



The City of Horton, Kansas

Municipal Water Department

Request for Qualifications
Preliminary Engineering Report

for

MISSION LAKE DREDGE RESTORATION PROJECT
Project No. W-07-001

Issued: March 19, 2007

Proposals Due: April 6, 2007, 5:00 p.m. C.S.T.

TABLE OF CONTENTS
Request for Qualifications for PRELIMINARY ENGINEERING REPORT
Mission Lake Dredge Rehabilitation Project
Project No. W-07-001

TABLE OF CONTENTS

Request for Qualifications

Special Notice to Respondents.....	1
1. Advertisement for Request for Qualifications.....	1
2. Definitional Section.....	1-4
3. Information for Parties Interested in Submitting Statement of Qualifications.....	4-6
4. Time Schedule for Selection Process.....	6-8
5. Submission of Qualifications.....	8-9
6. Background & History of Project.....	9-10
7. Scope of Services.....	10-11
8. Review Procedure for Statements of Qualifications.....	11-12
9. Reservation of Rights.....	13-14
10. Contracting Procedure & Contract Documents.....	14-15

Attachment I – Multipurpose Small Lakes Program Administrative Regulations.

Attachment II – Respondent’s Questionnaire.

Attachment III – Affidavit of Certifications.

Attachment IV – Insurance Requirements.

Attachment V – Preliminary Contract

Attachment VI – Notice to Proceed.

REQUEST FOR QUALIFICATIONS
Preliminary Engineering Report
Mission Lake Rehabilitation Project
W-07-001

QUALIFICATIONS SOUGHT BY:
City of Horton, Kansas
205 E 8th Street, P.O. Box 30
Horton, Kansas 66439

Special Notice to Respondents to Request for Qualifications for Mission Lake Dredge Rehabilitation Project, Project No. W-07-001.

Respondents to this REQUEST FOR QUALIFICATIONS shall be placed on notice that each section of this REQUEST FOR QUALIFICATIONS, should the RESPONDENT be chosen to perform the work defined by the SCOPE OF SERVICES in the request for qualifications herein under §4, shall be incorporated by reference into the final contract for services sought by this request for qualifications. All documents associated with this REQUEST FOR QUALIFICATIONS shall be intended by both the City of Horton and RESPONDENTS to this REQUEST FOR QUALIFICATIONS to be defined as CONTRACT DOCUMENTS by § 2.5.

1. **Advertisement for Requests for Proposals.** Statements of qualifications for the preparation of a PRELIMINARY ENGINEERING REPORT for the Mission Lake Dredge Rehabilitation Project ("PROJECT"), Project No. W-07-001, for the City of Horton, Kansas, 66439, will be accepted until 5:00 p.m., Friday, April 6, 2007. Statements of qualifications ("SOQ") will be reviewed and summarized by City staff and each SOQ, with one-page summary prepared by City staff, will be presented to staff of the Kansas State Conservation Commission and Horton City Commission for review. Final approval, with comment from the Kansas State Conservation Commission, will be made by the Board of Horton City Commissioners.

The City of Horton reserves the right to reject any or all bids and to waive any informalities or minor defects in SOQs received in response to RFQ. Small and minority-owned businesses are encouraged to bid on this project.

Requests for qualifications are available in the Office of the Horton City Clerk, 205 E 8th Street, Horton, Kansas, 66439, between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, or on the internet at <http://www.hortonkansas.net/government/purchasing-1>.

2. Definitional Section to Request for Qualifications and Subsequent Contract Execution.

2.1. **AGENT:** Any one or several persons who are authorized or give the appearance

Request for Qualifications for PRELIMINARY ENGINEERING REPORT
Mission Lake Dredge Rehabilitation Project
Project No. W-07-001
Page 1 of 15

to be authorized to act for or in place of another.

2.2. **CITY:** As used in this request for qualifications and any and all subsequent CONTRACT DOCUMENTS, unless otherwise indicated, the term CITY is used interchangeably to indicate the City of Horton, body politic of the Board of Horton City Commissioners, and/or expressly authorized agents of the City of Horton.

2.3. **CITY EMPLOYEE:** As used within the text of this REQUEST FOR QUALIFICATIONS, the term CITY EMPLOYEE shall be intended to include any employee at-will or paid consultant under contract to the CITY who is at the time of submission of the STATEMENT OF QUALIFICATIONS through the execution of a CONTRACT an employee-at-will or paid consultant of the CITY.

2.4. **CITY OFFICER:** As used within the text of this REQUEST FOR QUALIFICATIONS, the term CITY OFFICER shall be intend to include the City Administrator, City Attorney, and the five members of the Board of Horton City Commission, including the Mayor, Commissioner of Finance, Commissioner of Streets and Public Utilities, Commissioner of Police, and/or Commissioner of Parks and Recreation.

2.5. **CONTRACT DOCUMENTS:** Documents, in addition to the final contract, that shall be incorporated into the final contract for performance of the PRELIMINARY ENGINEERING REPORT shall include:

- a) Request for Qualifications.
- b) Respondent's Questionnaire, *Attachment II – Respondent's Questionnaire.*
- c) Insurance Requirements, *Attachment III – Insurance Requirements.*
- d) Notice to Proceed, *Attachment VI – Notice to Proceed.*

2.6. **INDEPENDENT CONTRACTOR:** As used in this request for qualifications, an independent contract is a person, corporation, sole proprietorship or other entity who is entrusted to undertake a specific project but who is left free to perform the scope of services, choosing the method for accomplishing the scope of services, and, unlike an employee, is responsible for the liability associated with the execution of the scope of services. Additionally, the term of independent contractor, as used in this request for qualifications, does not entitle the person, corporation, sole proprietorship or other entity contracted by the CITY to execute the scope of services detailed herein to CITY provided benefits.

2.7. **LOCAL GOVERNMENT RECORDS:** The term LOCAL GOVERNMENT RECORD as used herein shall be intended to mean and include any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium or other information recording medium, regardless of physical form or characteristic, that is purchased by public funds, regardless of whether those funds are federal, state or local.

2.8. **PARTIES:** The term PARTIES as used within the text of the CONTRACT DOCUMENTS shall be intended to mean and include the CITY and the SELECTED RESPONDENT, should the CITY choose to award a contract for the performance of the PRELIMINARY ENGINEERING REPORT.

2.9. **PHASE II LETTER OF INTENT:** As used within the text of this request of qualifications and contract documents, the PHASE II LETTER OF INTENT includes preliminary project plans, budgets, and schedules developed in sufficient detail to support the funding of the Mission Lake Dredge Rehabilitation Project by the Kansas State Conservation Commission under the Multipurpose Small Lakes Program. *K.A.R. § 11-4-1(g) (2006)*.

2.10. **PRELIMINARY ENGINEERING REPORT:** The term PRELIMINARY ENGINEERING REPORT, as used within the text of this REQUEST FOR QUALIFICATIONS, is the net, final report produced that completely addresses all inquiries of both the general SCOPE OF SERVICES outlined by the REQUEST FOR QUALIFICATIONS and any subsequent specific SCOPE OF SERVICES developed by a RESPONDENT and CITY as a result of negotiations and selection of RESPONDENT to perform the PRELIMINARY ENGINEERING REPORT.

2.11. **PROJECT:** The PROJECT, unless otherwise indicated throughout the CONTRACT DOCUMENTS, is the specific Mission Lake Dredge Rehabilitation Project.

2.12. **QUALIFICATIONS-BASED SELECTION:** The term QUALIFICATIONS-BASED SELECTION or QBS, as used within the text of this REQUEST FOR QUALIFICATIONS or any CONTRACT DOCUMENT, shall be intended to mean the procedure by which the SELECTION COMMITTEE will make its selection of a qualified engineering entity.

2.13. **REQUEST FOR QUALIFICATIONS:** The term REQUEST FOR QUALIFICATIONS or RFQ as used in the CONTRACT DOCUMENTS for the PRELIMINARY ENGINEERING REPORT is any responsive document

2.14. **RENOVATION PLAN:** The term RENOVATION PLAN, as used in the text of this REQUEST FOR QUALIFICATIONS and any subsequent CONTRACT DOCUMENTS, is intended to define a plan that outlines the scope of work of the total Mission Lake Dredge Rehabilitation Plan, which shall include (a) a cost-benefit analysis, (b) documentation of how the renovation will return Mission Lake to its original purpose or new and/or additional purpose, and (c) basic construction and hydrological data for planning purposes.

2.15. **RESPONDENT or RESPONDENTS:** Persons, sole proprietorships, corporations, limited liability companies, limited liability partnerships and other all other entities that respond to this REQUEST FOR QUALIFICATIONS with a STATEMENT OF QUALIFICATIONS.

2.16. **SCOPE OF SERVICES:** The SCOPE OF SERVICES is intended by both parties to

include general SCOPE OF SERVICES included in this REQUEST FOR QUALIFICATIONS at §7 and in any subsequent CONTRACT DOCUMENTS further defining a specific SCOPE OF SERVICES to be included in the CONTRACT.

2.17. SELECTED RESPONDENT(S): The term SELECTED RESPONDENT or SELECTED RESPONDENT(S) as used within the context of this REQUEST FOR QUALIFICATIONS and any and/or all subsequent CONTRACT DOCUMENTS, unless otherwise indicated, shall be defined as RESPONDENT(S) that may be chosen by the CITY for performance of a contract of the PRELIMINARY ENGINEERING REPORT.

2.18. SELECTION COMMITTEE: The SELECTION COMMITTEE as used within the context of this REQUEST FOR QUALIFICATIONS add any and/or all subsequent CONTRACT DOCUMENTS, unless otherwise indicated, shall be defined as (a) the one (1) member of the Board of Horton City Commission; (b) the Horton City Administrator; and one (1) designated representative of the Kansas State Conservation Commission.

2.19. STATEMENT OF QUALIFICATIONS: The term STATEMENT OF QUALIFICATIONS or SOQ as used within the text of this REQUEST FOR QUALIFICATIONS and any other CONTRACT DOCUMENTS shall be intended to mean and include any responsive document submitted by an engineering entity for the purpose of initializing negotiations for a CONTRACT for performance of the PRELIMINARY ENGINEERING REPORT, should the CITY choose to execute a CONTRACT,

2.20. TOTAL MAXIMUM DAILY LOAD or TMDL: The term TOTAL MAXIMUM DAILY LOAD or TMDL as used within the context of this REQUEST FOR QUALIFICATIONS and any and all subsequent CONTRACT DOCUMENTS, unless otherwise indicated, shall be defined as the term is used within the context §303(d)(1)(C) of the Federal Water Pollution Control Act, 33 U.S.C. §1313.

3. Information for Parties Interested in Submitted Statement of Qualifications.

3.1. General. The City of Horton, Kansas, is seeking a qualified engineering entity with demonstrated capacity in large dredge and excavation projects and the ability to successfully detail the services outlined by the REQUEST FOR QUALIFICATIONS herein. All STATEMENTS OF QUALIFICATIONS received in response to this RFQ should address the institutional and demonstrated capacity of the firm or entity in completing the following services. All STATEMENTS OF QUALIFICATIONS for the preparation of a PRELIMINARY ENGINEERING REPORT for Mission Lake, City of Horton, Kansas, will be received by the City of Horton at the Office of the Horton City Clerk, Horton City Hall, 205 E 8th Street, Horton, Kansas 66439, until 5:00 p.m., Friday, March 23, 2007. Electronic submissions will not be accepted.

3.2. Titles or Headings. The titles or headings of the sections and subsections of this request for qualifications and all other CONTRACT DOCUMENTS therein are intended by both parties to be used for convenience of reference and shall not be considered as

having any bearing on the interpretation of CONTRACT DOCUMENTS.

3.3. No Conditional or Qualified Statements of Qualifications. All SOQs must comply with the requirements of this request for qualifications ("RFQ"). Conditional and/or qualified SOQs will either (a) not be accepted or reviewed or (b) will be reviewed as though the SOQ is an unconditional or otherwise unqualified SOQ. Submission of an SOQ in response to this RFQ shall not entitle or otherwise give RESPONDENT special preference in award of contract for dredging of Mission Lake. Responsive SOQs to this RFQ, however, will not preclude RESPONDENT from submitting SOQs in response to future RFQs for the purpose soliciting qualified entities to perform the dredging of Mission Lake.

3.4. Qualifications-Based Selection Procedure. All SOQs will be evaluated on a QUALIFICATIONS-BASED SELECTION procedure, with SOQs being evaluated on several criteria, including the specialized or technical experience of the RESPONDENT, past operational performance of RESPONDENT in the area outlined by this RFQ, and cost proposed to complete PRELIMINARY ENGINEERING REPORT.

3.5. Solicitation of an Offer Capable of Being Accepted, Rejected or Rescinded. The City of Horton ("CITY") may waive any informalities or minor defects or reject any and all SOQs. Any SOQ may be withdrawn prior to the above scheduled time for the opening and review of SOQs or authorized postponement thereof. No SUBMITTING ENTITY may withdraw an SOQ within 60-days after the actual date of the opening thereof. Should there be reasons why the contract cannot be awarded within the specified period, the time may be extended by mutual agreement between the CITY and the RESPONDENT.

3.6. Responsibility of Respondents Submitting Statements of Qualifications. Each RESPONDENT is responsible for inspecting the site; for reading and being thoroughly familiar with the CONTRACT DOCUMENTS; and for satisfying themselves as to the accuracy of the proposed price for performing the services solicited by this RFQ. The submission of an SOQ by a RESPONDENT shall be considered *prima facie* evidence that the RESPONDENT has made such examination and is satisfied as to the conditions to be encountered in performing the work defined by the *Scope of Services* defined herein under § 4 of this RFQ.

3.7. Contact Information to Arrange a Site Visit. To arrange a site visit, call Levi J. Henry, Horton City Administrator, at (785) 486-2681 between the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, or e-mail at levi.henry@hortonkansas.net. All site visits, however, must be made in compliance with §3.8 of this RFQ.

3.8. Restrictions on Communication. All RESPONDENTS are prohibited from communicating with elected City officials and City staff regarding the RFQ or SOQ from the time the RFQ has been released until the contract, should a contract be chosen to be executed, is posed as a City Commission agenda item. Respondents are prohibited from communicating with City employees from the time the RFQ has been released until any contract is awarded. These restrictions extend to *any* 'thank you' letters, phone calls,

e-mails and/or any other contact that results in the direct or indirect discussion of the RFQ and/or qualifications submitted by Respondents. Violation of this provision by any RESPONDENT and/or their agent may lead to disqualification of RESPONDENT'S qualifications from consideration. Exceptions to the restrictions on communication with CITY EMPLOYEES include:

- a) RESPONDENTS may ask verbal questions concerning this RFQ at the Pre-Submittal Conference.
- b) All communication with RESPONDENTS will be made by electronic mail and/or posting to the CITY'S website at <http://www.hortonkansas.net/government/purchasing-1>. Any RESPONDENTS that do not have access to the internet must notify the CITY as such, so that written communications can be mailed via the United States Postal Service.
- c) The RESPONDENTS may submit written questions concerning this RFQ to the City Administrator at the address listed in the address listed below until 4:30 p.m., CST, Monday, April 2, 2007. Questions received after the stated deadline will not be answered. All written communications are suggested to be sent via electronic mail, with return delivery receipt requested, to:

Levi Henry
City Administrator
City of Horton, Kansas
Horton, KS 66439-0030
E-Mail: levi.henry@hortonkansas.net.

3.9. Amendments to Request for Qualifications. Changes, amendments or written responses to questions received in compliance with §3.8 of this RFQ will be electronically mailed to all interested RESPONDENTS who provided attended PRE-SUBMITTAL CONFERENCE and provided such information as is necessary to deliver such amendments. Additionally, all changes, amendments and/or written responses will be posted on the CITY'S website at <http://www.hortonkansas.net/government/purchasing-1>. It is RESPONDENT'S responsibility to review this site and ascertain whether any amendments have been made prior to submission of a proposal. A RESPONDENT who does not have access to the internet must notify the CITY in accordance with Section §3.8(b). No oral statement of any person shall modify or otherwise change or affect the terms, conditions or specifications stated in the RFQ; and changes to the RFQ, if any, shall be made in writing only.

4. Time Schedule for Selection Process. Statements of qualifications must be submitted in writing to and received by the Horton City Clerk no later than 5:00 p.m., CST, Friday, March 23, 2007. No submission will be accepted after this date and time. Horton City Administration will then review the submission of SOQs; summarize each

of the SOQs; seek input from administrative staff of the Kansas State Conservation Commission related to the Multipurpose Small Lakes Program; and submit administrative summaries along with State Conservation Commission administrative input and SOQs to Horton City Commission for final review and either acceptance of offer or rejection of all offers. The following dates are an approximate schedule, which is subject to change:

March 19, 2007 (Monday): Request for Qualifications for PRELIMINARY ENGINEERING REPORT for Mission Lake Dredge Rehabilitation Project Issued.

March 22, 2007 (Thursday): Pre-Submittal Conference.

April 2, 2007 (Monday): Final questions submitted to City Administrator accepted.

April 6, 2007 (Friday): Statements of qualifications for PRELIMINARY ENGINEERING REPORT for Mission Lake Dredge Rehabilitation Project required to be submitted to Horton City Clerk by 5:00 p.m., CST.

April 9, 2007 (Monday): Summaries of each SOQ & corresponding SOQ are submitted to SELECTION COMMITTEE for individual evaluation, ranking and comment.

April 13, 2007 (Friday): Development of shortlisted candidate-respondents and scheduling of shortlisted interviews. Shortlisted candidates sent notice of time of interview.

April 18, 2007 (Wednesday): Interview of shortlisted candidate-respondent's conducted. Preliminary recommendations developed and forwarded to Board of Horton City Commissioners for review and action.

April 23, 2007 (Monday): Recommendations of SELECTION COMMITTEE heard by Board of Horton City Commissioners and final action taken. City Administrator and Program Manager, Multipurpose Small Lakes Program, Kansas State Conservation Commission, given permission to negotiate for specific scope of services and final contract.

May 7, 2007 (Monday): Final contract and specific scope of services presented to Board of Horton City Commissioners for final review.

May 8, 2007 (Tuesday): Upon final approval of contract and specific scope of services, notice to proceed sent to SELECTED RESPONDENT.

June 27, 2007 (Wednesday): Submission of PRELIMINARY ENGINEERING REPORT.

July 2, 2007 (Monday): Submission of original copy of PHASE II LETTER OF INTENT to Kansas State Conservation Commission and six copies to reviewing agencies.

The City of Horton reserves the right, at its sole and absolute discretion, to extend any of the actual or proposed dates in the time schedule and procedures application to all RESPONDENTS. Further, the City of Horton reserves the right to reject any and all submissions from any and all SUBMITTING ENTITIES and to republish the RFQ if the CITY so chooses. The CITY also reserves the right in its sole and absolute discretion to terminate the RFQ process at any time prior to the execution of any contract for performance.

5. **Submission of Proposals.** The RESPONDENT(S) shall submit one (1) original, signed in blue ink, and ten (10) copies of the STATEMENT OF QUALIFICATIONS in a sealed envelope, clearly marked on the front of the envelope "**ATTN: MISSION LAKE PER SOQ.**" All proposals must be received in the Office of the Horton City Clerk no later than **5:00 p.m., CST, Friday, April 6, 2007**, at the address listed below. STATEMENTS OF QUALIFICATIONS submitted prior to the above time and date may be modified provided such modifications are sealed and received by the Office of the Horton City Clerk prior to the time and date set for submission of proposals. Any proposal or modification received after this time shall not be considered.

5.1. All qualifications shall be addressed and delivered in the following manner:

Mail or Deliver Qualifications To: Office of the Horton City Clerk
ATTN: Mission Lake PER SOQ
City of Horton, Kansas
205 E 8th Street, P.O. Box 30
Horton, Kan. 66439

Proposals sent by facsimile or electronic mail will not be accepted.

5.2. **Format of Statement of Qualifications.** Each proposal shall be typewritten and submitted on 8 1/2" x 11" white paper. Font size shall be no less than 12-point font type. All pages shall be printed on one side only. Margins shall be no less than 1" around the perimeter of each page. The maximum number of pages allowed shall be twenty-five (25) for response to RFQ Attachment I (*Respondent Questionnaire*). Each page shall be numbered. Electronic files, websites, or URLs shall not be included as part of the proposal; compact disks and/or computer disks submitted as part of the SOQ shall not be considered. Each SOQ must include the sections and attachments in the sequence listed in the STATEMENT OF QUALIFICATIONS requirements under §8 of this REQUEST FOR QUALIFICATIONS. Each section and attachment must be indexed and divided by tabs and indexed in a *Table of Contents* page. Failure to meet the above conditions may result in disqualification of the proposal.

5.3. RESPONDENTS who submit responses to this RFQ shall correctly reveal, disclose, and state the true and correct name of the individual, proprietorship, corporation, and/or partnership, clearly identifying all responsible partners who would be associated with the CONTRACT, if any is executed. Additionally, any AGENT acting on behalf of RESPONDENT(S) shall execute *Affidavit of Agency*. See Attachment III –

Affidavit of Certifications.

6. **Background & History.** In approximately the year 2000, Mission Lake, the City of Horton's primary source of public drinking water supply was listed as a exceeding of the total maximum daily loads ("TMDLs") for nutrient (phosphorus) and atrazine by the Kansas Department of Health and Environment ("KDHE") under the powers issued to it pursuant to §303 of the Clean Water Act.

Mission Lake was built in 1924 as the result of a \$175,000.00 bond issue by the residents of the City of Horton. Mission Lake served the community well, as both a source of clean drinking water and recreation for nearly a century. However, Mission Lake fell victim to high amounts of sedimentation, as well as the above described TMDL exceeding limitations.

In 2004, the City of Horton began a vigorous campaign to restore and rehabilitate the drinking water and recreational capacity of Mission Lake. In March 2004, the City of Horton in cooperation with KDHE jointly funded a study to determine the best course of action for Mission Lake. In the resulting report, Potential Water Quality Enhancement Strategies, Mission Lake, City of Horton, Kansas ("2004 Strategies Report"), it was discovered that nearly 75 percent of Mission Lake's original basin storage capacity of 1,866 acre-feet had been consumed by sedimentation, leaving an approximate remaining 493 acre-feet of basin storage available.

During this time, City officials were approached by both members of Governor Kathleen Sebelius' Natural Resources Cabinet and members of the Kansas Legislature for their interest in enrolling Mission Lake into a pilot, demonstration project to be partially funded by state and municipal funding to demonstrate the effectiveness of dredging as a form of lake renovation in other Kansas lakes. Officials of the City of Horton testified before the Kansas Legislature in order to see that the available funding became available and that a program was designed in order to give the legislation authority.

In April 2005, in order to for the City of Horton to meet its municipal funding obligations to the demonstration program, the City of Horton held a special question-submitted ballot initiative asking voters to approve *up to* \$4,000,000.00 in revenue bonding in order to meet the City's share of the Mission Lake Rehabilitation Project.

Throughout the 2006 year, City officials participated in the official rule making process for the newly created Multipurpose Small Lakes Program ("MPSL Program" or "MPSLP") under the authority of the Kansas State Conservation Commission ("KSCC"). In November 2006, the City of Horton made application to the KSCC in the amount of \$2,600,000.00 in order to execute the Mission Lake Rehabilitation Project. In December 2006, the City of Horton received notice from the KSCC that it had been chosen for the special demonstration project.

In order to proceed with the project, the City of Horton, in its PHASE II LETTER OF INTENT must show (1) the scope of services envisioned by the City of Horton, including

any preliminary plans, cost estimates, and schedule for completion of the project; (2) a watershed management plan for the mitigation of future sedimentation and TMDL loading; and (3) the status of the sedimentation removed from Mission Lake, including where the City plans to place the removed sedimentation and what testing protocols the City plans to have in place after the sedimentation is removed.

The purpose of this REQUEST FOR QUALIFICATIONS is to seek STATEMENTS OF QUALIFICATIONS, generally, in regards to the subject matters of (1) and (3) above: scope of services envisioned by the Mission Lake Dredge Rehabilitation Project and plans for placement and testing of removed sedimentation.

7. Scope of Services, PRELIMINARY ENGINEERING REPORT, Mission Lake Dredge Rehabilitation Project, Project No. W-07-001.

7.1. Overview. The SCOPE OF SERVICES defined herein are intended only to serve as a general list of the scope of the PRELIMINARY ENGINEERING REPORT. Should the CITY choose to offer a contract to a RESPONDENT, the CITY and RESPONDENT shall as soon as practicable define the precise scope of services, and once the specific SCOPE OF SERVICES is defined it shall be memorialized by the CONTRACT DOCUMENTS.

7.2. Purpose. The purpose of this section is to describe the general work description and expectations of the CITY in preparation of a PRELIMINARY ENGINEERING REPORT.

7.3. Objective and Project Description. The objective of the PRELIMINARY ENGINEERING REPORT is to prepare preliminary plans to satisfy the requirements of the PHASE II LETTER OF INTENT as required by Kansas Administrative Regulation §11-4-3. *Attachment I – Multipurpose Small Lakes Program Administrative Regulations.*

The PRELIMINARY ENGINEERING REPORT must identify state and federal permits and clearances that will be required for the performance of the Mission Lake Dredge Rehabilitation Project.

7.3.1. Locations for Sedimentation-Slurry Settling. The PRELIMINARY ENGINEERING REPORT must identify more than one location for the location of sedimentation-slurry settling basins having capacity of 800,000 to 1,500,000 cubic yards of sedimentation. Locations identified must include analysis of whether land can be purchased or long-term leased and, if so, at what price; and, alternatively, if land cannot be obtained via free market transaction, include estimated appraisal values for eminent domain proceedings. Locations chosen must be chosen in a manner that will not encourage re-sedimentation of Mission Lake and, likewise, would not violate and state or federal statute or regulation.

7.3.2. Agricultural Impact Statement and Resources Inventory. If locations identified for sedimentation-slurry settling basins include five or more acres of prime agricultural land taken under the power of eminent domain, an agricultural impact statement and

resources inventory must be prepared and included with the PRELIMINARY ENGINEERING REPORT pursuant to K.A.R. §11-4-3 (2006).

7.3.3. Estimated Total Cost and Cost Per Cubic Yard for Removal. PRELIMINARY ENGINEERING REPORT must include a estimated total cost to complete the PROJECT and an estimated cost per cubic yard for removal, assuming for both estimated costs between 800,000 and 1,500,000 cubic yards of sedimentation is to be removed from Mission Lake.

7.3.4. Scheduling & Sequencing Plan. The PRELIMINARY ENGINEERING REPORT must include an estimation of time to complete dredging operation, including amount of time required for mobilization and demobilization of dredge.

7.3.5. Sedimentation Prevention & Mitigation Plan. The PRELIMINARY ENGINEERING REPORT must include a general plan to mitigate future sedimentation of Mission Lake. The general plan must identify areas of high sedimentation in the immediate Mission Lake perimeter and make recommendations of corrective measures that should be taken, whether it be by small, unregulated sedimentation structures or riparian filter strips, in order to mitigate the amount of sedimentation flowing into Mission Lake.

7.3.6. Development of Renovation Plan for Mission Lake. Development of a RENOVATION PLAN, which is a mandatory feature of the PHASE II LETTER OF INTENT in order to meet the objective of the CITY in pursuit of the PRELIMINARY ENGINEERING REPORT. A RENOVATION PLAN, pursuant to K.A.R. §11-4-1(k)(1)(2006), “means a plan that outlines the scope of the work of the project and...includes...(1) a cost benefit analysis; (2) documentation of how the renovation will return the structure to its original purpose or a new purpose; and (3) basic construction and hydrologic data for planning purposes.”

8. Review Procedure for Statements of Qualifications. The CITY will conduct, through a SELECTION COMMITTEE as defined by §2.18 of this REQUEST FOR QUALIFICATIONS, a comprehensive, fair and impartial evaluation of all SOQs received in response to this RFQ.

The SELECTION COMMITTEE may select all, some or none of the RESPONDENTS for interviews. If the CITY elects to conduct interviews, RESPONDENTS may be interviewed and re-scored based upon the same criteria or other criteria may be selected by the SELECTION COMMITTEE.

The SELECTION COMMITTEE will execute the QUALIFICATIONS-BASED SELECTION procedure for the procurement of a contract for the performance of the Mission Lake Dredge Rehabilitation Project PRELIMINARY ENGINEERING REPORT. The schedule for procurement is contained under §4 of this REQUEST FOR QUALIFICATIONS.

The CONTRACT, if awarded, will be awarded to the RESPONDENT(S) whose QUALIFICATIONS are deemed most advantageous to the CITY, as determined by the SELECTION COMMITTEE, upon final approval of the Board of Horton City Commissioners.

The CITY may also request additional information from RESPONDENTS at any time prior to final approval and execution of any contract with a SELECTED RESPONDENT. The CITY reserves the right to select one, more than one, or none of the RESPONDENTS to provide preliminary engineering services. Final approval of the SELECTED RESPONDENT(S) is subject to the action of the Board of Horton City Commissioners.

All SOQs received in regards to performance of the PRELIMINARY ENGINEERING REPORT described under § 4 (*Scope of Services*), *supra*, shall be evaluated on the following criterion:

- a) The specialized experience or technical expertise in large dredge and excavation operations and projects performed by the firm or entity and its personnel. Please provide a detailed profile of your applicant team, including resumes of team members. (20 points possible)
- b) Past record of performance on contracts with the City of Horton, if any, and other clients, including quality of work, timeliness, and cost control. Past performance in relation to specific large dredge and excavation projects will be given more weight in assessment by the SELECTION COMMITTEE. (20 points possible)
- c) Capacity of the firm to perform the work within time limitation in executed contract for performance, with delivery of PRELIMINARY ENGINEERING REPORT on or before May 31, 2007. (10 points possible)
- d) Cost of services, including hourly rate for all proposed personnel and all projected expenses, including but not limited to, transportation, lodging, meals, which shall not be paid separately. (25 points possible)
- e) References from previous clients of related work, especially large dredge and/or excavation projects by the firm within the past five years. (25 points possible)

8.1. Procedure for Selection. Upon review and determination of a shortlist of RESPONDENTS for interview, the City Administrator shall schedule shortlist interviews of selected RESPONDENTS for interview. After interviews of shortlisted firms have been conducted, the SELECTION COMMITTEE will make a recommendation to the Board of Horton City Commissioners for final action. If the Board of Horton City Commissioners makes an affirmative approval of the recommendation, SELECTED RESPONDENT will be notified and preliminary negotiations for a specific scope of services and final contract will begin.

Once a final contract and specific scope of services has been negotiated, final approval from Board of Horton City Commissioners will be required. If an affirmative action is granted, a NOTICE TO PROCEED will be granted and SELECTED RESPONDENT shall proceed with services detailed in the general and specific scope of services. See *Attachment VI – Notice to Proceed*.

9. Reservation of Rights.

9.1. **Reservation of Award of Contract.** The CITY reserves the right to award one, more than one or no contract(s) in response to this RFQ.

9.2. **Reservation of Selection.** The CITY reserves the right to award a contract based on an SOQ or reject any and all SOQs received in response to this RFQ, and to waive informalities and irregularities in the SOQs received. The CITY also reserves the right to terminate this RFQ, reissue a subsequent RFQ, and/or remedy technical errors in this RFQ process.

9.3. **Contract Execution.** The CITY will require the selected RESPONDENT(S) to execute a contract in substantially the form as attached with the CITY prior to final award by the Board of Horton City Commissioners. See *Attachment IV – Preliminary Proposed Contract*. No work shall commence until the CITY signs the CONTRACT DOCUMENT(S) and RESPONDENT(S) provides the necessary evidence of insurance as required in this RFQ and the CONTRACT. CONTRACT documents are not binding on CITY until approved by the City Attorney. In the event the parties cannot negotiate and execute a contract within the time specified, the CITY reserves the right to terminate negotiations with the selected RESPONDENT and commence negotiations with another RESPONDENT.

9.4. **Solicitation of an Offer.** This RFQ does not commit the CITY to enter into a CONTRACT, award for any services related to this RFQ, nor does it obligate the CITY to pay any costs incurred in preparation or submission of an SOQ in anticipation of a CONTRACT. This REQUEST FOR QUALIFICATIONS shall not be interpreted as an offer, but only as an offer for a solicitation to negotiate for a contract.

9.5. **Insurance.** If selected, RESPONDENT will be required to comply with the INSURANCE and INDEMNIFICATION requirements established herein. See *Attachment III – Insurance Requirements; and Attachment V – Preliminary Contract Proposal*.

9.6. **Hold Harmless.** The SELECTED RESPONDENT shall, within limitations placed on such entities by Kansas state law, save harmless the City of Horton, Kansas, its agents, officers and employees from all claims and actions, and all expenses defining the same that are brought as a result of any injury or damage sustained by any person or property in consequence of any act or omission to act by the SELECTED RESPONDENT. The SELECTED RESPONDENT shall, within limitations placed on such entities by Kansas state law, save harmless the City of Horton, Kansas, its agents, officers and employees from any claim or amount recovered as a result of infringement of patent,

trademark, copyright or from any claim or amounts arising or recovered under workers compensation law or any other law. In any agreement with any subcontractor for the SELECTED RESPONDENT, SELECTED RESPONDENT will specify that such subcontractors or agents shall hold harmless the City of Horton, Kansas, its agents, officers, and employees for all the hereinbefore described expenses, claims, actions or amounts recovered.

9.7. **Invoicing.** The SELECTED RESPONDENT must be able to formally invoice the CITY for services rendered, indicating on invoice the payment or partial for services or partial services rendered.

9.8. **Code of Ethics.** The RESPONDENT acknowledges that CITY OFFICERS and CITY EMPLOYEES are prohibited from ever receiving, soliciting or accepting gifts, gratuities, favors or anything of value for himself, herself, family or others, which is intended or has the appearance or affect of influencing the performance of his or her duties.

9.9. **Relationship of Selected Respondent as Independent Contractor.** The RESPONDENT agrees and understands that, if selected to perform PRELIMINARY ENGINEERING REPORT, it and all agents designated by RESPONDENT to provide services in connection with a CONTRACT, is, are and shall be deemed to be an INDEPENDENT CONTRACTOR, responsible for its respective acts or omissions to act and assumes VICARIOUS LIABILITY for the acts or omission to act of RESPONDENT'S AGENTS; that the CITY shall in no way be responsible for RESPONDENT'S actions or omissions; and that none of the parties hereto will have authority to bind the others or to hold out to third parties that it has such authority.

9.10. **Kansas Open Records Act.** In accordance with Kansas law, RESPONDENT acknowledges and agrees that (a) all SOQs submitted in response to this RFQ will be presumed to become LOCAL GOVERNMENT RECORD available for public inspection and copy under the Kansas Open Records Act, K.S.A. 45-215 *et seq.*; (b) records created or received in the transaction of official business or the creation or maintenance of which were paid for with public funds are presumed to be public property and LOCAL GOVERNMENT RECORDS under the Kansas Open Records Act, *supra*; and (c) no LOCAL GOVERNMENT RECORDS prepared in response by RESPONDENTS to this RFQ shall be the subject of any copyright or proprietary claim by RESPONDENT. All reports, information, data, or other findings prepared and/or assembled by the SELECTED RESPONDENT and held by SELECTED RESPONDENT are confidential and the SELECTED RESPONDENT agrees that they shall not be made available to any individual or organization without prior written approval of the CITY.

10. **Contracting Procedure & Contract Documents.** The contracting procedure shall begin with the advertisement for request for qualifications and end with notice of release by City of Horton, Kansas. All documents associated with this process shall become part of the CONTRACT DOCUMENTS.

10.1. **Qualification Based Selection.** After all STATEMENTS OF QUALIFICATIONS

have been received, the SELECTION COMMITTEE shall evaluate qualifications submitted by all RESPONDENTS pursuant to the criteria issued under §8 of the REQUEST FOR QUALIFICATIONS.

10.2. Establishing a Shortlist for Interview. Based on evaluation of STATEMENT OF QUALIFICATIONS and reference checks, the SELECTION COMMITTEE shall establish a list of three-to-five RESPONDENTS for interview.

10.3. Briefing with Shortlisted Firms. After a shortlist has been developed, a briefing for all interested parties shall be held to include the City Administrator, City of Horton, Kansas; representative(s) of the Kansas State Conservation Commission or other persons the Kansas State Conservation Commission may choose to be present; and representative(s) of the Kansas Biological Survey. A site tour will be conducted during the briefing.

10.4. Interview & Ranking of Shortlisted Respondents. After the briefing has been conducted, each of the shortlisted respondents shall be interviewed by the SELECTION COMMITTEE and ranked based on the criteria included under §8 of this REQUEST FOR QUALIFICATIONS.

10.5. Selection of Respondent & Negotiation of Detailed Scope of Work. After ranking is established, all RESPONDENTS will be notified of the rankings and negotiations for a detailed scope of work shall be commenced. If an agreement cannot be reached, negotiations with the top-ranked RESPONDENT may be terminated and the CITY may open negotiations with the second-ranked RESPONDENT. Negotiations may be conducted by representatives of the SELECTION COMMITTEE, including City Administrator, City of Horton, Kansas and representative(s) of the Kansas State Conservation Commission.

10.6. Negotiation of Final Contract. Once there is an agreement on the specific SCOPE OF SERVICES, the RESPONDENT should submit its specific proposal for compensation. After a contract for detailed scope of services and proposal for compensation has been negotiated, the contract shall be presented to the Board of Horton City Commissioners for review and action. See *Attachment IV – Preliminary Proposed Contract*.

END OF DOCUMENT

Attachment I

Multipurpose Small Lakes Rules & Regulations
Kansas Administrative Regulations §11-4-1 *et seq.*

Article 4.--MULTIPURPOSE SMALL LAKES PROGRAM

11-4-1. Definitions. (a) “Authorized representative” means the individual designated by the sponsor to be responsible for all correspondence. The authorized representative shall be the point of contact for the proposed project.

(b) “Bathymetric survey” means a survey recording the water depth of a reservoir at various points.

(c) “Commission” means the state conservation commission.

(d) “Cost-share limit” means the limitation of state funds as established by statute for class I, class II, and class III projects.

(e) “Land treatment” means a structure or conservation practice that shall constitute a viable method of erosion abatement or sediment and pollution control.

(f) “Phase I letter of interest” means an initial written request from a sponsor for a determination of whether a proposed project is eligible for funding.

(g) “Phase II letter of intent” means a letter providing the necessary information for establishing the funds required for a proposed project. Project plans, budgets, and schedules shall be developed in sufficient detail to support the funding request. An approved general plan, which shall be submitted with the letter of intent, shall supply detailed information to allow comparison with other projects. The signed letter of intent and supporting documentation shall be reviewed by the state water-related agencies. An order of priority for the proposed projects shall be established from the information provided in the letter of intent and recommendations from the reviewing agencies.

(h) “Phase III application” means the application for the appropriated funds for a project. This term shall include construction documents including technical specifications, contract documents, bidding plans and procedures, and documentation showing that all required permits, titles, or options on the necessary lands and easements have been obtained.

(i) “Program” means the multipurpose small lakes program.

(j) “Project” means construction or renovation of a multipurpose small lake structure by the sponsor, including acquisition of land rights and installation of land treatment structures, dams, and recreation facilities.

(k) “Renovation,” as defined in K.S.A. 82a-1603 and amendments thereto, shall include the act of restoring an existing structure to safe and efficient functioning for the original purpose or for a new purpose.

(l) “Renovation plan” means a plan that outlines the scope of work of the project and shall include the following:

(1) A benefit and cost analysis;

(2) documentation of how the renovation will return the structure to its original purpose or a new purpose; and

(3) basic construction and hydrologic data for planning purposes. (Authorized by and implementing K.S.A. 2005 Supp. 82a-1602; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended Sept. 22, 2006.)

11-4-2. Phase I letter of interest. (a) Each prospective sponsor of new construction shall submit a phase I letter of interest to the commission to determine if the

proposed project will qualify for the program. The letter of interest shall be submitted on a form furnished by the commission.

(b) In the phase I letter of interest for renovation of an existing lake, the sponsor shall provide the commission with evidence that the proposed project meets the following initial eligibility requirements:

(1) The lake shall currently provide local public water supply benefits or be reasonably expected to do so in the future.

(2) The dam impounding the lake shall not be considered hydrologically inadequate or unsafe by the chief engineer.

(c) The phase I letter of interest shall be reviewed by the commission, and the sponsor shall be notified in writing if the proposed project qualifies for funding or does not qualify. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended Sept. 22, 2006.)

11-4-3. Phase II letter of intent. (a) (1) Any sponsor may submit a phase II letter of intent following receipt of a letter from the commission acknowledging that the proposed project is eligible for possible funding. The letter of intent, submitted on a form furnished by the commission, shall include an approved general plan, if applicable.

(2) Each proposed project involving community development block grant funds shall include a copy of an application for these funds. If the grant conditions change or new grants are awarded anytime after submittal of the proposal, the sponsor shall forward the most current version to the commission.

(3) The sponsor shall include an agricultural impact statement and resources inventory when five acres or more of prime agricultural land is taken under the power of eminent domain, if applicable.

(b) In addition to meeting the requirements specified in subsection (a), the sponsor of a renovation project shall submit a renovation plan with the letter of intent.

(c) The consideration of renovation projects shall be based on the following criteria:

(1) The water supply status of the lake;

(2) the back-up water supply source;

(3) any prior use of multipurpose small lake program funds;

(4) the population served by the lake;

(5) the age of the lake;

(6) the loss of storage capacity due to sedimentation;

(7) the location of the lake relative to a total maximum daily load area;

(8) the current and potential recreational uses of the lake;

(9) the availability of bathymetric surveys and studies of the lake;

(10) the sedimentation rate; and

(11) a plan for prevention of future sedimentation.

(d) The original of the phase II letter of intent, plus one copy for each reviewing agency, shall be submitted to the commission no later than June 1 to be considered in the budget request for the next fiscal year. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 2005 Supp. 82a-1604, 82a-

1605, and 82a- 1606 and K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended Sept. 22, 2006.)

11-4-4. Review process. (a) The agencies reviewing each phase II letter of intent shall include the following:

- (1) Kansas department of health and environment;
- (2) division of water resources, Kansas department of agriculture;
- (3) Kansas department of wildlife and parks;
- (4) Kansas biological survey at the university of Kansas;
- (5) Kansas state historical society; and
- (6) Kansas water office.

(b) Each agency's review comments shall be considered by the commission in the priority-ranking process. The proposed projects not recommended for funding shall be returned to the sponsor with the reasons for rejection. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended Sept. 22, 2006.)

11-4-6. Phase III application. (a) After funds have been appropriated by the legislature for a project, the sponsor shall submit to the commission a phase III application. The application shall be submitted on a form furnished by the commission.

(b) The sponsor shall be responsible for securing all required permits before a state contract may be authorized. A copy of each required permit shall be furnished to the commission before any construction or renovation reimbursements are made.

(c) In addition to meeting the other requirements of this regulation, the sponsor of each renovation project shall submit a pre-excavation bathymetric survey estimating the volume of sediment to be excavated and a plan to address the safe handling and disposing of contaminants.

(d) The contractor selection committee shall include a representative of the commission. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended Sept. 22, 2006.)

11-4-7. State contract. (a) Each contract between the commission and the sponsor shall include the contractual provisions required by the commission and the state.

(b) Any contracts not completed by the end of the fiscal year in which appropriation was made may be extended by the commission. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 82a- 1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended Sept. 22, 2006.)

11-4-8. Procedures. (a) Each engineering plan submitted to the chief engineer shall reflect economical design and shall conform to or exceed the construction requirements of the chief engineer.

(b) Each sponsor shall have acquired fee simple title or any other estate or interest in the site of the project, including all necessary easements and rights-of-ways, to

ensure undisturbed use and possession for the purpose of construction, operation, and maintenance for the life of the project.

(c) Standard bid procedures of the department of administration shall be used in the bidding process for construction projects.

(d) Standard bid procedures of the department of administration and the bid procedures of the commission shall be used in the bidding process for renovation projects.

(e) The sponsor shall maintain adequate accounting and fiscal records to reflect the receipt and expenditure of all funds on the project.

(f) The sponsor shall submit relevant documents and information as required by the commission.

(g) The sponsor shall ensure that a bid bond and a performance bond are secured by the contractor.

(h) The sponsor shall complete the project in accordance with the application, plans, specifications, and any modifications approved by the chief engineer. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 2005 Supp. 82a-1604, 82a-1605, and 82a-1606 and K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended Sept. 22, 2006.)

11-4-9. Partial payments. (a) Partial payments of appropriated state funds shall be made by the commission to the sponsor no more often than once each month. Each partial payment shall be requested by the sponsor on a form furnished by the commission. All claims shall be documented by the sponsor as directed by the commission.

(b) Each partial payment request shall include a project progress report. Partial payments shall be made in proportion to the work completed on the project.

(c) Until final certification is made by the chief engineer, 10 percent of the total project cost-share shall be retained by the commission. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 2005 Supp. 82a-1604, 82a-1605, and 82a-1606 and K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended Sept. 22, 2006.)

11-4-10. Notification of completion. (a) The sponsor of a construction project shall notify the commission and the chief engineer when the project is completed and ready for final certification by the chief engineer. The notification of completion shall be submitted on a form supplied by the commission and shall include the following:

(1) The date of completion of the project;

(2) an itemized list of all costs of construction, engineering, surveys, geological investigations, inspections, and land acquisition; and

(3) a request for final payment of funds for the project.

(b) The sponsor of a renovation project shall notify the commission when the project is completed. The notification of completion shall be submitted on a form supplied by the commission and shall include the following information:

(1) The date of completion of the project;

(2) an itemized list of all costs of restoration, engineering, surveys, geological investigations, inspections, and land acquisition costs;

(3) a final bathymetric survey and a determination of the final excavated

volume; and

(4) a request for final payment.

(c) Final disbursement of the funds due from appropriated state funds shall be made after receipt of final certification from the chief engineer. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended Sept. 22, 2006.)

11-4-11. Modifications to construction or renovation plan. Each modification of the original construction or renovation plan shall require the prior approval of the chief engineer and notification to the commission. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 2005 Supp. 82a-1604, 82a-1605, and 82a-1606 and K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended Sept. 22, 2006.)

11-4-12. Amendment to costs of project. (a) The sponsor shall notify the commission of all increases in costs and of all proposed additions to, deletions from, and modifications of the project.

(b) The sponsor may submit an amendment to the application for state funds to the commission for costs of construction, engineering, and land rights above the approved application funding. The amendment shall be submitted on a form furnished by the commission and shall include any documentation required by the commission.

(c) After review by the commission, each approved amendment for increased funding shall be designated as either of the following:

(1) Funded from appropriations made available for necessary amendments; or

(2) included as a line item request in the commission budget.

(d) Each amendment that is not approved shall be returned to the sponsor with each reason for rejection. The sponsor may appeal the nonapproved amendment in writing by requesting a hearing with the commission. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 2005 Supp. 82a-1604, 82a-1605, and 82a-1606 and K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended Sept. 22, 2006.)

11-4-13. Maintenance. The sponsor shall provide maintenance of the completed structure throughout its designed life or useful life, whichever is longer. The sponsor shall implement corrective maintenance or repair when needed. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 82a-1607; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended Sept. 22, 2006.)

11-4-14. Annual inspection. The sponsor shall ensure that an annual operation and maintenance inspection of the completed structure is made. The inspection shall be made by a person experienced in dam operation and maintenance. The sponsor shall submit a copy of the operation and maintenance inspection report, on a form provided by the commission, to the commission and chief engineer. (Authorized by and implementing

K.S.A. 2005 Supp. 82a-1602; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987; amended Sept. 22, 2006.)

11-4-15. Eligible components of renovation projects. The eligible components of a renovation project shall include the following:

- (a) Engineering;
- (b) repair of embankments;
- (c) construction of silt basins;
- (d) mobilization and demobilization of equipment;
- (e) excavation;
- (f) removal of sediment from a reservoir;
- (g) metal, concrete, and associated materials;
- (h) inundation mapping; and
- (i) land rights. (Authorized by K.S.A. 2005 Supp. 82a- 1602; implementing K.S.A. 2005 Supp. 82a-1603(m), 82a- 1604, 82a-1605, and 82a-1606; effective Sept. 22, 2006.)

11-4-16. Testing and disposal of sediment from reservoir. The testing of sediment by the sponsor may be required by the commission before or during excavation, or both. The sponsor shall be required to have one or more sufficient sediment storage basins for the disposal of excavated material. (Authorized by K.S.A. 2005 Supp. 82a-1602 and K.S.A. 82a-1607; implementing K.S.A. 82a- 1607; effective Sept. 22, 2006.)

Attachment II

Respondent's Questionnaire

Attachment II
Respondent Questionnaire

1. General Information.

1.1. Company Information. Provide the following information regarding your company.

Name/Name of
Agency/Company: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No. _____ Fax No. _____

1.2. Contact Information. List the person who the City may contact concerning your proposal or setting dates for meetings.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No. _____ Fax No. _____

E-Mail: _____

1.3. Kansas Corporate Licensure. Is your COMPANY authorized and/or licensed to do business in the State of Kansas?

1.4. Company/Corporate Headquarters. Where is your Company or Corporate headquarters located?

1.5. Debarment/Suspension Information. Has the Company or Corporation or any of its principals been debarred or suspended from contracting with any public entity?

Yes _____ No _____

RESPONDENT'S QUESTIONNAIRE
Attachment II, Request for Qualifications
Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project

1.6. **Surety Information.** Have your or the Company ever had a bond or surety canceled or forfeited?

Yes _____ No _____

1.7. **Bankruptcy Information.** Have you or the Company ever been declared bankrupt or filed for protection from creditors under State or Federal proceedings?

Yes _____ No _____

If yes, state the name of the bonding company, date, amount of bond and reason for such cancellation or forfeiture.

1.8. **Other Names of Incorporation.** Provide any other names under which your business has operated within the last 10-years.

2. **References.** Provide a minimum of four (4) recent references that may be contacted concerning your firm's performance on similar projects.

2.1. **Reference No. 1.**

Municipal, Public and/or Private Corporate Name:

Contact Name: _____ Title: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No. _____ Fax No. _____

RESPONDENT'S QUESTIONNAIRE
Attachment II, Request for Qualifications
Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project

E-Mail: _____

2.2. Reference No. 2.

Municipal, Public and/or Private Corporate Name:

Contact Name: _____ Title: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No. _____ Fax No. _____

E-Mail: _____

2.3. Reference No. 3.

Municipal, Public and/or Private Corporate Name:

Contact Name: _____ Title: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No. _____ Fax No. _____

E-Mail: _____

2.4. Reference No. 4.

Municipal, Public and/or Private Corporate Name:

Contact Name: _____ Title: _____

Address: _____

RESPONDENT'S QUESTIONNAIRE
Attachment II, Request for Qualifications
Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project

City: _____ State: _____ Zip Code: _____

Telephone No. _____ Fax No. _____

E-Mail: _____

3. Experience, Background, and Qualifications. Prepare and submit narrative responses to address the following items.

3.1. Description of Past Experience. Describe the RESPONDENT(S) experience, relevant to the SCOPE OF SERVICES described in this REQUEST FOR QUALIFICATIONS. List and describe relevant projects of similar size and scope performed over the past four years. Identify associated results or impacts of the project/work performed.

3.2. Description of Specific Experience with Public Agencies. Describe RESPONDENT'S specific experience with public entities clients. If RESPONDENT'S have provided services for the CITY in the past, identify the name of the project and the department for which RESPONDENT provided those services.

3.3. Capacity of RESPONDENT. List other resources, including total number of employees, number and location of offices available to support this project.

3.4. Key Personnel Proposed to be involved in Project. Identify all key personnel to be assigned to this project and include the following:

3.4.1. Describe in detail the experience and expertise of each team member as it relates to this project.

3.4.2. Identify the number and professional qualifications (to include licenses, certifications, associations) of staff to be assigned to the project and relevant experience on projects of similar size and scope.

3.4.3. Provide brief resumes for key personnel to be involved in this project, to include:

- a) Name and title of personnel;
- b) Significant past projects completed by this individual;
- c) Years of experience with this firm and/or other firms;
- d) Education, training, registrations, certifications and/or licenses;
- e) Types of projects worked and activities performed for the past two years;
- f) Other experience and qualifications relevant to this type of project; and
- g) Individual current project assignments and anticipated completion date.

RESPONDENT'S QUESTIONNAIRE
Attachment II, Request for Qualifications
Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project

3.5. **Primary Work Assignments of Key Personnel.** State the primary work assignment and the percentage of time in which key personnel will devote to the project if awarded the contract.

3.6. **Additional Information.** Identify any additional skills, experiences, qualifications, and/or other relevant information about RESPONDENT'S qualifications.

3.7. **Proposed Plan for Execution of SCOPE OF SERVICES.** Prepare and submit the following items.

3.8. **Plan for Development and Delivery of Services.** Describe your firm's proposed plan to successfully develop and deliver the services requested under this RFQ. Include the following in your response:

- a) Proposed approach and method;
- b) Proposed number of phases;
- c) Tasks to be completed within each phase; and
- d) Proposed timeline for each phase plus project completion.

3.9. **Additional Information.** Provide any additional plans and/or relevant information about RESPONDENT'S approach to providing the required services as detailed by the SCOPE OF SERVICES under §7 of the REQUEST FOR QUALIFICATIONS.

END OF DOCUMENT

Attachment III

Affidavit of Certifications

Attachment III
Affidavit of Certifications

1. **Business Structure of RESPONDENT.** Please indicate the business structure of the RESPONDENT.

2. **Certification of Signor.** On behalf of the OFFEROR, I, _____
_____ of lawful age, being duly sworn upon oath, certify:
 - 2.1. That I am authorized to submit this STATEMENT OF QUALIFICATIONS and to contract on behalf of the RESPONDENT;

 - 2.2. That neither I nor any member of my firm have paid, given or donated or agreed to pay, give or donate to the CITY OF HORTON or any officer or employee of the CITY OF HORTON any money or other thing of value, including any special consideration, either directly or indirectly, in seeking to procure this contract;

 - 2.3. That the prices quoted in this STATEMENT OF QUALIFICATIONS have not been knowingly disclosed by the RESPONDENT prior to an award to any other RESPONDENT or other potential RESPONDENTS;

 - 2.4. That the prices in this STATEMENT OF QUALIFICATIONS have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition;

 - 2.5. That there has been no attempt by the RESPONDENT to discourage any other potential RESPONDENT from submitting a STATEMENT OF QUALIFICATIONS;

 - 2.6. That I have read and understand all of the information on the PROJECT;

 - 2.7. That the RESPONDENT and any individuals to be assigned to the work do not have a record of substandard performance; and

 - 2.8. That the RESPONDENT will, if awarded the contract to perform the MISSION LAKE PRELIMINARY ENGINEERING ANALYSIS REPORT, perform the services described by the SCOPE OF SERVICES in accordance with all applicable state and federal rules and regulations.

AFFIDAVIT OF CERTIFICATIONS
Attachment III, Request for Qualifications
Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project

Dated this _____ day of _____, 2007.

(Offeror's Firm Name)

(Signature of Respondent's Representative)

(Printed Name & Title of Individual Signing)

Subscribed and Sworn to Before Me This _____ Day of _____,
2007.

_____ Notary Public My Commission Expires: _____

Attachment IV

Insurance Requirements

**Attachment IV
Insurance Requirements**

1. Prior to the commencement of any work under an agreement awarded pursuant to this RFQ, the SELECTED RESPONDENT shall furnish an original completed Certificate(s) of Insurance to:

**Office of the Horton City Clerk
ATTN: Mission Lake PEAR
City of Horton, Kansas
205 E 8th Street, P.O. Box 30
Horton, Kansas 66439-0030**

The original Certificate(s) shall be completed by an agent authorized to bind the named underwriter(s) and their company to the coverage, limits and termination provisions shown thereon, containing all required information referenced or indicated thereon. The original Certificate(s) or form must have the agent's original signature, including the signer's company affiliation, title and phone number, and be mailed directly from the agent to the CITY OF HORTON, KANSAS. The CITY shall have no duty to pay or perform under said AGREEMENT until such Certificate shall have been delivered to the address state hereinbefore, and no officer or employee, other than the Board of Horton City Commissioners acting as a body politic, shall have the authority to waive this requirement.

2. RESPONDENT'S financial integrity is of interest to the CITY OF HORTON, and, therefore, subject to RESPONDENT'S right to maintain reasonable deductibles in such amounts as are approved by the CITY, SELECTED RESPONDENT shall obtain and maintain in full force and effect, for the duration of the AGREEMENT, and any extension thereof, at RESPONDENT'S sole expense, insurance coverage written on an occurrence basis, by companies authorized and admitted to do business in the State of Kansas.

<u>TYPE OF INSURANCE</u>	<u>AMOUNTS OF COVERAGE</u>
1. Worker's Compensation	Statutory \$1,000,000.00
2. Employer's Liability	
3. Commercial General Liability Insurance to include coverage for the following: a) Premises & Product and Completed Operations; b) Independent Contractor(s);	For Bodily Injury and Property Damage of \$1,000,000.00 per occurrence; \$2,000,000.00 General Aggregate, or its equivalent in Umbrella or Excess Liability Coverage.

INSURANCE REQUIREMENTS
Attachment IV, Request for Qualifications
Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project

c) Personal Injury; d) Contractual Liability; e) Broad form property damage, to include fire legal liability.	
4. Business Automobile Liability a) Owned/Leased Vehicles; b) Non-owned Vehicles; c) Hired Vehicles.	Combined Single Limit for Bodily Injury and Property Damage of \$1,000,000.00 per occurrence.
5. Professional Liability	\$1,000,000.00 per claim to pay on behalf of the insured all sums, which the insured shall become legally obligated to pay as damages by reason of any act, malpractice, error or omission in professional services.

3. The CITY reserves the right to review these insurance requirements during the effective period of the AGREEMENT and any extension or renewal thereof and to modify insurance coverages and their limits when deemed necessary and prudent by the CITY ATTORNEY, based upon changes in statutory law, court decisions or circumstances surrounding the AGREEMENT, but in no instance will CITY allow modification whereupon CITY may incur increased risk.

4. The CITY shall be entitled to, upon request and without expense, to receive copies of the policies and all endorsements thereto as they apply to the limits required by the CITY, and may require the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, except where policy provisions are established by law or regulation binding upon either of the parties hereto or the underwriter of any such policies. The SELECTED RESPONDENT shall be required to comply with any such requests and shall submit a copy of the replacement CERTIFICATE OF INSURANCE to the CITY at an address provided by the CITY within ten (10) days of the requested change. The SELECTED RESPONDENT shall pay any costs incurred resulting from said changes.

5. The SELECTED RESPONDENT agrees that, with respect to the above-required insurance, all insurance contracts and CERTIFICATE(S) OF INSURANCE will contain the following required provisions:

5.1. Name of the CITY and its officials, employees, volunteers and elected representatives as additional insureds as respects operations and activities of, or on behalf of, the named insured performed under contract with the CITY, with exception of the worker's compensation and professional liability policies;

Attachment V

Preliminary Proposed Contract

Preliminary Proposed Contract
For Performance of Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project
Project No. W-07-001

THIS CONTRACT, made this _____ day of _____, 2007, by and between the CITY OF HORTON, KANSAS, and SELECTED RESPONDENT _____.

WITNESSTH: That for an in consideration of payments and agreements hereinafter mentioned:

1. Documents incorporated by reference into this CONTRACT shall be those documents defined under §2.5 ("CONTRACT DOCUMENTS") of the REQUEST FOR QUALIFICATIONS for the PRELIMINARY ENGINEERING REPORT. Section 2.5 of the REQUEST FOR QUALIFICATIONS has been reproduced and included herein.

1.1. Contract Documents.

2. The SELECTED RESPONDENT will commence and substantially complete the PRELIMINARY ENGINEERING REPORT for the Mission Lake Dredge Rehabilitation Project, W-07-001, as defined by the Scope of Services under §7 of the REQUEST FOR QUALIFICATIONS.

3. The SELECTED RESPONDENT will furnish all professional services, labor, equipment, materials, supplies and other services necessary for the performance and completion of the PRELIMINARY ENGINEERING REPORT defined by § 7 of the REQUEST FOR QUALIFICATIONS.

3.1. Specific Scope of Services. *[TO BE DETERMINED.]*

4. The SELECTED RESPONDENT will commence the work required by the CONTRACT DOCUMENTS on or before the date shown in the NOTICE TO PROCEED and will complete the same within 30-days from the date in the NOTICE TO PROCEED, but in no case shall the PRELIMINARY ENGINEERING REPORT be completed after [add date].

5. The SELECTED RESPONDENT payment schedule shall be 50 percent due upon submission of PRELIMINARY ENGINEERING REPORT and 50 percent shall be due upon submission of approved PRELIMINARY ENGINEERING REPORT.

6. This CONTRACT shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.

7. **Hold Harmless.** The SELECTED RESPONDENT shall, within limitations placed on such entities by Kansas state law, save harmless the City of Horton, Kansas, its agents, officers and employees from all claims and actions, and all expenses defining the same that are brought as a result of any injury or damage sustained by any

Preliminary Proposed Contract
For Performance of Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project
Project No. W-07-001

person or property in consequence of any act or omission to act by the SELECTED RESPONDENT. The SELECTED RESPONDENT shall, within limitations placed on such entities by Kansas state law, save harmless the City of Horton, Kansas, its agents, officers and employees from any claim or amount recovered as a result of infringement of patent, trademark, copyright or from any claim or amounts arising or recovered under workers compensation law or any other law. In any agreement with any subcontractor for the SELECTED RESPONDENT, SELECTED RESPONDENT will specify that such subcontractors or agents shall hold harmless the City of Horton, Kansas, its agents, officers, and employees for all the hereinbefore described expenses, claims, actions or amounts recovered.

8. **Execution.** IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, by their duly authorized officials, this CONTRACT in four (4) copies, each of which shall be deemed an original on the date first above written.

CONTRACTING ENTITY: CITY OF HORTON, KANSAS.

BY: _____
Dale White, Mayor

ATTEST:

Candy Schmitt, City Clerk

SELECTED RECIPIENT: _____

BY: _____ ATTEST: _____

NAME: _____ NAME: _____

TITLE: _____

Attachment VI

Notice to Proceed

NOTICE TO PROCEED
Attachment VI, Request for Qualifications
Preliminary Engineering Report
Mission Lake Dredge Rehabilitation Project

**ATTACHMENT VI
NOTICE TO PROCEED**

TO: _____ DATE: _____

PROJECT: Performance of Mission Lake Dredge Rehabilitation Preliminary Engineering & Analysis Report as defined by the SCOPE OF SERVICES under the REQUEST FOR QUALIFICATIONS § _____ and subsequent CONTRACT DOCUMENTS _____.

You are hereby notified to commence work in accordance with the CONTRACT DOCUMENTS and FINAL CONTRACT dated the _____ day of _____, 2007, on or before the _____ day of _____, 2007, and you are to complete the work defined by the SCOPE OF SERVICES within sixty (60) calendar days thereafter. The date of completion of all work is _____.

CITY OF HORTON, KANSAS

Dale A. White, Mayor, City of Horton, Kansas

ATTEST

Candy Schmitt, City Clerk, City of Horton, Kansas

ACKNOWLEDGEMENT OF NOTICE OF AWARD. Receipt of the above NOTICE OF AWARD is hereby acknowledged.

SELECTED RESPONDENT/FIRM/INDIVIDUAL: _____

BY: _____

TITLE: _____

DATE: _____