



REQUEST FOR PROPOSALS
September 20, 2023

PORTS OF INDIANA – BURNS HARBOR

PROFESSIONAL CONSULTING SERVICES
FOR
GEOTECHNICAL ENGINEERING
PORTS OF INDIANA - BURNS HARBOR
BULK STORAGE FACILITY PROJECT
MARAD FY 20 PIDP Grant No. 693JF2140004

Notice is hereby given that the Ports of Indiana (“POI”) is issuing this request for proposals (“RFP”) for professional consulting services for which POI is seeking well-qualified individuals and/or consulting firms for the partially federally-funded project at the Ports of Indiana-Burns Harbor (“Port”) located in Portage, Ind., described more specifically herein (“Project”), and that POI will accept Letters of Interest (“LOIs”) via email to asedam@portsofindiana.com, from consultants until 10:00 a.m., Central Standard Time on **October 9, 2023** (“Response Due Date and Time”), after which time the LOIs will be evaluated and the applicants ranked utilizing a qualification-based selection process in accordance with Public Law 92-582 (Brooks Act) and in accordance with the consultant selection procedures described in this RFP.

The overall scope of the Project includes: (A) site work including earthwork, demolition, drainage improvements, and other utility work; (B) construction of a new 84,000 SF pre-engineering metal building suitable for storing bulk cargo including a foundation, slab-on-grade floor, insulation, mechanical equipment, electrical, doors, lighting, and bollards; and (C) construction of 41,410 square-foot concrete pavement. The scope of work for professional consulting services for this request for proposals includes a field geotechnical investigation for all the Project work described above.

A professional services agreement for this work shall be awarded or rejected upon conclusion of negotiations with the selected consulting firm in accordance with procedures described in the RFP and at the sole discretion of POI. POI reserves the right to reject any and all LOIs and to waive any technicalities and informalities at its sole discretion.

Documents supporting this RFP are included as part of the Appendix attached hereto, and which include the following: (A) Standard Form of Professional Consulting Services Agreement, including exhibits; (B) Selection Rating Sheet; and (C) DBE Participation Certification Form. For more information, contact Ed Hamilton, Senior Engineer, at (219) 628-6164 or by email at ehamilton@portsofindiana.com.

All respondents are subject to the instructions communicated in this RFP and are cautioned to completely review the entire RFP and the attachments hereto and follow the instructions carefully to submit a fully responsive LOI. Failure of a consultant to follow these instructions may result in disqualification of the consultant from consideration for a contract to be awarded pursuant to the RFP.

POI is the sole distributor of this RFP and all addenda and changes or supplements to the RFP Documents. POI will document its responses to inquiries and provide any supplemental instructions or additional documents pertaining to the RFP in the form of written addenda to the RFP. POI will post all addenda and other information pertaining to this RFP at <http://www.portsofindiana.com>.

It is the sole responsibility of each consultant to review the website prior to submitting a LOI to ensure that the consultant has obtained all available instructions, addenda, changes, supporting documents, and any other information pertaining to this RFP. POI is not responsible for any solicitations issued through subscriber, publications, or other sources not connected with POI and consultants should not rely on such sources for information regarding this RFP.

POI may issue addenda at any time prior to the receipt of LOIs. Issued addenda will be promptly posted to portsofindaina.com prior to the date fixed for the opening of LOIs, except where such addendum withdraws the RFP or postpones the date for receipt of LOIs. Failure of any consultant to receive or review any such addendum shall not relieve any consultant from any obligation under its LOI as submitted. All addenda so issued shall become part of the RFP. Consultants shall indicate receipt of addenda in their LOI. Failure to do so may result in rejection of the LOI. Consultants shall not rely upon interpretations, clarifications, and/or approvals made in any other way.

I. PROJECT DESCRIPTION

The Ports of Indiana is the recipient of a federal grant award under the provisions of the Fiscal Year 2020 Port Infrastructure Development Grant program and administered by the US Department of Transportation (“USDOT”) Maritime Administration (“MARAD”). Funds for the project was appropriated by the Consolidated Appropriations Act, 2020, Pub. L. No. 116-94 (Dec. 20, 2019). The total estimated cost for the Project is \$8,000,000.00.

The overall Project scope includes: (A) sitework associated with the project improvements including earthwork, drainage facilities, demolition, and site utilities; (B) construction of a pre-engineering metal building for bulk storage; and (C) concrete paving, at the Ports of Indiana–Burns Harbor (the “Port”), Portage, Porter County, Indiana.

II. SCOPE OF SERVICES AND SCHEDULE

The scope of Professional Consulting Services for the Project under this Request for Proposals consists of the following:

- A. Geotechnical Investigation as required for use in Final Engineering design. This work shall include drilling, testing, and the preparation of a geotechnical report that shall be used for validation of the project concept and serve as the basis for the design of the building foundation and concrete paving.
- B. Deliverables:
 - a. Soil boring logs at each location.
 - b. Geotechnical Report for project including recommendations for subgrade preparation and general foundation design.

The fees associated with this work is proposed to be a lump sum fee.

The scope of Professional Consulting Services is limited to the Geotechnical Engineering scope presented herein.

The Geotechnical Engineering Services shall be performed in a timely manner and completed no later than November 15, 2023. Field work with draft borings shall be provided to the design engineer no later than November 1, 2023.

For more information, contact Ed Hamilton, Senior Engineer, at (219) 628-6164 or email at ehamilton@portsofindiana.com. Additional information is also provided in the Supporting Documents.

III. PREQUALIFICATION AND OTHER QUALIFICATIONS

All services shall be completed by professionals licensed in their respective fields. All consultants (prime and all subconsultants) must be prequalified with the Indiana Department of Transportation (“INDOT”) or the Indiana Department of Administration as required below. All consultants must be prequalified by the Response Due Date and Time.

The scope of services for the Project includes work specified and included within INDOT’s Consultants’ Prequalification Program and some items of work that are not. Items of work for this Project that are included within INDOT’s Prequalification Program and which require precertification by INDOT and which likewise require precertification for this Project include:

REQUIRED PREQUALIFICATION CATEGORIES

PRE-QUAL REF. NO.	WORK CATEGORY
INDOT - 7.1	Geotechnical Engineering Services OR
IDOA Prequalification	Geotechnical Engineering

The applicant consultant submitting the LOI must be prequalified in at least one of the aforementioned Required Prequalification Categories, but not each category, provided that at least one subconsultant is prequalified in each category. Under all circumstances all services that require prequalification according to INDOT’s Consultant’s Prequalification Program must be performed by a prequalified consultant.

IV. INSTRUCTIONS TO APPLICANTS

A. Limited Communications During RFP and Selection Process

Please submit all questions/comments related to this RFP to the following email address: ehamilton@portsofindiana.com. Memorandums of clarifications with responses to all questions/comments will be distributed to all parties who requested an RFP package.

The Ports of Indiana will not participate in communications with consultants (or their agents) regarding the status of the selection process, or entertain any communications related to marketing, etc., during the time period between advertisement of this RFP and the announcement of final consultant selections for this RFP. Consultants shall not contact, communicate with or discuss any matter relating to this RFP during the procurement process with any member of POI, other than as noted herein. No oral interpretation or clarification will be made to any consultant as to the meaning of the RFP or attachments thereto, or other information furnished by POI with this RFP. Any such communication initiated by a consultant may be grounds for disqualifying the consultant from consideration of this engagement at POI’s sole discretion.

Communications that are always permissible include project administration activities for awarded contracts, scope and negotiation activities for projects selected but not under contract and training or related activities.

B. Electronic LOI Submittals

In lieu of paper submission delivered to the Port’s administrative office in Burns Harbor, Indiana, consultants interested in being considered for selection may submit their LOI and all required PDF documents via email to asedam@portsofindiana.com. Note: All e-mails shall be limited to a maximum of 20 MB in size. A consultant may submit an LOI multiple times for the same RFP

item, as long as the e-mail is received no later than the Response Due Date and Time. Only the latest submittal will be used for selection purposes.

C. LOI Requirements

The LOI shall comply with the following requirements:

1. LOIs shall be limited to twelve (12) 8½” x 11” pages that include Identification, Qualifications and Key Staff, and Project Approach. Hyperlinks within a LOI, to additional item specific information, are not allowed.
2. Provide the information requested in item 1 above and have it signed by an officer of the firm. Scanned signed documents or electronically applied signatures are both acceptable.
3. LOIs shall NOT contain hourly rates, overhead rates nor other specific cost amounts.

D. LOI Content -- Identification, Qualifications, and Key Staff

The content of Consultant’s LOI must include at a minimum the following information:

1. Provide the firm name, address of the responsible office from which the work will be performed, and the name and email address of the contact person authorized to negotiate for the associated work.
2. List all proposed subconsultants, including DBE status, a description of work to be performed by the subconsultant and the percentage of work to be performed by the prime consultant and each subconsultant (See, DBE Participation Certification Form requirements below.)
3. Describe the proposed project team and organizational structure, including designation of the individuals who will be responsible for the performance and delivery of each task component and deliverable. Include title, education, current responsibilities, and experience of key staff whom the consultant will assign to perform under the contract.
4. Describe other projects performed by consultant and key personnel pertinent to the services to be provided by consultant for the Project. Include reference contact information.
5. Provide examples of knowledge, expertise and/or experience with specific aspects of services to be provided for the Project, highlighting specific experiences in those items of work discussed in Section VI of this RFP.

6. Describe the capacity of consultant's staff and their ability to perform the work in a timely manner relative to present workload and the availability of the assigned staff.
7. Provide a description of your approach to the advertised services. For all items address your firm's technical approach, understanding of the project or services, cost containment practices, innovative ideas and any other relevant information concerning your firm's qualifications for the project.

E. Confidentiality and the Indiana Public Records Act

Once submitted, the LOIs shall become the property of POI, may not be returned to consultants and are subject to the Indiana Public Records Act, Indiana Code §5-14-3 *et seq.* and federal law (the "Public Records Act"). In the event a consultant submits any documents which it believes are not subject to disclosure pursuant to the Public Records Act, it must conspicuously mark each document and the specific information such consultant seeks to protect from disclosure as "CONFIDENTIAL" or "CONFIDENTIAL AND PROPRIETARY", as appropriate, in the header or footer of each such page and specific information affected. Blanket designations that do not identify the specific information shall not be acceptable and may be cause for POI to treat the entire LOI as public information. Consultants must also cite by statutory citation the statutory exemption which consultant asserts protects such information from disclosure under the Public Records Act.

POI will not advise a submitting party as to the nature or content of documents entitled to protection from disclosure under the Public Records Act or other applicable laws, as to the interpretation of such laws, or as to definition of trade secret. Nothing contained in this provision shall modify or amend requirements and obligations imposed on POI by the Public Records Act or other applicable law. POI reserves the right to disagree with consultant's assessment regarding confidentiality of information in the interest of complying with the Public Records Act. The provisions of the Public Records Act or other laws shall control in the event of a conflict between the procedures described above and the applicable law.

In no event shall POI, or any of its agents, representatives, consultants, directors, officers or employees be liable to a consultant for the disclosure of all or a portion of a LOI submitted under the RFP.

F. LOIs to Remain Open

LOIs shall remain valid for a period of at least ninety (90) days after the LOIs are submitted and opened.

V. CONTRACT, FEDERAL LAW REQUIREMENTS AND CERTIFICATIONS

A. Contract Form and Mandatory Terms

Submittal of a LOI constitutes an affirmative statement that the consultant, or any member of the consultant's team, is ready, willing, qualified, and able to perform the scope of work within the designated time requirements. Enclosed is a copy of the standard form of Professional Consulting Services Agreement and general conditions. The final contract terms will be substantially similar to those included in the attached form of agreement. If a standard contract clause is not acceptable as worded, consultants shall note this in their LOI, and shall include specific suggested alternative wording. If additional contract terms are required, they shall also be documented in the LOI. The Ports of Indiana reserves it right to reject any and all suggested changes in contract terms.

Moreover, because the Project is being funded by both State funds and federal grant funds, specifically FY 2020 PIDP Discretionary Grants, there are certain mandatory (non-negotiable) terms and conditions that must be included in the final contract awarded. The mandatory contract terms are as follows:

- Compliance with Laws
- Non-Discrimination Certifications and Compliance with Laws
- DBE Requirements
- Drug-Free Workplace Certification
- Certification Regarding Debarment
- Certification/Disclosure Lobbying Activities
- Certification Delinquent Tax Liability/Felony Conviction
- Governing Laws
- Indemnification
- Non-Collusion
- State Required Provisions

Submittal of a LOI constitutes an affirmative statement that the consultant is willing to accept the mandatory contract terms identified above and shall make all of the required certifications as stated in the Professional Consulting Services Agreement.

B. Non-Discrimination and DBE Requirements

POI, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and applicable regulations, hereby notifies all applicants that it will affirmatively ensure that small and disadvantaged business enterprises ("DBEs") will be afforded full and fair opportunity to submit an LOI in response to this RFP (or participate as subconsultants) and that firms will not be discriminated against on the grounds of race, color, or national origin in consideration for a contract award. POI will expend funds in compliance with the requirements of 49 CFR part 26.

The Ports of Indiana has set a DBE Goal of 10% for this Project and applicants must complete the DBE Participation Certification Form included as part of this RFP. On the DBE Certification Participation Form, include the contract participation percentage of each DBE and list what the DBE will be subcontracted to perform. If the consultant does not meet the DBE goal the consultant must provide documentation in additional pages after the form that evidences that it made good faith efforts to achieve the DBE goal.

V. SELECTION PROCEDURES AND RATING SHEET AND SCORING

A. Selection Procedures

Evaluation of the LOIs and ranking of consulting firms begins promptly following the Ports of Indiana's receipt of the LOIs and the passage of the Response Due Date and Time. The LOIs will be evaluated and scored by a three-member Selection Committee utilizing the selection rating sheet included as an attachment to this RFP. The Selection Committee will be led by the Ports of Indiana's Director of Engineering and two other members familiar with the Project and having expertise in administering engineering services, and capable of providing unbiased reviews of the LOIs and the qualifications of the submitting consultants.

The Ports of Indiana will prepare a final tabulation of the scoring ranking in order from the highest to the lowest qualified consultant for this RFP. This final tabulation shall be prepared by the Director of Engineering, who shall also serve as the selecting official as needed. If a scoring tie exists among the highest ranked firms, the selecting official shall determine which of the tied firms is to be treated as the most qualified firm and shall provide a documented explanation of the basis of the decision. The Selection Committee shall conduct discussions with at least 3 firms to consider anticipated concepts and compare alternative methods for furnishing services. From the firms with which discussions have been conducted, the Selection Committee shall re-evaluate and score utilizing the same selection rating sheet included as attachment to this RFP, then rank, in order of preference, at least 3 firms that the Selection Committee considers most highly qualified to provide the services required based on the criteria identified herein.

The Ports of Indiana will then negotiate with the highest ranked consultant to resolve any differences in opinion regarding the scope, level of effort, schedule and cost of the requested services. If Ports of Indiana and the highest ranked consultant cannot come to a negotiated agreement, the next ranked firm shall be notified, and Ports of Indiana shall commence negotiations with the next ranked firm. If negotiations fail again, Ports of Indiana shall enter negotiations with the next firm. This process shall continue as described until an agreement is finalized with a selected consultant or until POI elects to withdraw this RFP prior to finalizing an agreement. Once Ports of Indiana discontinues negotiations with a firm and moves to the next ranked firm, the Ports of Indiana cannot reenter negotiations with the higher ranked firm. POI will negotiate compensation for the preliminary engineering services which the POI determines is fair and reasonable. In determining fair and reasonable compensation, the POI will consider the scope, complexity, professional nature, and estimated value of the services to be rendered.

B. Selection Rating Sheet and Scoring

The Selection Committee will evaluate and score each of the LOIs utilizing the Consultant Selection Rating Sheet attached to this RFP. Evaluation factors must be applied to all LOIs in a uniform, fair and consistent manner. Location ratings will be assigned by the Selection Committee based on the location of the consulting applicant's designated project management office for the Project relative to the Project site. Consultant applicant's successful experience with distinctive aspects of the scope of work will be awarded higher ratings than non-specific experience. By way of example, specific experience in the following may receive a higher rating:

1. Experience developing topographic surveys in northwest Indiana.
2. Experience completing geotechnical investigation/engineering for similar projects in northwest Indiana.

Project efficiency is critical to the Ports of Indiana to ensure the project maintains the aggressive work schedule documented in the PIDP grant agreement between Ports of Indiana and MARAD. Documentation should be provided demonstrating the Consultant can complete the work in a reasonable time period. Information requested to make this determination includes estimated time to complete each Segment from Notice to Proceed to delivery of the final product in terms of total calendar days. For example, Segment A might be estimated to be completed in 60 calendar days. Please note, these estimates will be non-binding and will be used by the Selection Committee to determine the ability of the Consultant(s) to complete the project in a reasonable timeframe.

C. Reserved Rights and Disclaimers

This RFP does not commit or bind POI to enter into a contract or proceed with the procurement described herein. In connection with this procurement, POI reserves to itself all rights (which rights shall be exercisable by POI in its sole discretion) available to it under applicable law, including without limitation, with or without cause and with or without notice, the right to:

- (a) Modify the procurement process to address applicable law and/or the best interests of POI.
- (b) Revise the scope, type, structure and specific terms of this procurement.
- (c) Modify the scope of the Project during the procurement process.
- (d) Develop the Project, including any portion thereof, in any manner that it, in its sole discretion, deems necessary. If POI is unable to negotiate an agreement to its satisfaction with a preferred consultant, it may terminate this procurement and pursue other development or solicitations relating to the Project or exercise such other rights under provisions of the law, as it deems appropriate.
- (e) Cancel this RFP in whole or in part at any time prior to the execution by POI of an agreement, without incurring any cost obligations or liabilities.
- (f) Issue a new RFP after withdrawal of this RFP.
- (g) Not short-list any consultant responding to this RFP.
- (h) Reject any and all submittals, responses and LOIs received at any time.
- (i) Modify all dates set or projected in this RFP.
- (j) Terminate evaluations of LOIs received at any time.

- (k) Suspend and terminate contract negotiations at any time or elect not to commence contract negotiations with any consultant.
- (l) Issue addenda, supplements and modifications to this RFP.
- (m) Require confirmation of information furnished by a consultant, require additional information from a consultant concerning its LOI and require additional evidence of qualifications to perform the work described in the RFP, regardless of whether the information or evidence was explicitly required by the RFP.
- (n) Seek or obtain data from any source that has the potential to improve the understanding and evaluation of the responses to this RFP, including personal experience of evaluators.
- (o) Add or delete consultant responsibilities from the information contained in the RFP or any subsequent RFP.
- (p) Negotiate with a qualified consultant without being bound by any provision in its LOI.
- (q) Waive deficiencies, nonconformities, irregularities, and apparent clerical mistakes in a LOI, accept and review a non-conforming LOI or permit clarifications or supplements to a LOI.
- (r) Disqualify any consultant that changes its submittal after the Response Due Date and Time without POI approval.
- (s) Disqualify any consultant under the RFP for violating any rules or requirements of the procurement set forth in this RFP or in any other communication from POI.
- (t) Add to the short list of qualified consultants any consultant that submitted a LOI in order to replace a previously qualified consultant that withdraws or is disqualified from participation in this procurement.
- (u) Not issue any notice to proceed after execution of an agreement.
- (v) Design and construct some of or the entire Project.

Exercise any other right reserved or afforded to POI under the RFP or applicable laws and regulations.

APPENDIX A

STANDARD FORM OF PROFESSIONAL CONSULTING SERVICES AGREEMENT

APPENDIX B

SELECTION RATING SHEET

Consultant Name: _____

Evaluation Criteria Rated by Scorers:

Category	Scoring Criteria	Scale	Score	Weight	Weighted Score
Capacity of Team to Do Work and Responsiveness	Evaluation of the team's personnel and equipment to perform on time			50	
	Availability of more than adequate capacity that results in added value to POI	2			
	Adequate capacity to meet the schedule	1			
	Insufficient available capacity to meet the schedule	-2			
Team's Demonstrated Qualifications & Experience Related to Geotechnical Investigation and Engineering	Technical expertise: Unique Resources & Experience that yield a relevant added value or efficiency to the deliverable			20	
	Demonstrated outstanding expertise and experience identified for required services for value added benefit	2			
	Demonstrated high level of expertise and experience identified for required services for value added benefit	1			
	Expertise and experience at appropriate level	0			
	Failure to provide verification of two (2) similar projects in the last five (5) years	-5			
Approach to Project	Understanding and Innovation that gives POI cost and/or time savings			20	
	High level of understanding and viable innovative ideas proposed.	2			
	High level of understanding of the project.	1			
	Basic understanding of the project.	0			
	Lack of project understanding	-3			
Location	Location of assigned staff office relative to project			10	
	Within 150 mi	1			
	151 to 500 mi	0			
	Greater than 500 mi	-1			
Weighted Total					

The scores assigned above represent my best judgment of the consultant's abilities for the rating categories.

Signed: _____

Title: _____

Date: _____

APPENDIX C
DBE PARTICIPATION CERTIFICATION FORM

Request for Proposal Number: _____

RFP Item Description: _____

Affirmative Action Certification (AAC) for Disadvantaged Business Enterprises (DBE)

I hereby certify that my company intends to affirmatively seek out and consider Disadvantaged Business Enterprises (DBEs) certified in the State of Indiana to participate as part of this proposal. I acknowledge that this certification is to be made an integral part of this proposal. I understand and agree that the submission of a blank certification may cause the proposal to be rejected. I certify that I have consulted the following DBE website to confirm that the firms listed below are currently certified DBEs: <http://www.in.gov/indot/2732.htm>.

I certify that I have contacted the certified DBEs listed below, and if my company becomes the CONSULTANT, these DBEs have tentatively agreed to perform the services as indicated. I understand that neither my company nor I will be penalized for DBE utilization that exceeds the goal. After contract award, any change to the firms listed in this Affirmative Action Certification to be applied toward the DBE goal must have prior approval by Ports of Indiana.

I. DBE Subconsultants to be applied toward DBE goal for the RFP item:

Certified DBE Name to DBE	Service Planned	Estimated Percentage to be Paid*
		%
		%
		%
		%

II. DBE Subconsultants to be utilized beyond the advertised DBE goal for the RFP item:

Certified DBE Name to DBE	Service Planned	Estimated Percentage to be Paid*
		%
		%
		%
		%

Estimated Total Percentage Credited toward DBE Goal: _____

Estimated Percentage of Voluntary DBE Work Anticipated over DBE Goal: _____

Company Name: _____

Signature: _____ **Date:** _____

*It is understood that these individual firm percentages are estimates only and that percentages paid may be greater or less as a result of negotiation of the contract scope of work. My firm will use good faith efforts to meet the overall DBE goal through the use of these or other certified and approved DBE firms.