

Addendum No. 1 to RFP #25-64



CITY OF SOMERVILLE, MASSACHUSETTS
Department of Procurement and Contracting Services
KATJANA BALLANTYNE
MAYOR

To: All Parties on Record with the City of Somerville as Holding RFP #25-64
On-Call Engineering for Various Public Works Projects

From: Thupten Chukhatsang

Date: 5/5/2025

Re: Attachment: Wage Theft Ordinance Certification Form
Questions and Answers

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Please acknowledge receipt of this Addendum by signing below and including this form in your proposal package. Failure to do so may subject the proposer to disqualification.

NAME OF COMPANY / INDIVIDUAL: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE/FAX/EMAIL: _____

SIGNATURE OF AUTHORIZED INDIVIDUAL: _____

ACKNOWLEDGEMENT OF ADDENDA:

Addendum #1 _____ **#2** _____ **#3** _____ **#4** _____

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Attachment: Wage Theft Ordinance Certification Form

The ***Wage Theft Ordinance Certification Form*** referenced in the RFQ is attached below (on the page after the Q&A) and made part of the RFQ via this addendum. This form is to be completed and included in the applicant's submission package.

Questions and Answers

1. Could you kindly clarify whether it is required that we should submit both sealed bids and submit in BidExpress.com as well, or could we choose one and that will suffice?

Answer: You can choose to submit either 1) a sealed hard copy and electronic file of your bid package or 2) make your submission online via BidExpress. You are not required to send them in both formats. Please refer to Section 1.3 for Submission Instructions in the RFQ package which states the same either/or option for submissions.

2. Are we required to submit three references on the Reference Form provided, it states an equivalent may be attached, would the references we showcase with the required info in the 'Representative Projects, Past Performance, and References' section suffice, or should we repeat this information in both places?

Answer: You are not required to use the exact reference form we provided as an equivalent may be attached. One complete reference package is sufficient and you are not required to repeat the same information in other areas. However, it is ultimately your decision on how you choose to present your submission package. Refer to "Representative Projects, Past Performance, and References" under section 1.3.2

3. In the 'Representative Projects, Past Performance, and References' section, could you please confirm whether the projects/references submitted must be from municipal clients only or can we include any public agency? Additionally, do we need to include three projects/references for each category that we are interested in being considered for, or is there some flexibility in that requirement?

Answer: The specifications regarding the projects/references for each category are clearly stated in Section 1.3.2. What you, as Applicant, choose to include as references, the number of references you choose to submit in your statement of qualifications are for you to decide as part of this RFQ process.

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4. Page 3 of the RFP mentions that hard copies of the proposal must be submitted to the City's Procurement office, but page 5 mentions that we may submit via BidExpress. If we submit an electronic copy via BidExpress is a hard copy also required or is the copy through BidExpress acceptable as our one and only submission?

Answer: Refer to Q&A#1 above.

5. Are sub-contractors required to provide only client contacts, including specific project details and descriptions and no references?

Answer: Only the main respondent to the RFQ is expected to submit references. Subs can do so at their discretion.

6. Should the information for "Representative Projects/Past Performance" be submitted using the table format provided in Section 3, or can it be included in the narrative portion of our proposal?

Answer: It can be included in the narrative portion of the proposal. It should be called out as a distinct section to address the Section 3 Reference Form request.

7. Do sub-contractors need to submit the Required Forms and Certifications provided in the checklist, or is this only required from the prime contractor, excluding the Supplier Diversity Certification?

*Answer: Sub-contractors are not required to separately submit the Required Forms and Certifications in the Checklist **except for the Supplier Diversity Certification Form**. The Prime contractor submitting the statement of qualifications is the only one required to submit all the required forms.*

8. Do we have to fill out the Reference Form on PDF page 27 or can this be covered by the information provided in the Representative Projects, Past Performance, and References section?

Answer: The Reference Forms provided by the City on PDF Page 27 and 28 of the RFQ package are provided as sample templates. You are not required to use the exact reference forms provided as an equivalent may be attached and can be included in the narrative portion of the proposal under Representative Projects, Past Performance, and References section. It should be called out as a distinct section to address the Section 3 Reference Form request.

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9. Do we have to fill out the form on PDF page 28 in addition to the Reference Form on PDF page 27? If so, how many projects need to be included in the format on PDF page 28?

Answer: See Q&A#8 above.

10. Standard of Care: Can you provide examples of the expected standards or elaborate on the specific requirements? Is there room for flexibility or negotiation in this clause?

Answer: As this RFQ is for on-call engineering services contracts of varying engineering disciplines for public works projects which only become known during the course of the contract term, the standard of care cannot be expanded upon at this time. However and generally, the standard of care in engineering, refers to the level of skill, care, and knowledge expected of a reasonably competent engineer under similar circumstances. It's a legal and ethical benchmark for professional conduct, setting the baseline for acceptable performance. Engineers are held accountable to this standard and can be liable for negligence if they fail to meet it.

There is no room for flexibility or negotiation on this clause.

11. AM Best Rating: Is there flexibility in the AM Best rating requirement for insurance carriers, or can equivalent ratings from other agencies be considered?

Answer: For now, the expectation is that the contractor should use an insurance carrier that is AM Best rated as specified. This discussion on alternatives to AM best rating will not be resolved at this point of the RFQ process and will be more appropriately addressed when a contract is awarded.

12. Please clarify, can submissions be made either in hardcopy with one digital copy on a usb drive, or electronically via bid express with no hard copy?

Answer: Refer to Q&A#1 above.

13. Please confirm that printed signatures are acceptable on any hardcopies, and that "wet" signatures are not required for the hardcopy to be considered an "original".

Answer: Yes, printed signatures are acceptable on all hardcopies. We do not require the signatures to be "wet" signatures in order to be considered an "original".

14. Could the city please define "Project Professional" as referenced on Page 20 of the RFQ (Quality Requirements Form) on requirement #3.

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Answer: Project professional, in this context, means anyone engaged in providing one or more engineering and other related professional services. This person could be the Project Manager, Project Principal, etc. for the prime contractor and/or the sub-contractors.

15. If a consultant submits a proposal through BidExpress, is a physical copy of the proposal also required?

Answer: Refer to Q&A#1.

16. We recognize that the city discourages the use of 3-ring binders, however, to meet the submittal format requirements described in the last paragraph on page 5, would the city accept a comb binding without the Offeror's name, solicitation number, formal solicitation title and copy number on the spine or a 3-ring binder that includes all that information on the spine.

Answer: If you are not submitting online via BidExpress, then feel free to send the hard copies within 3-ring binder. If you are submitting hard copies then you are also required to send a digital/electronic file such as on a thumb drive.

17. On the sample insurance that is included in the proposal, do proposers need to show the City of Somerville as an additional insured, as noted on page 41, at this time?

Answer: The Insurance requirements is only required post award of a contract.

18. Please confirm that "no vehicles are on this project" on the Vulnerable Road Users Ordinance form on page 30 of the RFQ.

Answer: The vulnerable road users ordinance is primarily there for contractors that have vehicles over 10,000 pounds that need to meet certain safety requirements. So it is for the applicant to complete and select the appropriate choice for your anticipated services. I would imagine that most contracts for design would not have any vehicles that would be subject to this ordinance.

19. RFQ Section 0.0. Please clarify how many engineering firms, in total, does the city intend to award a contract to.

Answer: We have simply stated that multiple contracts will be awarded as the exact number depends on the quality and number of applications received and the evaluation process. As there are multiple engineering disciplines listed, we would

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expect to award contracts for many of those disciplines. In the last procurement cycle, we awarded 10 contracts to 10 different firms.

20. RFQ Section 1.3.2. Is there a maximum page limit for the response for any part of the response document, other than the Letter of Transmittal?

Answer: There isn't a specific maximum prescribed page limit as long as it is a reasonable amount as per the scope of the RFQ.

21. RFQ Section 1.3.2, Review of Design Documents and Cost Estimates. (i) Please confirm if this part of the submittal package has to include the info stated in the second sentence; "... a list or table with the bid estimate amount and the range of bids received for the three most recent construction projects."; (ii) If this has to be included, please explain what is required; (iii) The inclusion of this requirement appears to be an oversight for this type of RFQ for on-call engineering services – please confirm.

Answer: The requirement in RFQ Section 1.3.2 relating to estimate and bids is intended to prompt the respondent to submit three representative design and construction efforts, highlighting the accuracy of engineer's estimate and the spread within the subsequent bids. The required information includes the engineer's estimate (prebid estimate) and the bids received for those specific projects.

22. Quality Requirements Form – verification of responses. Please clarify how the requirement to "... submit written information that details the general background, experience, and qualifications of the organizations. Subcontractors, if applicable, must be also included." is to be included in the submittal Package. Should this be detailed as part of the Quality Requirements Form, or as a separate document within the "Corporate Profile" content, for example.

Answer: You can choose to either a) include the verification of the quality requirement affirmations on or right after the quality requirements sections or b) add a reference to where in your submission contains this information.

23. Is it acceptable to use a different font size if it is equivalent to Times New Roman 12pt?

Answer: Yes, that is fine, as long as it is legible.

The Wage Theft Ordinance Certification Form is attached following this page.



WAGE THEFT ORDINANCE CERTIFICATION FORM
CITY OF SOMERVILLE CODE OF ORDINANCES / 2019 / ORDINANCE NO. 2019-24 et seq.*.

Instructions: Contractors shall complete this form and sign and date where indicated below. This form will be attached to the contract or subcontract and the certifications made herein shall be incorporated as part of such contract or subcontract.

Purpose: The purpose of this form is to ensure that such vendors comply with applicable federal and state wage laws, treat their employees fairly and ensure that wage theft does not occur on their projects.

Definition of “Wage Theft”: an action by an Employer, their officers, agents or employees causing an Employer not to make a timely and/or complete payment of Wages, not to pay the Minimum Wage or Prevailing Wage, or not to pay Overtime earned and owing to an Employee.

CERTIFICATIONS

Whenever the City of Somerville is procuring construction services subject to the provisions of M.G.L. c. 149, c. 149A or c. 30, §39M, the terms of the Somerville Wage Theft Ordinance shall be incorporated into the procurement documents and made part of the specifications and contract. Any person, company or corporation shall acknowledge, in writing, receipt of said requirements with their bid or proposal and/or contract.

The undersigned bidder, proposer, contractor, subcontractor and/or trade contractor hereby acknowledges receipt of the below referenced requirements and verifies under oath that they will comply with the conditions set forth in the Somerville Wage Theft Ordinance 2019-24, which shall be incorporated into any contract entered into between the City and contractor.

The contractor shall not have been found within the past five years by a court or governmental agency in violation of any law relating to providing workers compensation insurance coverage, misclassification of employees as independent contractors, payment of employer payroll taxes, employee income tax withholding, earned sick time, wage and hour laws, prompt payment laws, or prevailing wage laws.

The contractor shall maintain appropriate industrial accident insurance sufficient to provide coverage for all the employees on the project in accordance with M.G.L. c. 152 and provide documentary proof of such coverage included with the contractor's submitted bid to the inspectional services department to be maintained as a public record.

*Read entire ordinance online at:

https://library.municode.com/ma/somerville/ordinances/code_of_ordinances?nodeId=1001376 or request from the Procurement & Contracting Services Department.

Bid ref.:

Contract Number:

The contractor shall properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of prevailing wages and overtime, workers compensation insurance coverage, social security taxes and state and federal income tax withholding. (M.G.L. c. 149, § 148B on employee classification).

The contractor shall comply with M.G.L. c. 151, § 1A and M.G.L. c. 149, § 148 with respect to the payment of wages.

The city contractor must make arrangements to ensure that each employee of every contractor and subcontractor of any tier entering or leaving the project individually completes the appropriate entries in a daily sign-in/out log. The sign in/out log shall include: the location of the project; current date; printed employee name; signed employee name; name of employee's employer and the time of each entry or exiting. The log shall contain a prominent notice that employees are entitled under state law to receive the prevailing wage rate for their work on the project. Such sign-in/out logs shall be provided to the city on a weekly basis with the certified payrolls and shall be a public record.

Each contractor of any tier, prior to performing any work on the project, shall sign under oath and provide to the city contractor a certification that they are not debarred or otherwise prevented from bidding for or performing work on a public project in the Commonwealth of Massachusetts or in the city.

The contractor must comply with state and, where applicable, federal prevailing wage laws. Contractor shall submit weekly certified payrolls to the City for all employees working on the contract including subcontracted workers at all tiers. Contractor shall use the current standard Massachusetts weekly certified payroll report form. Each contractor shall provide a copy of the OSHA 10 card for every employee attached to the first certified payroll they submit on which the employee appears.

Each payment requisition shall include the following certification:

I certify under oath that each payment requisition is in full compliance with all obligations forth in the Wage Theft Ordinance.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY,

Signature: _____
(Duly Authorized Representative of Contractor)

Title: _____

Name of Contractor: _____

Date: _____

Online at: <https://www.somervillema.gov/procurement>