10:00am at the LRA Office located at the ALPHA Building in Roosevelt Roads. During such visit, the LRA will provide an overview of this RFP, provide a tour of the Project Property, and clarify any matter in regard to this RFP. Any handouts and written responses to questions (which are the only binding responses) will be posted on www.rooseveltroads.pr.gov. This mandatory pre-submittal meeting and mandatory site visit will be the only opportunity for respondents to visit the Project Property guided by LRA representatives, prior to submission of Proposals. Respondents may visit the Roosevelt Roads Property accessible to the public during normal access hours 6:00am-6:00pm without the presence of an LRA representative.

1.1.8 There are no Bid Bond requirements for this RFP #2022-003.

1.1.9 Reservation of Rights. The LRA reserves the right, in its sole and absolute discretion, to Cancel or suspend this RFP process or any or all phases, at any time for any reason.

1.1.10 Reservation of Rights. The LRA reserves the right, in its sole and absolute discretion, to Change or amend the business opportunities described in this RFP.

1.2 Project Description

As further described in sections 2 and 3, this RFP seeks a Respondent that is capable of provide studies, design, and related tasks services for the improvements of a portion of the electrical power grid system at the former Naval Station Roosevelt Roads, in Ceiba and Naguabo, Puerto Rico.

1.3 Property Description

The LRA owns and leases from the Navy approximately 3,400 acres at NSRR (as shown on [Exhibit A-1](#)). The Project will be located throughout the NSRR Property, as further described below.

1.4 Bidder Registration Form

Interested bidders must submit the Bidder Registration Form attached hereto as [Exhibit B](#) to the LRA by e-mail at lra.fema@lra.pr.gov no later than July 28th, 2022 at 5:00pm.

1.5 Mandatory Pre-Submittal Meeting and Mandatory Site Visit

August 2nd, 2022 at 10:00am. During such visit, the LRA will provide an overview of this RFP, provide a tour of the Project Property, and clarify any matter in regard to this RFP. Any handouts and written responses to questions (which are the only binding responses) will be posted on www.rooseveltroads.pr.gov following the meeting. This mandatory pre-submittal meeting and mandatory site visit will be the only opportunity for respondents to view the Project Property guided by LRA representatives, prior to submission of Proposals. Respondents may visit the NSRR Property accessible to the public during normal access hours 6:00am-6:00pm without the presence of an LRA representative.

1.6 Additional Information and Questions

All exhibits, additional information, addenda, and any questions/answers received on this RFP will be posted on the LRA's website at www.rooseveltroads.pr.gov. Questions can be submitted via e-mail only to lra.fema@lra.pr.gov no later than August 5th, 2022, at 5:00pm; no telephone inquiries will be accepted. All information posted on www.rooseveltroads.pr.gov on the Engineering Professional Services for Power Grid Improvements RFP # 2022-003 section of the LRA website, is deemed incorporated into this RFP.

2. Definitions/Acronyms

For purposes of this Request for Proposals (hereinafter, "RFP"), the following terms shall be defined as indicated below, unless the context clearly indicates otherwise. The definitions should be applicable to both singular and plural forms:

- **"Addendum"** (singular) or **"Addenda"** (plural) refer to written or graphic documents issued by the LRA before the Statement of Qualifications Due Date, which modifies or interprets this RFP by means of additions, deletions, clarifications, corrections or as explained in such documents.
- **"Announcement of Selected Respondents", "Selection Notice"** refers to the determination notice of this RFP, to be issued by the LRA's Evaluation Committee.
- **"Authorized Representative"** refers to the person authorized to bind the qualified "Respondent" (defined below) in matters related to this RFP.
- **"Consultant", "Selected Respondent"** refers to the Respondent that submits a proposal in response to this RFP and is awarded said RFP through the awarding process set forth in this document.
- **"DNER"** refers to the Department of Natural and Environmental Resources of Puerto Rico, known in Spanish as the Departamento De Recursos Naturales y Ambientales (DRNA) del Estado Libre Asociado De Puerto Rico.
- **"Due Date"** refers to the date and time on which the Proposals are due. Submissions received after the stipulated date and time will not be accepted by the LRA, whether partial or otherwise.
- **"Evaluation Committee"** refers to the committee designated by the LRA that will evaluate all the Proposals in accordance with the criteria listed in this RFP. If deemed beneficial to the evaluation process, the LRA will seek or obtain data from any source, such as experienced professional consultants, that has the potential to improve the understanding and evaluation of the responses to this RFP. The selection process shall also include review of proposals by the LRA Board of Directors Selection Committee. Final selection will be made by the LRA Board of Directors.
- **"Federal Agency"** refers to 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.
- **"FEMA"** refers to the Federal Emergency Management Agency of the U.S. Department of Homeland Security (DHS) which coordinates government-wide relief efforts in response to a presidential disaster declaration of an emergency. This declaration triggers financial and physical assistance in accord with the Robert T. Stafford Relief and Emergency Assistance Act, Public Law 100-707, of November 23, 1988.
- **"Firm/Firms", "Proponent", "Respondent", "Respondent"** refers to (i) natural person, (ii) legal person, (iii) joint venture, (iv) partnership, or (v) consortium of individuals, and/or partnerships, and/or companies or other entities that submits a Proposal in response to this RFP.
- **"Guide for Permanent Work"** refers to the Public Assistance Program and Policy Guide or Alternate Procedures Guide, as applicable of the Federal Emergency Management Agency (FEMA), as amended.
- **"Government(al) Entity", "Government(al) Entities"** refers to any department, agency, board, commission, body, bureau, office, or public corporation of the Government of Puerto Rico, whether existing or to be created in the future.

- **"Hazard Mitigation"** refers to "any sustained action taken to reduce or eliminate long-term risk to property from natural hazards and their effects". See Section 3. Scope of Services of this RFP for more information.
- **"Key Staff"** means an individual or group of individuals who will play an important role in the engagement on behalf of a "Team Member" (defined below) resulting from this RFP.
- **"Key Subcontractor"** means each person or legal entity which will be principally or partially responsible for providing legal, professional and/or technical services or support in connection with the operation and maintenance of the Project.
- **"Local Parties"** means local general contractors, subcontractors, suppliers, manufacturers or professionals and relevant service providers who are based in or have a significant on-going business presence in Puerto Rico.
- **"NSRR"** refers to Naval Station Roosevelt Roads.
- **"Owner"** refers to the Local Redevelopment Authority for Roosevelt Roads.
- **"PREPA"** refers to the Puerto Rico Electric Power Authority (PREPA).
- **"Project"** refers to the scope of services described and referenced throughout this RFP.
- **"Proposal"** refers to the response, defined in this RFP, to be presented by the Proponent, detailing the services it can offer, and its costs.
- **"Public Interest"** refers to any government action directed to protecting and benefitting citizens at large, whereby essential goods and services are provided for the welfare of the population.
- **"RFP"** means this Request for Proposals and its addenda issued by the LRA.
- **"SOW", "Scope of Work", "Work"** refers to the scope of services to be provided by the Selected Respondent as defined in this document.
- **"Team Member"** means a member of a Respondent. Team Members should be identified in the submissions and cannot be changed without the prior written consent of the Committee. No Team Member may join or participate, directly or indirectly, as a Team Member in more than one Respondent for this Project. Each person or legal entity who participates as a Team Member is responsible for ensuring that no other person or legal entity which is "Related" to it joins or participates, directly or indirectly, as a Team Member in any other Respondent.

3. Introduction and General Information

This Request for Proposals (RFP) is issued by Local Redevelopment Authority for Roosevelt Roads (LRA) to solicit technical and financial proposals from qualified engineering consultants, to provide studies, design, and related tasks services for the improvements of a portion of the electrical power grid system at the former Naval Station Roosevelt Roads, in Ceiba and Naguabo, Puerto Rico. For specific details, refer to Section 3: Scope of Services of this RFP.

The services will be funded by the Public Assistance Alternative Procedures (Section 428) program of the Federal Emergency Management Agency (FEMA) in response to current and future major disaster declarations, as deemed appropriate by the Disaster Declaration Process under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, requested by the Governor of Puerto Rico, and issued by the President of the United States of America. Federal financial assistance will be used to fund the contract awarded pursuant to this RFP. Accordingly, the Contractor must comply with all applicable federal law, regulations, executive orders, policies, procedures, and directives.

All work and procedures will have to adhere to FEMA's requirements and regulations. In addition to the federal laws and regulations, all services must also be performed in compliance with all Commonwealth of Puerto Rico laws and regulations.

The LRA is an equal opportunity employer and does not discriminate as to sex, gender identity or sexual orientation, race, age, national origin, religious creed, civil status, war veterans, handicap or disable status.

3.1 Background

The 2017 hurricane season brought insurmountable devastation to Puerto Rico when in the month of September, the Island experienced category four and five storms, Hurricane Irma (Disaster 4336) and Hurricane María (Disaster 4339). Hurricane Irma skirted the northern coast of the Island from September 6-7, 2017, as a Category 5 storm, leaving two-thirds of the main island without power and causing other impacts to the Island's infrastructure. Just two weeks later, Hurricane María struck Puerto Rico on September 20, 2017, as a Category 4 storm, with wind velocities just one mile shy of a Category 5 hurricane, making direct impact throughout the approximately 35-mile-wide Island, causing a complete blackout. Much of the island's electric power systems were severely damaged during the events, including the electrical power grid system at former Naval Station Roosevelt Roads in Ceiba and Naguabo PR.

As part of the damages claim procedures with the Federal Emergency Management Agency (FEMA), in Roosevelt Roads, an assessment of the damages was prepared. In addition, FEMA performed inspections to the same affected portions and approved a Damage, Description and Dimensions (DDD) Report.

A FEMA Public Assistance Emergency Protective Measures (Category B) construction project was performed in the year 2018-2019, which provided temporary repairs to the damaged power grid system. Currently the emergency repairs are in place and the electrical grid system is partially operating.

- The CONSULTANT shall validate reported damages by field inspections and data collection, perform assessments and evaluations, and consequently develop a Preliminary Engineering Phase, that includes a Technical Report (TR) and Field & Environmental Studies, and Final Plans,

Specifications and Estimates (PS&E). All these tasks will be described in Section 3: Scope of Services of this RFP.

A FEMA Public Assistance Permanent Work project is approved to be performed for the permanent repair and hardening of the existing system. The estimated construction budget is between \$25,000,000.00 to \$30,000,000.

3.2 Procurement Procedure

In the administration of the services described in the subsequent sections of this RFP, the LRA will use its own procurement procedures, which considers all applicable state and local laws and regulations. The LRA has incorporated all the required procedures for the evaluation of the cost or price of the services to be procured.

The purpose of the RFP among others, is to ensure procurements are conducted in a manner providing full and open competition or fair treatment of all persons or entities involved in each and every LRA procurement process funded totally or partially with federal funds; and to assure that such procurement processes are in full compliance with federal laws, rules and regulations, including, but not limited to, 2 CFR 200, in particular, 2 CFR 200.318-325, the Appropriations Act, the Federal Register Notice and applicable Federal and local laws, rules and regulations.

This RFP is not a contract or commitment of any kind. The LRA will not be responsible for the costs incurred by anyone in the submittal of responses. The Respondent acknowledges and accepts that participation in this RFP process shall be at the sole risk, expense, and responsibility of the Respondent. Nothing in this RFP shall be construed to create any legal obligation on the part of the LRA or any Respondents. The LRA reserves the right, in its sole discretion, to amend, suspend, terminate, or reissue the RFP in whole or in part, at any stage. In no event shall the LRA be liable to respondents for any cost or damages incurred in connection with the RFP process, including but not limited to, any and all costs of preparing a proposal to this RFP or any other costs incurred in reliance on this RFP. No Respondent shall be entitled to repayment from the LRA for any costs, expenses, or fees related to this RFP.

The LRA will select a Respondent who demonstrates sufficient experience and capability to perform the services defined herein, in the proposed phases, with an expected timeframe between both phases of ninety (90) days. The LRA also reserves the right not to award any contracts to any of the Qualified Respondents after notice of selection. Respondents will be evaluated solely on the evaluation criteria described in this RFP. A more detailed description of this process is provided in Section 7: Evaluation Criteria of this RFP.

RFPs will be held in confidence and not released for public review until after the final award is made.

4. Scope of Services

The scope of services required consist of the analysis and design of the improvements and replacement of a portion of the electrical power grid system at former Naval Station Roosevelt Roads as described in this section. Analyses and final recommendations are required to evaluate and develop a permanent solution to rehabilitate the system and prevent further wind and rain damage.

The electrical power distribution grid consists of three (3) different primary voltage systems:

- 4.16 kV
- 13.2 kV
- 38.0 kV

The scope of work will consider:

- Improvements of some portions of the 13.2 and 38.0 kV systems (The 4.16 kV system will not be included as part of this scope). This will consider the undergrounding of some areas.
 - The affected 13.2 kV system portion consists of approximately 21.6 kilometers (13.4 miles) of aerial lines. Some segments are underbilled on the 38.0 kV system.
 - The affected 38.0 kV system portion consists of approximately 13.1 kilometers (8.1 miles) of aerial lines.
 - The affected poles (approx. 534) from 40' to 75' high, mainly wood poles with a minor quantity of concrete poles that shall be replaced. New steel poles shall be considered for replacement.
- Improvements to three (3) substations (38.0 to 13.2 kV): India (5 MW), Charlie (6.5MW) and Delta (5MW)
- Feeder connections improvements to existing and future tenants
- Road lighting along the distribution lines routes

Refer to Exhibits C & D for maps of the primary voltage systems, total electric poles and photos of the substations' existing conditions.

4.1 General Description

The scope of work for this project requires furnishing specialized studies to determine the necessary parameters to design the most suitable improvements and rehabilitation works to develop a fully operational, resilient, and up to code system that satisfies the current and future needs of the LRA.

No particular solution for the project has been suggested. The Proponent should evaluate the resiliency of the proposed improvements and should consider incorporating cost effective features that will make the facility more resilient and reduce the risk of damage from future events.

Firms must be capable to provide designs, specifications, estimates, economic analysis, evaluation of technical alternatives, construction phase support, submittals reviews, inspections, and other related works.

The Consultant shall perform all the necessary engineering analysis and environmental studies to assure the selection of the most effective and efficient design alternative.

The Consultant shall comply with the Occupational Safety and Health Administration requirements for the protection of his personnel while performing visits to perform studies.

Proponent(s) shall provide services for the successful design and subsequent construction of this project under the Public Assistance Program, Alternate Procedures (Section 428). These are permanent improvement, strengthening, and hardening projects funded with grants assigned by the Federal Emergency Management Agency (FEMA) under Title IV, Section 428 (Public Assistance Program, Alternative Procedures) of the Stafford Act (Title 42 of the United States Code, Sections 5121 et seq.).

Proponent(s) must be capable of providing cost-effective designs adequate to Puerto Rico's tropical climate, specifically Roosevelt Roads environment, in compliance with Puerto Rico and United States of America current codes and standards, enabling high service continuity, implementing quality materials and equipment, with low maintenance costs and safe operation.

The Project design shall comply with the current versions of the following codes, standards, or regulations:

- Puerto Rico Electric Power LRA (PREPA) Design Standards
- Rural Utilities Services (RUS) Design Guidelines
- American National Standards Institute (ANSI)
- National Electrical Manufacturers Association (NEMA)
- National Electrical Safety Code (NESC): (ANSI C2)
- National Electrical Code (NEC): (NFPA 70)
- American Institute of Steel Construction (AISC)
- American Society for Testing and Materials International (ASTM)
- American Concrete Institute (ACI)
- American Welding Society (AWS)
- Institute of Electrical and Electronics Engineers (IEEE)
- Construction Specifications Institute (CSI)
- National Fire Protection Association (NFPA)
- Illuminating Engineering Society (IES)
- American Society of Civil Engineers (ASCE)
- FEMA requirements
- Any other code, standard or regulation that applies.

All final design drawings and specifications shall be signed and sealed by a Professional Engineer registered in the Commonwealth of Puerto Rico and member of the College of Engineers and Land Surveyors of Puerto Rico in the applicable discipline for the documents being signed and sealed.

4.2 Scope of Services Breakdown

The Consultant is expected to provide technical support to the LRA to assure the development of the environmental and design services or other required works in the most efficient manner.

Interested Firms must be able to provide the services described below:

PHASE 1:

- Preliminary Engineering
 - Technical Report (TR)

PHASE 2:

- Studies, Plans, Specifications and Estimates (SPS&E)
 - Field & Environmental Studies
 - Thirty-five percent (35%) Preliminary Design Delivery
 - Sixty percent (60%) Preliminary Design Delivery
 - Ninety percent (90%) Final Design Delivery
 - One hundred percent (100%) Construction Documents Delivery
- Construction Bid Support Services
- Services During Construction

4.2.1 Preliminary Engineering

The Consultant will perform an evaluation of the specified segment and facilities of the electrical power grid system to determine the necessary improvements. The proposed solutions shall meet current standards, codes, and directives.

A. Technical Report (TR)

The TR shall document the initial phase of the project, and consist of the following elements:

1. Site reconnaissance
2. Assessment of the existing power distribution system condition (affected 13.2 and 38.0 kV systems), including aerial lines, poles, PREPA connection point and electrical sub-stations
3. Recommendations for improvements to meet safety codes, minimize outages and reduce operating costs
4. Recommendations for system hardening (wind and flood resistance)
5. Routes for new overhead and underground distribution lines (including overhead routes relocation from cross-country to readily accessible routes and undergrounding on commercial and waterfront areas)
6. Substations' rehabilitation, relocation, or consolidation
7. Ability of the system to supply existing and future loads
8. Ability of the system to interconnect to on-site alternative renewable generation sources
9. Ability of the system to function as a Microgrid
10. Recommendations for Smart Grid Implementation
11. Public Roadway Lighting (on project electrical distribution system routes)
12. Design Criteria
13. ROW Analysis
14. Environmental/Permitting Considerations Analysis
15. Alternatives Solution Development
 - a) Constructability
 - b) Feasibility
 - c) Construction cost opinion

The main purpose of the Technical Report is to document the initial assessment, the potential solutions, the evaluation process, and to present a preferred alternative. The evaluation shall include the Pros and Cons of each alternative and the recommendation. The TR does not include any detailed engineering drawings for the options beyond the conceptual stage. The TR shall consist of the following sections, as minimum:

1. Introduction
2. Assessment
 - a) Summary of site inspections performed and anticipated challenges.
3. Work Executed (survey, studies, and engineering analysis)
 - a) Summary of the findings and recommendation of the performed studies.
4. Technical Solution Alternatives
 - a) A description of the alternatives. Include conceptual schemes, maps or drawings, etc. This should present planned routes (overhead or underground power lines), substation layouts or other facility layouts.
5. Alternative Evaluation
 - a) Brief discussion of the following elements, including Pros and Cons
 - b) Environmental considerations
 - i. Constructability
 - c) Construction Cost
 - d) Construction Time
 - e) Solution Complexity
 - f) Impact on Right of Way
 - g) Others, as needed
6. Recommendations

The TR shall be submitted together with all supporting documentation. The TR has no page limit, must be delivered in 8½" x 11" paper, and sketches or drawings may be submitted in 11" x 17" paper. The Consultant shall furnish the LRA two (2) printed copies and one (PDF) electronic file of the report (for both the draft and the final reports).

4.2.2 Studies, Plans, Specifications and Estimates (SPS&E)

After evaluation and approval of the selected alternative presented with the TR, studies, plans, specifications, and cost estimates shall be developed and delivered in the phases described below. The developed design shall include all the TR approved recommendations (smart grid, microgrid interconnection, substations rehabilitation or relocations, lines routes roadway lighting, undergrounding, resiliency measures, etc.).

The SSPS&E shall be delivered in various phases as defined here. The following guidelines shall be followed in the development of the SPS&E:

A. Field and Environmental Studies

The Consultant will perform an evaluation of the defined segments and facilities of the electrical power grid system to determine the necessary assessments, permits and required processes. These shall meet current standards, codes, and directives.

Respondents shall be responsible for clearly communicating their requirements for deliverables for survey and geotechnical data, if others are responsible for providing these services (for example, the quantity, depth, and location of borings). If the Respondent will be responsible for survey and geotechnical work in their scope of work, then the Respondent shall have sole responsibility for managing the work and shall coordinate with the Owner to ensure that all required permissions have been obtained prior to drilling holes for the required test and procedures.

The proposed design shall include all proposals for work needed, including work to be provided by sub-consulting firms. These may include:

- Surveying
- Utilities Survey
- Geotechnical Studies
- Lead and Asbestos Studies
- Environmental Assessments
- Tree survey (to discard any impact or determine if mitigation, if needed)

Other studies might be needed to complete the analysis and design. However, the Proponent must document and justify in writing the need of such studies.

1. Surveying

This phase shall be executed, and plans must be signed by a Licensed Surveyor in Puerto Rico.

- a) All required survey services for design purpose and preparation of plans shall be carried out by the Consultant, who shall be able to subcontract this work to a professional or professional services firm who is capable to carry out such task, in accordance with the applicable dispositions of the RFP of the Project.
- b) The Surveying services shall be coordinated by the Consultant which will receive the land survey and topography to be used for design purposes.
- c) Surveying services shall include the proposed location of the different systems and their easements which will be inside the proposed or existing Right of Way or route of interests.
- d) The Land Surveyor shall survey and make topography of all the necessary area as deemed necessary by the Design Consultant, according to the Project's scope.
- e) The Land Surveyor shall also survey all the necessary areas in order to perform additional studies, such as Environmental studies, Geotechnical studies, and any other study.
- f) The coordinates system shall be on Conformal Conic Lambert projection, horizontal datum NAD-83 (last revision) and preferable the vertical datum shall be Puerto Rico Vertical Datum of 2002 to determine the orthometric elevations.
- g) The horizontal exactitude shall have a minimum accuracy of 1:15,000.
- h) The vertical exactitude shall satisfy the accuracy and precision required by LRA.

- i) A note certifying the methodology and accuracies above indicated shall be included on the survey plans.
- j) Prepare and certify the Right of Way plans (where applicable) which shall contain the existing or proposed easements. Those easements could be public or private.
- k) The Surveyor shall notify LRA and the Design Consultant of the official monuments or control marks, horizontal or vertical. These monuments or control marks shall not be destroyed as result of the Project. If removed, these shall be replaced in a proper place.

2. Utilities Survey

The field survey shall include the location of the existing aerial infrastructure as, telephone, cable TV, power and telephone poles, electrical lines, and underground infrastructure (on areas that could be affected by the proposed project), such as manholes, valves, water and sanitary lines, conduits for telephone, electric power, gas, fuel, etc., by field survey or by the compilation from record drawings, if available. Minimum vertical clearance to major overhead transmission lines crossing the corridor route shall also be determined. The owners of the utilities shall be identified, and evaluations of underground utility lines shall be determined by any reasonable available method. Legal servitudes of such utilities shall be shown.

In order to carry out these studies, especially those with underground lines, the Consultant could use any Subsurface Utility Engineering (SUE) technology agreed with the LRA, taking into consideration the technology limitations and that he/she shall be responsible for any damage that the LRA can undergo as result from not having detected the underground line by means of the used technology.

The Consultant shall be able to subcontract the previously described work to a company or firm that is capable to carry out such task.

The drawings digital format shall be DWG (AutoCAD 2010 or a version agreed upon by both parties) and non-editable PDF sheets duly signed programmed to be printed in 36 in. wide by 24 in. high.

3. Geotechnical Studies

Geotechnical studies shall be performed, and enough data shall be taken to satisfy the design needs, and for all proposed temporary and final structures.

The required Geotechnical studies for design shall be performed by the Consultant, who will be able to subcontract this work to a company or firm that is capable to carry out such task.

The Consultant shall prepare jointly with the selected Geotechnical Consultant, the subsurface soil investigation boring program, including the necessary plans for the soils exploration for the Project as required to secure the subsurface information of the most economical design for the Project.

The Geotechnical Consultant should consider the utilities at the site (aerial and underground) before establishing the proposed boring location.

Issues to be considered in the proposal

- All permits necessary to perform the borings for the geotechnical study shall be provided for the designer and/or the Geotechnical Consultant.
- The Geotechnical Consultant should consider the presence of utilities in the site at the moment of establishing the boring locations.

a) Geotechnical Report

The Geotechnical Consultant shall perform all the necessary geotechnical and geologic studies for the design and construction of the proposed project. The geotechnical report shall include the necessary final recommendations for design and construction or installation of all structures, poles and soil works. The final geotechnical study shall be completed, in order to proceed with the Preliminary Design (60% Phase).

All studies, sampling, analysis, and reports shall include, but not limited to:

i. Boring Logs:

Provide boring location plan with their coordinates and elevations. The logs shall present the soil description and classification of each soil and rock stratum, and depth and elevation to the top and bottom of each stratum. Plots of N-values, RQD, water content and stratum descriptions shall be included. If encountered, the groundwater level shall be included in this profile. The soils stratum shall be classified as AASHTO and USCS System.

ii. Foundations:

Recommendations shall be given for all foundation alternatives (shallow or deep) for poles and structures. Lateral loads shall be taken into consideration.

iii. Pavement:

Provide the required pavement repairs design parameters.

iv. Slope stability, Soil Improvement:

Present various corrective measures to improve the soils, if needed.

When retaining structures, the report should present various alternatives. Final recommendations with the best type of retaining structure and the reasons for the selection made shall be presented.

The Consultant shall furnish the LRA two (2) printed copies, each one with a (PDF) electronic file of the report, of the Geotechnical Report.

4. Categorical Exclusion (CE)

Consultant shall prepare a Categorical Exclusion (CE) in accordance with the Federal and PR Permit Management Office (OGPe) regulation requirements for preparing environmental documents, LRA's requirements, and the following requirements:

The Federal CE shall be prepared in English and Spanish, for evaluation and concurrency of the LRA and OGPe respectively.

The draft CE shall be submitted to LRA for review. CE shall be prepared in accordance with the extent decided upon in the scoping process.

The Consultant shall work with the agencies and shall obtain comments as required in Part 1503 of the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR Parts 1500-1508 as of September 14, 2020). The CE shall fulfill and satisfy to the fullest extent possible the requirements established for final statements in Section 102(2) (C) of NEPA of the in-force regulations or laws.

The environmental process of the CE will conclude after the final CE is concurred by LRA or FEMA.

The services will be performed following the NEPA guidelines.

The document shall comply with other laws, regulations, requirements and policies that affect NEPA process and influence decision making and shall identify the basic implications of these laws. Multicolor exhibits will be provided where determined necessary for better understanding. Copies of the CE shall be furnished in hard copy and USB.

The Categorical Exclusion (CE) shall include, but it shall not be limited to:

- a) Description of the proposed action
- b) Purpose and Need of the proposed action, including existing and proposed design
- c) Planning Consistency (i.e., funding, costs)
- d) Description of surrounding area
- e) Specific area of environmental concern
- f) Impacts of the proposed action on cultural, ecological and natural resources, etc.
- g) Required federal, state, and local action
- h) Public involvement (if required)
- i) Conclusion

- j) Exhibits, including: a location map and a typical section, USGS quad sheet – location, photos with legend description locator, and Section 4(f) evaluation, if any.

Consultant shall submit one (1) printed copy of the Categorical Exclusion for LRA review. After acceptance of the document by the LRA, the CONSULTANT shall submit two (2) printed copies and two (2) digital copies saved to a USB of the Categorical Exclusion for the evaluation and comments of agencies.

5. Habitat Categorization for the Department of Natural & Environmental Resources (DNER)

Habitat Categorization Certification from the DNER is required by the New Puerto Rico Wildlife Law (Law #241) and the Joint Regulation for Construction Works and Land Use (see *Reglamento Conjunto de Permisos para Obras de Construcción y Usos de Terrenos*). The Habitat Categorization describes the type and quality of wildlife habitat present in the Project area and potential impacts that the proposed action may have on these habitats. Mitigation actions need to be developed depending on the impacts to each habitat type (category) in accordance to Law #241 and Regulation #6765 (*Reglamento para Regir la Conservación y el Manejo de la Vida Silvestre, las Especies Exóticas y la Caza*).

The Consultant shall submit two (2) printed and digital (USB) PDF format copies of the Habitat Categorization, and the final explanatory memorandum to the LRA.

6. Tree Inventory Survey and Mitigation Planting Plan

A report shall be prepared which includes, but not limited to, an inventory plan that shows the affected tree location, and a table which enumerates and names the height, diameter at breast height, and the condition of each inventoried tree.

The Project's final tree inventory and mitigation planting plan shall begin at the early stages of the final design. When such document is ready, one (1) printed copy shall be submitted to LRA for evaluation and comments. After the document is accepted by this office, the Consultant shall submit the document the Permit Management Office (PMO or "OGPe") and obtain their approval. The Permit Management Office (PMO) filing fee shall be paid entirely by the Consultant and will be reimbursed as described in Section 3.4: Deliverables and Method of Payment.

The final planting plan with specifications and cost estimates could be submitted to LRA after such plan is submitted to the Permits Management Office ("OGPe" by its acronym in Spanish), but it shall be modified, if necessary, in accordance with the permit issue by OGPe, in order to be included on the construction contract documents before the Project bid.

According to DNER's interpretation of Section 4.02.b of the Regulation for Cutting, Planting and Forestation of Puerto Rico (Planning Regulation No. 25) as amended,

is necessary that a planting professional certifies the tree inventory and the planting plan, as for the licensed engineer, licensed architect or licensed surveyor which prepared the Project plans for which planting mitigation was prepared, to certify such. The planting professional which prepares the documents shall be certified by DNER.

The Consultant shall submit two (2) printed and digital (USB) PDF format copies of the tree inventory and planting plans, and the final explanatory memorandum to the LRA.

7. Lead and Asbestos Studies

Survey to determine the presence of asbestos and lead base paint shall include, but not limited to, the following:

- a) Inspection, sampling, and analysis in the structures following the protocols and methodology approved by the EQB, the Environmental Protection Agency (EPA) and other agencies, if applicable.
- b) The evaluation of surfaces to determine the content of asbestos shall be performed utilizing the technique of polarized light microscopy.
- c) The evaluation of surfaces to determine the content of lead in paint shall be performed utilizing one of the following two (2) methods:
 - i. Method of direct lecture with XRF equipment (x-ray fluorescence). In the case that the results lie within the "inconclusive range" of the instrument, the results shall be confirmed utilizing the method of subparagraph "b" that follows.
 - ii. Method of removal of paint chips for analysis in laboratory by the method of Atomic Absorption Spectrophotometry (AAS).
- d) The number of tests required shall be determined in accordance with the criteria, protocols and regulations established by EQB, EPA and other agencies, if applicable. However, the LRA recommends at the very least the following:
 - i. For the Lead Survey perform one (1) representative test in all suspicious interior and exterior structural members such as walls, floors, ceiling, building or structure.
 - ii. For the Asbestos Survey perform representative samples, in all suspicious structural elements such as those described on the preceding subparagraph, in accordance with the following criteria:
 - For homogenous surfaces of less than one thousand (1,000) square feet take three (3) samples.
 - For homogenous surfaces of more than one thousand (1,000) square feet but less than five thousand (5,000) square feet take five (5) samples.
 - For homogenous surfaces of more than five thousand (5,000)square feet take seven (7) samples.
 - In the case of small suspicious surfaces such as electrical

equipment insulation, sealants and others similar, take one (1) sample.

- e) Perform field trips with the LRA personnel or contractor for coordination of the surveys and interpretation of the reports.
- f) The Consultant shall immediately inform the LRA in writing of any access limitations on the structures to be surveyed.
- g) Prepare a report with the findings and conclusions including the following:
 - i. The surveyor shall utilize his (her) professional judgment to determine if there are suspicious materials containing asbestos or lead base paint on the structures to be surveyed. If he (her) determines that there are not suspicious materials and opt to not take samples for confirmation, he (her) shall submit a signed certification describing the criteria utilized to support this conclusion.
 - ii. Photographs and sketches identifying the areas where the tests and samples give positive results.
 - iii. Photographs of the exterior facade of all the structures surveyed.
 - iv. Drawing showing the location of the structures surveyed and identifying the structures that have positive results.
 - v. Measure of the surface areas that have positive results.
 - vi. Estimate of the quantities in weight and/or volume of the material to be discarded containing asbestos and/or lead.
 - vii. Copy of the certifications issue by the Environmental Quality Board, of the personnel who took the samples and the surveyor.
 - viii. The report shall be signed by the surveyor.

The Consultant shall submit one (1) printed copy of the Survey to Determine the Presence of Asbestos and Lead for the LRA review. After acceptance of the document by the LRA, the Consultant shall submit two (2) printed copies and two (2) digital copies saved to a USB PDF format of the Final Survey to Determine the Presence of Asbestos and Lead.

Note: This study shall be done only if there is a suspicion of lead or asbestos presence in any structure to be demolished or any painted component is to be removed on the Project. No study shall be done until an order to proceed is received from LRA.

B. Thirty-five percent (35%) Preliminary Design Delivery

- 1. The SPS&E shall include the preparation of the following 35% plans, but not limited to:
 - a) Title Sheet - Including project title, federal aid number, location map, design criteria, etc.
 - b) Index Sheet
 - c) Legend & General Notes and Abbreviations
 - d) Key Plan Sheet using georeferenced aerial photo or similar map
 - e) Control Points, Vertex Data and Survey Ties
 - f) Existing Condition Survey and Topography and Demolition Plan showing construction limits
 - g) Aerial and Underground Distribution Plan

- h) One Line Diagrams
 - i) Existing and Proposed Substations Plans and Elevations
 - j) Substations Site Plans
 - k) Miscellaneous Details
 - l) Plans must show any environmental commitments, including but not limited to:
 - i. Environmental concern areas (Solid Waste Management Units, Endangered Species and others)
 - m) Right of Way Plans (where applies)
2. 35% Technical Specifications Outline, following CSI divisions format
 3. 35% Preliminary Cost Estimate, following the most current RS Means format (divisions, descriptions, unit costs, etc.) and available Puerto Rico construction cost indexes.
 4. 35% Design Report that shall include:
 - a) Design criteria and assumptions
 - b) Computer simulation of proposed system performance, including load flow, voltage drop and short-circuit analyses.

C. Sixty percent (60%) Preliminary Design Delivery

1. The SPS&E shall include the preparation of the following 60% plans, but not limited to:
 - a) Title Sheet - Including project title, federal aid number, location map, design criteria, etc.
 - b) Index Sheet
 - c) Legend & General Notes and Abbreviations
 - d) Key Plan sheet using georeferenced aerial photo or similar map.
 - e) Control Points, Vertex Data and Survey Ties
 - f) Existing Condition Survey and Topography and Demolition Plan showing construction limits
 - g) Aerial and Underground Distribution Plan
 - h) Aerial and Underground Distribution Details
 - i) Poles and Hardware Schedules
 - j) Roadway Lighting Plans
 - k) One Line Diagrams
 - l) Existing and Proposed Substations Plans and Elevations
 - m) Substations Details
 - n) Substations Site Plans
 - o) Site Details
 - p) Miscellaneous Details
 - q) Structural Plans
 - r) Tree planting and Mitigation Plan
 - s) Roadway Maintenance of Traffic Plan
 - t) Erosion Control Plans
 - u) Boring Location Plans
 - v) Plans must show any environmental commitments, including but not limited to:
 - i. Environmental concern Areas (Solid Waste Management Units and others)
 - w) Right of Way Plans
2. 60% Technical Specifications and Special Provisions, following CSI divisions format

3. 60% Preliminary Cost Estimate, following the most current RS Means format (divisions, descriptions, unit costs, etc.) and available Puerto Rico construction cost indexes.
4. 60% Updated Design Report that shall include:
 - a) Design criteria and assumptions
 - b) Computer simulation of proposed system performance, including load flow, voltage drop and short-circuit analyses.
 - c) Structural calculations for utility poles
 - d) Line sag & tension calculations

D. Ninety percent (90%) Final Design Delivery

1. The SPS&E shall include the preparation of the following 90% plans, but not limited to:
 - a) Title Sheet - Including project title, federal aid number, location map, design criteria, etc.
 - b) Index Sheet
 - c) Legend & General Notes and Abbreviations
 - d) Key Plan sheet using georeferenced aerial photo or similar map.
 - e) Control Points, Vertex Data and Survey Ties
 - f) Existing Condition Survey and Topography and Demolition Plan showing construction limits
 - g) Aerial and Underground Distribution Plan
 - h) Aerial and Underground Distribution Details
 - i) Poles and Hardware Schedules
 - j) Roadway Lighting Plans
 - k) One Line Diagrams
 - l) Existing and Proposed Substations Plans and Elevations
 - m) Substations Details
 - n) Substations Site Plans
 - o) Site Details
 - p) Miscellaneous Details
 - q) Structural Plans
 - r) Tree planting and Mitigation Plan
 - s) Roadway Maintenance of Traffic Plan
 - t) Erosion Control Plans
 - u) Boring Location Plans
 - v) Plans must show any environmental commitments, including but not limited to:
 - i. Environmental concern Areas (Solid Waste Management Units and others)
 - w) Right of Way Plans
2. Final Technical Specifications and Special Provisions, following CSI divisions format
3. Final Cost Estimate, following the most current RS Means format (divisions, descriptions, unit costs, etc.) and available Puerto Rico construction cost indexes.
4. Final Design Report that shall include:
 - a) Design criteria and assumptions
 - b) Computer simulation of proposed system performance, including load flow, voltage drop and short-circuit analyses.

- c) Structural calculations for utility poles
- d) Line sag & tension calculations

E. One hundred percent (100%) Construction Documents Delivery

The Consultant shall incorporate final review comments to the 90% delivery package and prepare the Construction Contract Documents including Plans, Specifications, Construction Cost Estimate, Construction Time Estimate and Proposal Schedule, as part of the SPS&E package.

4.2.3 Permit and Endorsement Procurement Services

The permitting phase consists in the preparation and submittal to the pertinent regulatory agencies all the endorsements required by the current construction laws. The approval of these permits and the duration of the review process are not within control of the Consultant and are subject to the internal processes of the government agencies.

The following list the probable government agencies permits and endorsements that will be managed under this proposal. The Consultant shall also include any other necessary endorsement not listed here.

A. Instituto de Cultura Puertorriqueña (ICP) (PR Culture Institute):

- 1. Recommendations through the Oficina de Gerencia de Permisos (OGPe)
- 2. Endorsements of the Archeology and Historic Preservation Programs

B. Oficina de Gerencia de Permisos (OGPE):

- 1. Environmental Recommendation (REC)
- 2. Categorical Exclusion (CE) submittal
- 3. Construction Permit

C. PR Electric Power Authority (PREPA):

- 1. Recommendations through the Oficina de Gerencia de Permisos (OGPe) [PR Permits Management Office]
- 2. Construction drawings endorsement

D. Telecommunications Regulatory Board (JRT or NET):

- 1. Recommendations through the Oficina de Gerencia de Permisos (OGPe) [PR Permits Management Office]
- 2. Construction drawings endorsement

E. Departamento de Recursos Naturales y Ambientales (DRNA) (Department of Natural and Environmental Resources):

- 1. Habitat Categorization endorsement
- 2. Tree Inventory and Planting endorsement

F. US Fish & Wildlife Service (USFWS):

- 1. Endorsement

G. US EPA or U.S. Navy:

- 1. Endorsement of Works on environmental concern areas (Solid Waste Management Units)

4.2.4 Design Phase Delivery Schedule

A Notice to Proceed will be given after the signature of the contract. Project Execution should be completed as per Milestones established in Table 1: Design Phase Delivery Schedule.

The work sequence will be as follows:

1. Phase 1: Preliminary Engineering
 - a) Development and Submittal of Technical Report
 - LRA review
 - b) Submittal of Final TR
2. Phase 2: Studies, Plans, Specifications and Estimates (SPS&E)
 - a) Perform Field and Environmental Studies
 - b) Development of Preliminary Design Delivery (35%)
 - LRA review
 - c) Development of Preliminary Design Delivery (60%)
 - LRA review
 - LRA review
 - d) Development of Construction Documents Delivery (100%)
3. Provide Construction Bid Process Support Services
4. Provide Construction Observation Services

Milestone or Task	Execution Period (Calendar Days)
<i>Notice to Proceed (NTP)</i>	0
Phase 1: Preliminary Engineering	
Technical Report (TR)	45
TR Review by LRA and Discussion	10
TR Comments Implementation	10
After submission and evaluation of Phase 1, the LRA will decide if the scope of work will be modified to improve the current system. If the submission of an Improved Project is agreed upon by the LRA, it will be submitted to COR3 and FEMA by the LRA for the required evaluation process and approval. After final decision, Phase 2 can commence and a Notice to Proceed will be issued by the LRA to the Consultant.	
<i>Notice to Proceed (NTP)</i>	0
Phase 2: Plans Specification and Estimates (PS&E)	
Field & Environmental Studies	40
35% Preliminary Design Delivery	40
LRA Review	10
60% Preliminary Design Delivery	40
LRA Review	10
90% Final Design Delivery	30
LRA Review	10
100% Construction Documents Delivery	10

Table 2: Design Phase Delivery Schedule

Project shall begin after the signature of the contract and should end by 255 calendar days.

The Consultant shall submit a proposal that strictly meets the time requirements. If the Consultant cannot meet these requirements, the LRA main point of contact shall be informed immediately. The Consultant shall identify and include in the proposal a list of critical conditions that may affect the project execution.

4.2.5 Construction Procurement Support Services

At LRA's request, the Consultant shall provide support during the construction services procurement process, participating in pre-submittal meeting(s) for proponents and responding to requests for information and/or clarification. Upon receipt of proposals, the Consultant shall evaluate proposals for conformance with design criteria parameters and performance requirements and shall summarize the information contained in the qualification statements and distribute to the LRA's designated Evaluation Committee.

Consultant will coordinate with the LRA that the prospective construction bidders to make sure they bid using the latest designs. Services during this phase typically include hosting a pre-bid meeting with potential contractors, evaluation of alternate work items, attend a post-bid meeting, if necessary, and managing Request for Information (RFI's) documents during this phase. Consultant will be available to attend to as many in-person or on-line meetings as deemed necessary (during the construction bidding process) to clarify any question regarding construction documents and to assist the LRA on the bid evaluation process.

A final "Issue for Construction" set will be issued after this phase.

4.2.6 Services During Construction

The Selected Proponent shall provide architectural and/or engineering services during construction on an as-needed basis to respond to questions from construction contractor related to design criteria or performance requirements. Also, shall participate in project meetings and evaluate Submittals and Requests for Information (RFI's) related to its design and specifications. The Selected Proponent may be required to participate, with LRA representative, in meetings with permitting and regulatory federal and state agencies.

The observation process begins with the construction works at the project site. It involves a once-a-week site visit by the Consultant staff, to ascertain, for the Owner's benefit, that the work completed to date is according to the specified design. A field inspection report shall be submitted by the Consultant for each visit, no later than seven (7) calendar days after the visit.

In addition, the construction observation process includes:

- Construction products submittal review
- Clarifications to Requests for Information
- Evaluation of design related Change Orders

- Evaluation of Shop Drawings
- Monthly Report for the Owner
- Issue of a final "Consolidated or As-Built Set" including all changes per RFI's and including all Change Orders.
- Availability for phone or on-line meetings for discussion meetings or clarifications

It is relevant to emphasize that the above list shall act as an overall guide to the work LRA expects the Consultant to perform at a given time. It is not a complete description of services that may be required at some point.

The estimated duration of these services shall be for eighteen (18) months and shall be invoiced on a monthly basis.

4.3 General Design Considerations and Other Conditions

The proposed design shall include all needed proposals for work to be provided by subconsultant firms. These may include Geotechnical Studies, Presence of Asbestos and Lead Studies, Subsurface Utility Studies, Environmental Studies, and any other study that is needed to complete the design of the project.

The Project design shall include all the necessary architectural, civil, site, electrical, mechanical, plumbing, fire protection and structural components as needed for the improvements work, including roadway repairs, if applicable.

The proposal shall also include the submission of all necessary permits and endorsements requests from utilities and local, state, and federal regulatory agencies, like other utilities providers that can be affected by the project (water, telecom, etc.) as well as other government entities having jurisdiction such as the PR Department of Natural Resources and the "Oficina de Gerencia de Permisos (OGPE)".

Some of the studies and design services required or needed for this project may not have been quantified in this SOW. The proposal shall include, identified as a separate section, any additional work to be performed as considered by the Consultant.

4.3.1 Access to existing information

The access to and use of all existing reports, computations, survey data, and other existing information in possession of the LRA which might prove pertinent to the contracted work and requested by the Consultant, will be subjected to the dispositions on the in the next paragraph. The Consultant shall be responsible to request any other information that is not in possession of the LRA to the pertinent agency or organization.

The LRA can, if available and to its discretion, provide to the Consultant all available information and which is related to the Project under this contract. The Consultant is required to review this information, determine its adequacy and correctness of such, and shall take all the necessary steps to complete and edit the supplied information, following the industry standards and the Ethics Code of the College of Engineers and Surveyors of Puerto Rico. Any additional cost incurred by the Consultant in order to complete the original information supplied by the LRA, shall be reimbursed

to the Consultant by the LRA, after written authorization from the LRA given prior to execution of the tasks and certification of such disbursement is presented to the LRA.

4.3.2 Utilities

- 1) The utilities relocation design shall comply with the standards and requirements of the LRA, PREPA, and any other concerned agency. These standards and requirements apply to temporary and final utilities relocation.
- 2) Coordination with private utility owners shall be done, including preparation of existing plans and relocation plans.
- 3) The final plans shall be endorsed by the utility's agencies and private companies.
- 4) The Right of Way necessary for the relocation design shall be taken in consideration in the preparation of the R.O.W. plans.
- 5) Design of anchors or structural bases of poles shall be done in accordance with the geotechnical study recommendations.
- 6) If needed, a Subsurface Utility Engineering (SUE study) shall be done to determine any possible conflicts with the proposed design.
- 7) The Maintenance of Traffic (MOT) shall take in consideration the relocation of utilities.

4.3.3 Structures

- 1) Structural design and aesthetics aspects shall be in accordance with the 2018 PR Building Code, 2018 International Building Code.
- 2) Design of structural elements shall consider corrosion and maintenance issues (joints, bearings, bolts, etc.).
- 3) For retaining structures, the alternatives for consideration shall include reinforced concrete retaining walls, MSE walls, lagging walls, anchored walls, gravity walls, and any other possible retaining structure. The most cost-effective and technically suitable alternative shall be design. To minimize cost, each retaining wall shall be as small as possible in height and length. The final alternative shall minimize construction time and cost.

4.3.4 Erosion Control

The Consultant will design the installation of temporary and permanent erosion and sediment controls, to comply with minimum state and federal criteria and standards and regulations. The regulations were enacted to protect the health, safety, and property of the citizens and to help protect area water resources from pollution due to erosion and transportation of sediment. The regulations require that no person cause or allow sediment to be deposited in any public street, public land, or on any property not under their control as a result of land disturbance from construction activities.

4.3.5 Roadway Lighting

The Consultant will design the installation of permanent roadway lighting on all the roadway areas impacted by the distribution system lines routes, to comply with minimum state and federal criteria and standards and regulations such as the AASHTO Roadway Lighting Design Guide.

The use of energy efficient LED systems will be required.

4.3.6 Environmental Concern Areas

Some areas at the project site are being addressed under the Resource Conservation and Recovery Act (RCRA) Corrective Action Program with EPA Region 2 as the lead agency. The identified Solid Waste Management Units (SWMU's) and Areas of Concern (AOC's) have been identified and currently there are land use controls to avoid and restrict human potential exposures.

The LRA will provide the information and technical data to be considered in the studies and the design phase so the Consultant can incorporate recommendations according to the EPA and U.S. Navy corrective action program.

4.3.7 Coordination with Agencies

Coordinate with corresponding agencies the relocation of all public and private utilities and performed all the necessary adjustments on the plans for any appurtenances affected; all in agreement with the latest LRA'S policy and other utility agencies and companies' regulations for the accommodation of these on highways.

4.3.8 Estimates

Prepare quantity and cost estimates based on the construction plans for all work items, as required. The Consultant shall document and furnish the LRA all quantity calculations including the evidence used to arrive at such. This documentation shall be used to review the cost and quantity estimates included on the contract documents.

In addition to, unit costs shall be calculated by item based on labor requirement, materials and equipment analysis based on day costs, and the sound engineering practice.

4.3.9 Contract Documents

Prepare contract documents for the Project or Project's sections according to the standard practices in use by the LRA, and shall perform an evaluation of the design plans and make sure these are consistent with specifications, notes, etc.

4.3.10 Final Review

The necessary printed copies shall be submitted to the LRA of the completed plans of the Project, special dispositions, estimates and contract documents for their final review and approval. In addition, a USB with AutoCAD (DWG) 2010 drawings, or the version agreed by both parties, and non-editable (PDF) digital formats programmed to be printed in 36 in. wide by 24 in. high, which contain all the drawings included in the final plans.

The LRA shall be able, after reviewing the plans, to approve them as submitted or require modifications to them if these are not in accordance with the criteria agreed during the design process and previous phases. In such case, the Consultant shall make the required necessary modifications or changes without any additional cost for the LRA.

4.3.11 Final Delivery

Upon approval from the LRA, the Consultant shall submit the original, and two (2) printed copies of the signed and sealed construction plans; originals and two (2) printed copies of the estimate

and contract documents. In addition, the Consultant shall furnish all basic survey notes and sketches, prepared studies, all calculations made during the design stage, for example structural, geometry elements, amount of earthwork, etc., aerial photos used, and any other graphical material, studies or documents used for the Project's design. All these documents shall become property of the LRA according to professional practice.

In addition, the Consultant shall submit the final plans in USB with AutoCAD (DWG) 2010 drawings, or the version agreed by both parties and non-editable (PDF) digital formats programmed to be printed in 36 in. wide by 24 in. high, which contain all the drawings included in the final plans. The rest of the final delivery documents shall be submitted in non-editable (PDF) digital format, saved on USB.

4.4 Deliverables and Method of Payment

The Consultant shall be paid by the deliverables established on Section 3: Scope of Work of this RFP.

The total contract amount will be computed as shown on Table 3: Studies, Design and Services During Construction Fees. It is the Consultant's responsibility to determine the required studies and/or services in order to meet the project objectives.

The allowance portion of the breakdown is intended to cover the Permits Agencies Fees and Charges. Receipts and invoices shall be presented with each phase to the LRA.

following:

Service	Payment Distribution
Habitat Categorization for DNER	80% shall be paid when the report is accepted by LRA and is submitted with the technical assistance request application to DNER. The remaining amount shall be paid when the study is accepted by DNER.
Tree Inventory and Mitigation Planting Plan	80% shall be paid when the report is accepted by LRA and is submitted with the technical assistance request application to DNER. The remaining amount shall be paid when the study is accepted by DNER.
Categorical Exclusion	50% shall be paid when the environmental document's draft is submitted for LRA's review. The remaining 50% when the LRA understand that the Environmental Public Policy Law has been fulfilled.
Survey to Determine the Presence of Asbestos and Lead	80% shall be paid when the document has been submitted for LRA's review. The remaining 20% shall be paid when the study is approved by LRA.

Table 5: Professional Services Payment Distribution

4.4.1 Subconsultants

The proposal shall include all the Subconsultants that will participate in the design of the project with a description of the tasks that they will perform. The Subconsultants' proposals and fees shall be included as part of the prime Consultant's proposal. The Subconsultants' contracts are the sole responsibility of the Consultant. Therefore, no fees will be paid for the administration of those contracts. All design, studies and assessments proposals shall comply with all the requirements stated on Section 3: Scope of Services of this RFP.

4.4.2 Invoicing Procedure

The Consultant shall submit original and three (3) copies of the invoices, accompanied by copies of the progress report and the corresponding supporting documentation duly certified by LRA or its authorized representative. Billing invoices should be duly certified by an authorized representative of the Consultant as to the correctness and to the fact that no previous payment has been made or received for the whole or any part thereof for the period of the statement.

The LRA shall request the Consultant all the necessary information, related to the invoiced expenses, in order to verify them, previous to order the payment.

5. Firm's Profile and Qualifications

The selected Respondent for this RFP will be awarded with a contract for the previously described work; and will be responsible for all work needed to fulfill the environmental professional services.

5.1 Team Staff Requirements

The Firm shall have or will secure, at their own expense, all personnel required in performing the tasks under the awarded contract. The LRA expects the Consultant to provide competent and fully qualified staff that are authorized under federal and local law to perform the services described previously. The LRA reserves the right to request the removal of any staff not performing to standard or following the code of ethics.

5.2 Staff Experience and Qualifications

The Respondent must provide detailed information about the experience and qualifications of the principals, project managers, key personnel, and staff to be assigned the different tasks, including degrees, certifications, licenses, and years of relevant experience. Respondents shall specifically identify people currently employed by the Respondent who will serve in key roles. This includes the Respondents' own staff and staff from any subcontractors to be hired. The Respondents should demonstrate that their staff (and/or subcontractor's staff) have necessary experience and knowledge to successfully implement and perform the tasks and services of this RFP.

Respondents must include information regarding their administrative capacity, and experience in similar services, personnel, consultants, equipment, software capabilities, document controls, safety record, and quality control procedures.

6. General Proposal Requirements

All proposals shall comply with the general requirements stated in the following sections:

6.1. Proposal Format

Respondents must submit a complete proposal package in order to be considered. The ideal submission package identifies each of the sections below, as provided for in Section 6: Technical Proposal Requirements.

6.1.1 Page Limitation.

While there is no page limitation for the Proposals, Respondents are strongly encouraged to be concise and thorough in their responses.

6.1.2 Language.

All Proposals must be submitted in English, excluding certifications and/or documents issued by the Government of Puerto Rico in the Spanish language.

6.1.3 Cover Transmittal Letter.

Refer to Section 6: Technical Proposal Requirements for more details.

6.2. Proposal Execution

The Proposals must be properly executed by an authorized representative of the Respondent. 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 or letter of attorney, dated and executed by the individual (grantor, principal, or donor of the power) shall be attached to the Proposal as evidence of the representative's authority to sign the Proposal and to bind the Respondent thereto.
- **Partnerships:** Proposals submitted by a partnership shall be signed on the partnership's behalf by at least one principal partner or by an authorized representative of the partnership. If an authorized representative signs the Proposal, a power or letter of attorney, dated and executed by all partners of the Respondent, shall be attached to the Proposal as evidence of the representative's authority to sign the Proposal and to bind the Respondent.
- **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 a 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 principal members of the joint venture. If the Proposal is signed by only one principal 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 principal member with authority to bind the joint venture. The joint venture agreement shall be executed before the date and time specified for proposal submission.

6.3. Proposal Submission

6.3.1 Deadline for Proposals.

All Proposals must be received by the LRA prior to 5:00 PM AST on Friday, August 19, 2022. Any Proposal received after the time and date specified above will be rejected and returned to the sender unopened. This will be part of the Mandatory Requirements.

6.3.2 Administrative Instructions.

All Proposals must be received by the LRA prior to 5:00 PM AST on August 19th, 2022. All Proposals must contain one (1) signed original, seven (7) copies, and one (1) electronic copy on USB Drive. The materials shall be submitted in sealed packages and addressed to: Local Redevelopment Authority for Naval Station Roosevelt Roads, Comercio y Exportación Building, #159 Chardón Ave. 3rd Floor, Hato Rey, PR 00918. The sealed package should be labeled with the Respondent's name, address, and contact person, and will be time-stamped upon receipt. Electronic, telegraphic, and facsimile offers and modifications will not be considered without express prior written authorization. Any Proposal received after the time and date specified above may be rejected and may be returned to the sender unopened.

6.3.3 Oral Presentations.

The LRA, at its sole discretion, may require all or a short-listed group of the Respondents to participate in oral presentations. Details regarding the date, format, and other logistics for oral presentations will be provided to Respondents at a later date.

6.3.4 Award of the RFP.

Based on its evaluation as described in Section 7.0 of this document, the LRA will determine which Proposal is most advantageous to its interests. The top-ranked Respondent will be notified in writing by the electronic mail provided for the Respondent's contact person.

6.3.5 Proposal Rejection.

If a Proposal is rejected, a written notice shall be sent to the Respondent(s) informing the Respondent of the LRA's decision. Upon request, the unsuccessful Respondent(s) shall be advised of the reasons for the rejection of their respective Proposals.

6.3.6 Protests and Reconsiderations.

Any Respondent adversely affected by a notified decision made by the LRA in connection with the selection and award procedures provided in this RFP may submit a request for reconsideration to the Executive Director of the LRA at Local Development Authority for Roosevelt Roads, 355 F. D. Roosevelt Ave., Hato Rey, PR 00918, in accordance with Local Redevelopment Authority Request for Proposals Regulation, Num. 9366, Section 27.00. A request for reconsideration, and any other protest, shall be in writing, and state the name and address of the requesting party, shall contain a detailed and accurate statement of the legal and factual grounds for the request, including copies of relevant documents, and shall specify the relief requested. Protests based on alleged restrictive specifications, violations of law or regulations, or other alleged improprieties in the solicitation process which are apparent prior to the proposal due date shall be submitted not later than five (5) working days prior to the proposal due date.

A request for reconsideration or other protest that fails to comply with the time limits or procedures stated above or provided in the applicable laws or regulations may be dismissed or denied without consideration.

Judicial review of the determinations made by the LRA will be governed by Chapter IV of Act No. 38 (“*Ley de Procedimiento Administrativo Uniforme del Gobierno de Puerto Rico*”) of June 30, 2017, as amended. A request for judicial review shall not stay the further action of the LRA relating to the Procurement Process.

The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. TA letter to FNSRR LRA Page 4 of 5 These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

6.3.7 Disqualification.

The LRA reserves the right, in its discretion, to disqualify any team, firm, or individual from any phase or component of the designation process or this development opportunity, due to felonious or other criminal record in any jurisdiction (domestic or foreign); or for otherwise providing incomplete, false, or inaccurate information in the Proposal.

6.4. RFP Timeline

The LRA’s expected timeline for the RFP is set forth in the table below. Please note that the activities and timetable are only a guide and are subject to change at the LRA’s sole discretion.

Request for Proposal (RFP#2022-003) Timeline	
• Issuance of the RFP	Thursday, July 14, 2022 at 5:00pm
• Bidder Registration Form	Thursday, July 28, 2022at 5:00pm
• Mandatory Pre-Bid Meeting and Mandatory Site Visit for Respondents	Tuesday, August 2, 2022 at 10:00am
• Deadline for Questions on the RFP	Friday, August 5, 2022 at 5:00pm
• Deadline for Posted Responses to Questions	Friday, August 12, 2022 at 5:00pm
• Proposal Deadline	Friday, August 19, 2022 at 5:00pm
• Selection of Proponent	On or about September, 2022

Table 4: RFP Timeline

7. Technical Proposal Requirements

Each complete package of a Proposal shall comply with the technical requirements specified in the following sections.

7.1. Proposal Organization

Each Proposal should address all the following items, in the order listed below, unless noted as optional.

Section A: Mandatory Requirements

Part I	Proposal Submission Deadline
Part II	Cover Letter Submission
Part III	Organizational Documentation
Part IV	Conflicts of Interest (with all requested Exhibits)
Part V	Other Required Documents

Section B: Statement of Qualifications

Part I	Experience and Record of Integrity
Part II	Personnel Resources
Part III	Technical Approach

Section C: Financial Proposal

Part I	Professional Fees
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7.2. Section A: Mandatory Requirements

Respondents shall comply with the following Mandatory Requirements for their Proposals to be evaluated on their technical and cost aspects. Failure to comply with each of the Mandatory Requirements of this RFP will result in the disqualification of the Respondent. However, the LRA reserves the right to waive minor irregularities and minor instances of non-compliance.

7.2.1. Part I Proposal Submission Deadline

All Proposals must be received by the LRA prior to 5:00 PM AST on August 19th, 2022. All Proposals must contain one (1) signed original, seven (7) copies, and one (1) electronic copy on USB Drive. The materials shall be submitted in sealed packages and addressed to: Local Redevelopment Authority for Naval Station Roosevelt Roads, Comercio y Exportación Building, #159 Chardón Ave. 3rd Floor, Hato Rey, PR 00918. The sealed package should be labeled with the Respondent's name, address, and contact person, and will be time-stamped upon receipt. Electronic, telegraphic, and facsimile offers and modifications will not be considered without express prior written authorization. Any Proposal received after the time and date specified above may be rejected and may be returned to the sender unopened.

7.2.2. Part II Cover Transmittal Letter

Respondents should submit a signed cover letter which acknowledges that the Respondent has received, examined, and is familiar with the RFP, including all exhibits and information posted on www.rooseveltroads.pr.gov. The cover letter should provide an executive summary of the Proposal. The cover letter should be signed by a person that has full authority to bind the Respondent to the Proposal and to all terms and conditions of the Proposal (if multiple team members are included in

the Proposal, an authorized representative from each team member may sign the same cover letter or submit separate cover letters containing these representations).

7.2.3. Part III Organizational Documentation

Respondents must submit in their Proposals organizational documents which will vary according to the different types of organizations. Such documents may include (but are not limited to) Certificates of Incorporation, Partnership Agreements, Joint Venture Agreements, and Certificates of Good Standing.

A copy of the Professional Services Corporation Certificate from the State Department shall be included with the sign of the contract. This document shall state the following:

- Name of the corporation
- The unique and exclusive purpose of the professional services corporation.
- That the incorporators and stockholders of the corporation are duly licensed and chartered in Puerto Rico to practice indicated as the sole and exclusive purpose on the unique and exclusive purpose of the professional services corporation

If a Limited Liability Partnership (LLP) submits proposals, information of the Partnership must be included.

If Engineers or Surveyor are not authorized to practice Engineering or Surveying in Puerto Rico (License issued by the Board of Examiners for Engineers and Surveyor of Puerto Rico and Membership of the College of Engineers and Surveyors of Puerto Rico) and are offering professional services in Puerto Rico, proposals will be disqualified and returned to the Respondent. The LRA can submit a complaint onto the College of Engineers and Surveyors of Puerto Rico, the Board of Examiners for Engineers and Surveyors of Puerto Rico and/or the Board where the Engineer or Surveyor is authorized to practice his/her profession.

7.2.4. Part IV Conflicts of Interest

Pursuant to Act 12 of July 24, 1985, as amended, Act 237 of August 31, 2004, and/or Act 2 of January 4, 2018, Respondents will be required to certify that no officer, agent or employee of the Government of Puerto Rico, or its Government Entities and institutions, has a monetary interest in the Proposal or has participated in contract negotiations on behalf of the Government of Puerto Rico; that the Proposal is made in good faith with no fraud nor collusion processes and conditions, or connections of any kind with any other Respondents; that the Respondent is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm; and that the Respondent has not been convicted or has plead guilty in a state of federal court, or any other jurisdiction of the United States of America, of the crimes described in Act 2 of January 4, 2018. For compliance with this Mandatory Requirement, the Respondent shall submit with his response to this RFP Exhibit E-1 (Non-Conflict of Interest Certification), Exhibit E-2 (Non-Conflict of Interest on Existing or Pending Contracts Certification), Exhibit F (Limited Denial of Participation Affidavit), Exhibit G (Applicable Federal Terms and Conditions), Exhibit H (Non-Collusive Affidavit), and Exhibit I (Sworn Statement Under Act 2-2018) duly completed and notarized. 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 or Municipality Clerk or corresponding entity of the State government.

7.2.5. Part V Other Required Documents

Respondents shall submit the following documents duly completed and notarized, if applicable, as part of their responses to this RFP: Exhibit J (Anti-Lobbying Certification), Exhibit K (Authorization for Background and/or Financial Information), Exhibit L (Authorization for Request for References) and Exhibit M (Respondent Prior Performance Certification).

7.3. Section B: Statement of Qualifications

The Respondent must submit all the following information for the LRA to evaluate their qualifications.

7.3.1. Part I: Experience and Record of Integrity

The Respondents shall establish their experience and record of integrity for the described services by providing the following information with their responses.

- **Company Information and Profile.** Provide a company profile establishing the experience, expertise, and qualifications of the firm for the required engineering services, per Section 3: Scope of Services. If the Respondent responding to this RFP is composed of various entities (e.g. a Joint Venture), profiles for all entities shall be submitted. If the entity responding to this RFP was recently created, the profile shall set forth the experience, expertise, and qualifications of each of the members within the entity. Provide the Respondents' forms of businesses (e.g., corporation, non-profit corporation, limited liability company, professional services company), Tax-ID, Data Universal Numbering System (DUNS) Number, and year of establishment. The Respondents shall provide the information requested herein as part of Exhibit X (Statement of Qualifications).
- **Experience.** Provide a list of minimum five (5) successfully completed projects similar in scope, complexity and/or budget. Include Project Name, Description of the Work, Contract Date and Estimated Construction Cost, Completed as Scheduled (Yes or No) and Point of Contact.
- **Integrity.** Provide a statement of whether there is any pending or recent (within the past five (5) years) litigation, sanctions and/or administrative complaints against the Respondent. Include citation of the litigation and opinion of counsel as to the degree of risk presented by any pending litigation and whether such pending or recent litigation will impair the Respondent's performance in a Contract under this RFP. If the entity responding to this RFP is composed of various companies (e.g. a Joint Venture), the information being requested herein shall be submitted for all entities.

7.3.2. Part II: Personnel Resources

- **Organizational Chart.** An organizational chart for the services shall be provided. The organizational chart must show the corporate structure, lines of responsibility, and authority in the performance of the services.
- **Key Staff Curriculum Vitae.** As part of their Proposals, the Respondents must provide the name of resources to be assigned, education, years of experience, certifications, and Curriculum Vitae for the Key Staff identified for this project.

7.3.3. Part III: Technical Approach

The statement (a single document) shall include all technical information required in this RFP and include the following sections:

- **Introduction.** Include a brief explanation of the objective of the project.
- **Work Plan Narrative.** Briefly describe the resources, equipment, and sequence to execute the work according to the proposed project schedule as specified in Section 3: Scope of Services of this RFP.
- **Scope of Services Agreement.** Indicate agreement with Section 3: Scope of Services of this RFP. Present only variations from the scope of services included in the RFP, if applicable.

7.4. Section C: Financial Proposal

The Respondent must submit a Lump Sum amount for the requested professional services.

7.4.1. Part I - Professional Fees

- **Professional Fees Breakdown.** Detailed breakdown shall be provided as per Section 3: Scope of Services, Subsection 3.4: Deliverables and Method of Payment.

8. Evaluation Criteria

Respondents will be evaluated based upon the evaluation criteria listed on this section.

8.1. Evaluation Process Overview

Responses that satisfy the qualifications referenced in Section 6: Technical Proposal Requirements will be evaluated and scored. The LRA will rank highest that Proposal which it determines to be most advantageous to its interest in the development of the Project, based on a combination of these criteria. All Respondents will be evaluated based on the strength of their entire Proposal as compared with the criteria listed below, along with balancing the best interests of the LRA. Respondents selected for qualification or subsequent contract negotiations will not be guaranteed a contract. This RFP does not in any way limit the LRA's right to solicit contracts for similar or identical services if it determines the Responses are inadequate to satisfy its needs. The LRA will appoint an Evaluation Committee responsible for evaluating and scoring responses based on upon the evaluation criteria described below. Thereafter, based upon the Evaluation Committee's scoring of responses, LRA staff will recommend suitable Proponent to enter as engineers for the scope of work described in this RFP for the LRA.

8.2. Evaluation and Scoring Criteria Table

The assessment will be broken down as follows:

Section A: Mandatory Requirements

This Section will evaluate the compliance of submission of all required documents as described in Section 6: Technical Proposal Requirements, Subsection 6.2: Mandatory Requirements.

Section B: Statement of Qualifications

Part I	Experience and Record of Integrity
Part II	Personnel Resources
Part III	Technical Approach

Section C: Financial Proposal

Part I	Professional Fees
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In an attempt to reach a final Financial Proposal (FP) offer which is in the best interest of the LRA, the selected Respondent may be required to submit a revised best and final offer FP. If an agreement is not reached, or if at any time during the negotiation, the compensation fees exceed the second lowest fee proposal, the LRA reserves the right to negotiate with the Respondent that submitted the second lowest fee proposal to reach an agreement that serves the best interests of the LRA.

The following table presents the evaluation and scoring criteria for this RFP:

Parameter	Max. Points	Weight	Max. Weighted Score
Mandatory Requirements	5	5%	5.25
Experience	5	30%	6.50
Resources	5	20%	6.00

Technical Approach	5	20%	6.00
Financial Proposal	5	25%	6.25
Max. Total Score			30.00

Table 5: Evaluation & Scoring Criteria

Points will be assigned as follows:

- 5 = Outstanding, exceeds all requirements/Lowest Professional Fees
- 4 = Good, exceeds minimum requirements
- 3 = Average, meets minimum requirements
- 2 = Marginal, meets some requirements
- 1 = Poor, inadequate, meets few requirements
- 0 = Unsatisfactory, fails to meet requirements, no response/Highest Professional Fees

9. Miscellaneous Terms and Conditions Applicable to All Respondents

9.1 Legal Requirements.

9.1.1 Federal Regulations

Respondents are responsible for complying with these and all applicable federal regulations.

- a. The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- b. To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.
- c. The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- d. The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

9.1.2 Local Regulations

Respondents are responsible for complying with these and all legal requirements set forth in this RFP 2022-003.

9.2 Reference Documents.

To assist Respondents in preparing to respond to this RFP, the LRA has created a website at www.rooseveltroads.pr.gov. The website gives access to a virtual data room that contains all exhibits and other documents with detailed information on the Project and will be of assistance in the development of the Submissions.

9.3 Questions and Information.

Any questions, requests for clarification, and general information requests must be sent via e-mail to the LRA at lra.fema@lra.pr.gov in accordance with the deadlines set forth above. Inquiries made by telephone or any other media that is not e-mail will not be accepted, considered nor answered. The LRA will provide all prospective Respondents any questions it receives and any answers, clarifications and/or information it provides in response thereto. Such information will be posted on www.rooseveltroads.pr.gov on the RFP section. Only written responses posted on the website will be considered official.

9.4 Amendments to this RFP.

This RFP may be modified by formal amendment, document, or letter. If this RFP is amended, then all terms and conditions that are not revised remain unchanged. Any amendments will be sent by email to all participants.

9.5 Authorizations by Proposal.

Any and all information provided by a Respondent and its team members may be used by the LRA to conduct credit and background checks. The Respondent agrees to execute any additional documentation requested by the LRA to evidence this consent. At its discretion, LRA staff may contact references and industry sources, investigate previous projects and current commitments, interview some or all of the proposed development team members, and take any other information into account in its evaluation of the responses. The LRA reserves the right to request clarifications or additional information and to request that Respondents make presentations to the LRA, community groups, or others.

9.6 Teaming Arrangements and Special Purpose Entities.

Multiple Respondents may form a joint venture for the purpose of submitting a Submission in response to this RFP. A special purpose entity may be created for the purpose of submitting a Submission. The LRA may require that financial and performance guarantees be provided by these and other Respondents as well as team members. (Note: the LRA will not be involved in facilitating partnering or teaming arrangements.) When a joint venture will be utilized, please present information for both entities and include with your Submission a copy of the legal documentation establishing the joint venture.

9.7 Hold Harmless.

By participating in this RFP process, each Respondent agrees to indemnify and hold harmless the LRA and its officers, employees, contractors, agents and advisors from and against any and all real estate and other brokerage fees or commissions, finder's fees, and any other forms of compensation related in any way to activities undertaken by any person as a result of such person's efforts towards and/or participation in this RFP process or the submission by such person of a proposal, and liabilities, losses, costs, and expenses (including reasonable attorney's fees and expenses) incurred by any indemnified party as a result of, or in connection with, any claim asserted or arising as a result of, or in connection with, this RFP process. This includes any and all activities related to the LRA's exclusive negotiations with the Selected Respondent.

9.8 Public Information.

All information submitted in response to this RFP becomes property of the LRA. The documents and other records submitted to the LRA are part of the public record and subject to public disclosure; accordingly, information submitted should be expected to be subject to public availability. Therefore, any response submitted which contains confidential information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. The Respondent acknowledges and assumes the responsibility to conspicuously mark any confidential information. The LRA is not responsible and thus will not be held liable for the disclosure of information that the Respondent failed to mark as confidential.

9.9 Organizational Conflicts of Interest.

Each Respondent should clearly identify in its Submission any person or entity that has assisted the Respondent to prepare its Submission, that has advised, or is currently advising, the LRA on any aspect of the redevelopment at NSRR.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

9.10 Other Terms and Conditions.

All Law No. 508 and its regulations, as well as all applicable Puerto Rico and federal laws and regulations, will govern this RFP and all agreements entered into in connection with this RFP.

9.11 Not a Contract.

This RFP does not constitute an offer to enter into a contract with any individual or entity, thus no contract of any kind is formed hereunder, or arises from, this RFP. This RFP is not binding on the LRA or the Property. Neither the expression of any Respondent's interest, nor the submission of any Respondent's qualifications and any documents or other information, nor the acceptance thereof by the LRA, nor any correspondence, discussions, meetings, or other communications between the Respondent and the LRA, nor a determination by the LRA that the Respondent is qualified hereunder; shall impose any obligation whatsoever on the LRA to designate the Respondent, to discuss any Proposal which the Respondent may submit, or to enter into negotiations with the Respondent, nor shall entitle the Respondent to any compensation or reimbursement for any costs or expenses incurred by the Respondent in connection with the Respondent's submission hereunder or to any rights over the property.

9.12 Confidentiality of Information Associated to the LRA.

Any and all information associated to the LRA or a government entity obtained by the Respondents as a result of participation in this RFP is confidential and must not be disclosed without prior written authorization from the LRA.

9.13 Reservation of Rights.

The LRA reserves the right, in its sole and absolute discretion, to:

- Change or amend the business opportunities described in this RFP.
- Cancel or suspend this RFP process or any or all phases, at any time for any reason.
- Accept or reject any Proposal based on the selection criteria and as determined by the discretion of the LRA.
- Waive any defect as to form or content of this RFP or any response thereto.
- Not accept any or all Proposals.
- Select a Respondent that will best meet the LRA's needs and objectives, among Respondents to this RFP.
- Reject all or any Submissions without any obligation, compensation, or reimbursement to any Respondent or any of its team members; and
- Extend any date, time period or deadline provided in this RFP, upon notice to all Respondents.
- Award Phase 1 and Phase 2 on a different date, as Phase 2 execution depends on decisions made after Phase 1 is completed, submitted, and evaluated by the LRA.

9.14 Restriction of Damages.

Each Respondent agrees that in the event that any or all Submissions are rejected; or this RFP is modified, suspended, or cancelled for any reason, neither the LRA nor any of its officers, employees, contractors, agents or advisors will be liable, under any circumstances whatsoever.

9.15 Incurred Costs.

The LRA is not responsible for any expense incurred in preparing and submitting a response to this RFP or taking any action in connection with the qualification process, or for the costs of any services acquired by Respondents in connection to their Proposal. Moreover, each Respondent acknowledges that it is solely responsible for all costs it incurs in preparing a proposal, including costs of providing information requested by the LRA or competitions arising from, or in connection with a subsequent contract, if any.

9.16 Disclosure.

As required by Law 508, as amended, the information submitted by the Respondents will be published on the Internet once the Request for Proposals (RFP) Submission is completed. All public information generated in relation to the process, including communications with the media and the public, must be coordinated with, and is subject to prior approval of the LRA.

9.17 No Obligation to Accept Submissions.

The LRA is not obligated to accept a Proposal which, at the discretion of the LRA: (i) is not in compliance with the requirements of this RFP; (ii) includes a false or misleading statement, claim or information; or, (iii) a background check reveals any false statements in the Submission.

9.19 No Collusion or Fraud.

Each Respondent is held responsible to ensure that its participation in this RFP process is conducted without collusion or fraud. Respondents will not discuss or communicate, directly or indirectly, with any other Respondent(s) or any director, officer, employee, consultant, advisor, agent, representative or Team Member of any other Respondent regarding the preparation, content, or representation of their Proposals.

9.20 Proposal Validity Period.

Respondents represent that all the information provided in their Proposal is current and will be valid for a period of at least ninety (90) days from the Submission Deadline.

END OF DOCUMENT