



GOVERNMENT OF BERMUDA

Ministry of Public Works

Works and Engineering

Instructions to Bidders
Project No. 44-28-75
Feasibility Study, Preliminary Plans and Specifications for
the Replacement of Swing Bridge and Longbird Bridge

**Feasibility Study,
Preliminary Plans and Specifications
for the Replacement of
Swing Bridge and Longbird Bridge**

St. George's Parish, Bermuda

Instructions to Bidders

Date: February 10, 2017

Project No. 44-28-75



TABLE OF CONTENTS

<u>Section</u>	<u>Description</u>	<u>Page</u>
Part 1	GENERAL.....	2
1.1	Public Access to Information.....	2
1.2	Time	2
1.3	Brief Description of Scope of Works	2
1.4	Eligibility and Qualifications Requirements	2
1.5	Cost of Proposal.....	3
1.6	Site Inspections & Proposal Information	3
Part 2	PROPOSAL DOCUMENTS.....	4
2.1	Content of the Proposal Documents	4
2.2	Clarification of Proposal Documents	4
2.3	Amendment of Proposal Documents	5
Part 3	PREPARATION OF PROPOSAL RESPONSE.....	5
3.1	Language of the Proposal	5
3.2	Documents Comprising the Proposal	5
3.3	Proposal Prices	6
3.4	Currencies of Proposal.....	6
3.5	Proposal Validity	7
3.6	Format and Signing of Proposals.....	7
3.7	Safety and Health.....	7
3.8	Alcohol, Smoke and Drug-Free Policy	7
3.9	Confidentiality Agreement:	7
Part 4	SUBMISSION OF PROPOSAL	7
4.1	Submission of Proposal	7
4.2	Deadline Extension for Submission of Proposals	8
4.3	Late Proposals	8
4.4	Modifications and Withdrawal of Proposals	8
Part 5	PROPOSAL OPENING AND EVALUATION	8
5.1	Proposal Opening	8
5.2	Process to be Confidential	9
5.3	Clarification of Proposals	9
5.4	Preliminary Examination – Determination of Responsiveness	9
5.5	Correction of Errors	9
5.6	Evaluation Criteria.....	10
5.7	Proposal Evaluation/Weighting Criteria	12
Part 6	AWARD OF CONTRACT	13
6.1	Award Criteria.....	13
6.2	Government’s Right to Accept any Proposal and to Reject any or all Proposals	13
6.3	Notification of Award	13
6.4	Signing of Contract Agreement.....	13



Part 1 GENERAL

1.1 Public Access to Information

- .1 Any information collected or used by or on behalf of the Government of Bermuda (“Government”) under this solicitation document is subject to the Public Access to Information Act 2010 (“Act”).
- .2 The information belongs to a class of information that might be made available to the general public under the Act.
- .3 The person who gives information to the Government in response to this solicitation document consents to the collection and use of the information and waives any right to challenge any decision made by the Government to disclose the information.
- .4 Any questions regarding the collection, use, or disclosure of the information should be directed to the public authority that issued this solicitation document.

1.2 Time

- .1 The Proposals submission must be delivered no later than Wednesday, March 1, 2017 at 3:00 pm AST.
- .2 Late submission will not be considered.
- .3 The Key dates for the Procurement Process are as follows:

Activity	Date
Request for Proposals issued	February 10, 2017
Deadline for Written Clarifications and Questions from Bidders (Clause 2.2.2)	February 22, 2017
Government responding and issuing Q and A, Addenda, if applicable, (Clause 2.2.3)	February 27, 2017
Deadline for Proposals Submissions (Clause 1.2.1)	March 1, 2017, 3:00 PM AST
Evaluation of Proposals (Part 5)	March 2, 2017 to March 8, 2017
Contract Award (Part 6)	April 15, 2017 (estimated)
Completion of Work by successful bidder	March 31, 2018 (estimated)

- .4 The Government may change the timeline for the procurement process without prior notice, and will notify bidders in writing promptly of any change by addenda, that will be posted on www.gov.bm procurement notices website.

1.3 Brief Description of Scope of Works

- .1 The Government of Bermuda, the Ministry of Public Works, the Department of Works and Engineering (the Government) requests the Consultants to provide Professional Engineering Services for the Feasibility Study, Preliminary Plans and Specifications for the Replacement of Swing Bridge and Longbird Bridge.

1.4 Eligibility and Qualifications Requirements



- .1 This opportunity is open to suitably experienced Bridge Engineering Consultants and Structural Engineering Consultants who can clearly demonstrate previous experience with this type of work and especially movable bridges.
- .2 Proposals may be submitted by Bridge Engineering Consultants, Structural Engineering Consultants with sub-consultants as needed to provide the professional team and necessary equipment capable to complete the Scope of Work.
- .3 Proposals submitted by a Consultant with Sub-consultants shall comply with the following requirements:
 - .1 The Consultant shall note the names of the proposed Sub-consultants in their proposal submission;
 - .2 The Proposal documents and any Contract documents pursuant hereto shall be signed by the Consultant only; and
 - .3 The Consultant shall be solely liable for the execution of the Contract in accordance with the Contract terms.
 - .4 Include a Letter of Agreement with local sub-consultants selected to assist with the process. Note this will be part of your quality score matrix.
 - .5 The Certificate of Confirmation of Non-Collusion is a mandatory requirement from all bidders. Any forms of agreement submitted which do not include a signed copy of this Certificate will be wholly rejected and will not be included in the evaluation process.
 - .6 If it is later found that the undertakings made below have been breached at any stage of the process, the Consultants will be expelled from the process immediately. In the event that this is discovered after a contract award, legal action may be taken against the Consultants and/or any party involved in the matter. False submissions may also exclude the bidder, and any other person or company involved in collusion, from involvement in future contracts with the Government of Bermuda.

1.5 Cost of Proposal

- .1 The Bidder shall bear all costs associated with the preparation and submission of their Proposal and the Government will in no case be responsible or liable for these costs, regardless of the outcome of the procurement process.

1.6 Site Inspections & Proposal Information

- .1 Prior to the proposal closing, it is strongly suggested that the Bidder visit and inspect the site and surrounding areas where the Service is to be performed.
- .2 The Bidder shall be deemed to have satisfied themselves as to the form and nature of the site, the quantities and nature of the service and materials necessary for the completion of the service, and in general to have obtained all necessary information as to the risks, contingencies and other circumstances which may influence or affect their Proposal.



- .3 Bidders will be granted permission by the Government, upon application, to enter upon the site of the service for the purpose of inspection but only upon the express condition that such person will release and indemnify the Government from and against all liability in respect of personal injury, loss of or damage to property and any other loss.
- .4 Bidders shall make their own assessment of existing facilities, conditions and difficulties which will attend the execution of the service called for by the proposed contract; including local conditions, constraints due to maintenance of traffic, labour conditions, uncertainty of weather, difficulties with access, and all other reasonable contingencies. Bidders shall satisfy themselves by personal examination of the site of the proposed Service and by such other means as they choose as to actual conditions and requirements, and as to the quantities required.
- .5 The Bidder shall make and will be deemed to have made the fullest inquiries in Bermuda as to the availability of skilled and unskilled labour which he may require in the execution of the Contract and shall employ, to the extent practicable and reasonable, staff and labour from sources within Bermuda.
- .6 No subsequent claim will be allowed or considered for any work that may be required for the proper execution and completion of the Services, due to failure by the Consultants to examine the site and make proper allowances for the conditions to be encountered.

Part 2 PROPOSAL DOCUMENTS

2.1 Content of the Proposal Documents

- .1 The set of solicitation documents issued for the purpose of Proposal includes the following documents, together with any Addenda thereto issued in accordance with Clause 2.3.
 - .1 Letter of Invitation
 - .2 Instructions to Bidders
 - .3 Annex A – Scope of Work
 - .4 Annex B – Form of Proposal
 - .5 Annex C – Drawings and Reference Documents
 - .6 Annex D – Sample Form of Agreement and Sample Service Contract
- .2 The bidder is expected to examine carefully all instructions, conditions, forms, terms, specifications and drawings in the Proposal documents. Failure to comply with the requirements of the Proposal submission will be at the bidder's own risk.

2.2 Clarification of Proposal Documents

- .1 A prospective bidder requiring any clarification of the proposal documents may notify the Government in writing, by email or by facsimile at the Government's address indicated below.



- .2 The Government will respond in writing by email or by facsimile to any request for clarification which they receive earlier than **1 working week** prior to the deadline, for the submission of proposals.
- .3 Written copies of the Government's response, where necessary (including a description of the inquiry but without identifying its source), will be sent to all prospective bidders who have provided contact details and posted on www.gov.bm procurement notice site.
- .4 Submissions of written queries shall be sent to the Government at address noted in the Letter of Invitation.

2.3 Amendment of Proposal Documents

- .1 At any time prior to the deadline for submission of Proposals, the Government may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Bidder, modify the Proposal documents by the issuance of an Addendum.
- .2 The Addendum will be posted on the www.gov.bm procurement notice site.
- .3 In order to afford prospective bidders reasonable time in which to take an Addendum into account in preparing their Proposals, the Government may, in its sole discretion, extend the deadline for the submission of Proposals in accordance with Clause 4.2.

Part 3 PREPARATION OF PROPOSAL RESPONSE

3.1 Language of the Proposal

- .1 The Proposal prepared by the Bidder and all correspondence and documents relating to the Proposal shall be written in the English language.

3.2 Documents Comprising the Proposal

- .1 The following items shall be included in your Proposal, as a minimum. Additional supporting items may be included.
 - .1 Form of Proposal
 - .2 Confirmation of Addenda Received
 - .3 Company Information (including Copy of Certificate of Incorporation)
 - .4 Information on Eligibility and Qualifications as set out in Clause 1.3 of firms and personnel for Works and Services
 - .5 Fixed Price Schedule
 - .6 Standby Price Schedule
 - .7 Method Statement
 - .8 Health and Safety Plan
 - .9 Environmental Plan



- .10 Project Schedule
 - .1 Provide a schedule of planned work activities, including milestones.
 - .2 Indicate proposed Commencement Date and Time for Completion.
- .11 Proposed Equipment List
- .12 Proposed Sub-consultants with proposed form of agreement
- .13 Certificate of Confirmation of Non-Collusion.
- .14 Any other materials required to be completed and submitted in accordance with the instructions to bidders embodied in the proposal document.
- .15 The Bidder shall use the forms found in *Annex B: Form of Proposal*, for their submission, without exception.
- .16 One copy of the above is to be returned in accordance with Clause 3.6.

3.3 Proposal Prices

- .1 The Bidder shall provide a detailed schedule of values supporting the proposed **Lump Sum Price** for the Scope of Services and the proposed **Three Phase Price Schedule** as per Annex B of these proposal documents.
- .2 Items against which no price is entered by the Bidder will not be paid for by the Government when executed and shall be deemed covered by the other lump sum prices in the Form of Proposal.
- .3 The Bidder price shall include all labour, materials, equipment, tools, and expenses necessary to perform the Scope of Services. Include overhead and profit in the rates and prices listed. The price shall include, indicate separately, the cost of any work permits, and taxes.
- .4 All duties, taxes and other levies payable by the Consultants under the Contract, or for any other cause, as of the closing date for submission of Proposal, shall be included in the rates and prices and total Proposal.
- .5 Include an estimated schedule for progress payments, if any.
- .6 If this solicitation is amended, all terms and conditions that are not amended remain unchanged
- .7 Unless stated otherwise in the Proposal documents, the Contract shall be for the specific works as detailed in the proposal documents and based on the completed Form of Proposal.

3.4 Currencies of Proposal

- .1 The fixed rates shall be quoted in Bermuda dollars.
- .2 Other currencies are available for payments and the exchange rate will be set to correspond with FT Guide to World Currencies on the day of the Proposal submittal.



3.5 Proposal Validity

- .1 All prices offered shall remain firm for one hundred and twenty (120) calendar days from the deadline for proposals noted in the Letter of Invitation, unless the deadline is modified by an amendment to this solicitation.
- .2 In exceptional circumstances, prior to expiry of the original Proposal validity period, the Government may request that the Proposal validity period be extended. The request and the responses thereto shall be made in writing by email or by facsimile. A Bidder may refuse the request and withdraw their Proposal. A Bidder agreeing to the request will not be required nor permitted to modify their Proposal.
- .3 This validity period shall apply to all proposals received regardless of whether a different validity period is specifically stated within a proposal.

3.6 Format and Signing of Proposals

- .1 The Bidder shall prepare one original set of the documents comprising the Proposal as described in Clause 3.2.1 of these Instructions to Bidders.
- .2 The Proposal shall be typed or written in indelible ink and shall be signed by a person or persons duly authorised to bind the Bidder to the Contract. All pages of the Proposal where entries or amendments have been made shall be initialled by the person or persons signing the Proposal.
- .3 The completed Proposal shall be without alterations, interlineations or erasures, except those to accord with instructions issued by the Government, or as necessary to correct errors made by the Bidder, in which case such corrections shall be initialled by the person or persons signing the Proposal.
- .4 Only one Proposal may be submitted by each Bidder. No Bidder may participate in the Proposal of another for the same Contract in any relation whatsoever.

3.7 Safety and Health

- .1 All works must be carried out in strict accordance with the Bermuda Occupational Safety & Health Act Regulations of 2009.

3.8 Alcohol, Smoke and Drug-Free Policy

- .1 All Government buildings and work sites are designated as alcohol, smoke and drug-free.

3.9 Confidentiality Agreement:

- .1 The selected firm and key individuals may be required to sign a project confidentiality agreement limiting information that may be discussed outside the team.

Part 4 SUBMISSION OF PROPOSAL

4.1 Submission of Proposal

- .1 The sealed proposal package shall be deposited in the Proposal Box located at:



Ministry of Public Works
Department of Works and Engineering
3rd Floor, General Post Office
56 Church Street
Hamilton HM 12, Bermuda

- .2 The following information shall be written on the outside of the proposal package:
Proposal Submission

Do Not Open Before 3:00 p.m. (AST), March 1, 2017
Request for Proposal - Swing Bridge and Longbird Bridge
Attention: Mike Murphy P. Eng

- .3 If the envelope is not sealed and marked as instructed above, the Ministry will assume no responsibility for the misplacement or premature opening of the proposal submitted.
- .4 A proposal opened prematurely for this cause will be rejected by the Ministry and returned to the bidder.
- .5 Proposals may be withdrawn at any time by written notice only provided such notice is received at the office of the Ministry prior to the date/time set as the closing time for receiving proposals.

4.2 Deadline Extension for Submission of Proposals

- .1 The Government may, at its discretion, extend the deadline for submission of Proposal by issuing an amendment in which case all rights and obligations of the Government and the Bidders previously subject to the original deadline shall thereafter be subject to the new deadline as extended.

4.3 Late Proposals

- .1 Any Proposal received by the Government after the deadline for submission of Proposals will be rejected and considered as nonresponsive.

4.4 Modifications and Withdrawal of Proposals

- .1 The Bidder may modify or withdraw their Proposal after Proposal submission, provided that the modification or notice of withdrawal is received in writing by the Government prior to the prescribed deadline for submission of Proposals.
- .2 The Bidder's modification or notice of withdrawal shall be prepared, sealed, marked and delivered in accordance with the provisions of Clause 4.1 for the Submission of Proposals with the envelope additionally marked "MODIFICATION" or "WITHDRAWAL" as appropriate. For a modification it shall also be accompanied by an additional Non-collusion certificate.
- .3 Subject to Clause 5.3, no Proposal shall be modified subsequent to the deadline for submission of Proposals.

Part 5 PROPOSAL OPENING AND EVALUATION

5.1 Proposal Opening



- .1 The Government will examine the Proposals to determine whether they are complete, whether the documents have been properly signed and whether the Proposals are generally in order. Proposals for which an acceptable notice of withdrawal has been submitted pursuant to Clause 4.4 shall not be opened.
- .2 The proposal opening will not be held in public.
- .3 The proposal opening will be recorded with the bidders' names and proposal prices.

5.2 Process to be Confidential

- .1 Information relating to the examination, clarification, evaluation and comparison of Proposals and recommendations concerning any award of contract shall not be disclosed to Bidders or other persons not officially concerned with such process.
- .2 Any effort by a Bidder to influence the Government in the process of examination, clarification, evaluation and comparison of Proposals, and in decisions concerning any award of Contract, shall result in the rejection of the Proposal.

5.3 Clarification of Proposals

- .1 To assist in the examination, evaluation and comparison of Proposals, the Government may ask Bidders individually for clarification of their Proposals.
- .2 The request for clarification and the response shall be in writing or by facsimile, but no change in the price or substance of the Proposal shall be sought, offered or permitted except as required to confirm the correction of arithmetic errors discovered by the Government during the evaluation of the Proposals in accordance with Clause 5.6.

5.4 Preliminary Examination – Determination of Responsiveness

- .1 Prior to the detailed evaluation, the Government will determine whether each proposal is substantially responsive to the requirement of the proposal document.
- .2 For the purpose of this clause, a substantially responsive Proposal is one which conforms to all the terms, conditions and specifications of the Proposal documents without material deviation or reservation.
- .3 A material deviation or reservation is one which affects or could affect, in any substantial way, the scope, quality, or performance of the Services or which limits, in any substantial way, the Government's rights or the Bidder's obligations under the Contract and rectification of which deviation or reservation would affect unfairly the competitive position of other proposals presenting substantially responsive proposals.
- .4 A Proposal determined as not substantially responsive will be rejected by the Government.

5.5 Correction of Errors

- .1 The Government will examine the responses to determine whether they are complete, whether any computational errors have been made, whether the documents have been properly signed, and whether the bids are generally in order.
- .2 Arithmetical errors will be rectified on the following basis:



- .1 Where there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If the Bidder does not accept the correction of errors, its Bid will be rejected. If there is a discrepancy between words and figures the amount in words will prevail;
- .2 Where there is a discrepancy between the amounts in figures and in words, the amounts in words will govern; and
- .3 Where there is a discrepancy between the individual lump sums and the total amounts derived for the sum of the individual lump sum, the individual lump sum as quoted will govern, and the total amount will be corrected.

5.6 Evaluation Criteria

.1 Review Process

- .1 Each proposal will be reviewed by an evaluation committee to determine if it meets the proposal requirements.
- .2 Failure to meet the requirements for the Request for Proposal may be cause for rejection of the proposal.
- .3 Final selection of a company will be determined following review of all work proposals, cost proposals and/or formal oral presentations.
- .4 Proposal price alone will not be the sole determining factor in be selection of the Consultants for this work.
- .5 The Ministry will consider the proposal costs for all proposal items identified herein together with the Consultant's qualifications, references, and understanding of the scope of work to form the basis for its decision on who will be selected.
- .6 The Ministry reserves the right to reject any or all proposals and to determine which proposal is, in the Ministry's judgment, the most responsive.
- .7 The evaluation committee may, at its sole option, ask for interviews or oral presentations by any Proponent(s) participating in this process (creation of a short list). Attendance at any such interview will be at the Proponent's expense.

.2 Evaluation Criteria

- .1 Proposals will be evaluated to determine the best value offered to the Government of Bermuda based on the following criteria:
- .2 Phase 1 - Proposal Responsiveness - Pass/Fail
 - .1 Required documentation: Proposals will be reviewed to determine if all required documentation was included with proposal submittal as described in this RFP.



-
- .2 Each proposal will be reviewed by an evaluation committee to determine if it meets the proposal requirements. Failure to meet the requirements for the Request for Proposal may be cause for rejection of the proposal.
 - .3 Phase 2 - Proposal Review and Evaluation
 - .1 The proposals will be evaluated according to the Proposal Evaluation/Weighting Criteria below.
 - .2 The evaluation committee may seek written clarification from any or all prospective Consultants in order to better understand and evaluate the proposal.
 - .4 Phase 3 - Presentations/Oral Interviews
 - .1 Proposals determined to have scored in the competitive range **may** be invited to present oral presentations for the purpose of introducing key members of the evaluation team, and allowing the Ministry to fully understand the prospective Consultant's ability to meet the evaluation criteria. Oral presentations will not be scored separately. Instead the Ministry may modify proposal scores and resulting rankings based on the oral presentation.
 - .2 The project manager identified in the proposal must be the lead presenter in the oral presentation. This process may not be used as an opportunity to submit missing documentation or to make substantive revisions to the original proposal.
 - .5 Phase 4 - Cost Proposal
 - .1 After the technical and oral presentations, cost proposals will be evaluated.



5.7 Proposal Evaluation/Weighting Criteria

	<u>Evaluation Criteria</u>	<u>Points</u>
.1	Mandatory Requirements	Pass or Fail
.2	Technical Capability	250 points
.1	Qualifications of the firm, one page	
.2	Description of five similar bridges where the firm has provided the lead development, one page per bridge	
.3	Ability to meet the requirements of the scope of work, the proposed schedule and the budget, two pages	
.4	Understanding of Scope of Work and Methodology, maximum 5 pages	
.5	Other	
.3	Managerial and Staff Capability	250 points
.1	Past Performance	
.2	Project Director – CV highlighting past experience with similar projects, maximum 5 pages	
.3	Bridge Architect – CV highlighting past experience with similar projects, maximum 5 pages	
.4	Key Personnel – Organizational chart and project team, maximum 20 pages	
.5	Provide references, details of awards or prizes, etc.	
.6	Other	
.4	Involvement of Bermudian companies	100 points
.1	Local Consulting company involvement	
.2	Other local companies	
.5	Quality of trainee program	100 points
.1	Secondment details and technical supervision, two pages	
.2	Scope of involvement on this project and other concurrent projects, two pages	
.3	Methodology vs the trainee work program, three pages	
.6	Fees	300 points

The final award recommendation will be based on the highest scoring proposal as determined by total points and rank using criteria and weights as stated above.



Part 6 AWARD OF CONTRACT

6.1 Award Criteria

- .1 Subject to Clause 5.3, the Government will award the Contract to the Bidder whose Proposal has been determined to be substantially responsive to the Proposal documents and who, in the opinion of the Government, has offered the best overall submission. This may not be the lowest priced proposal received.
- .2 The Government may award contracts to multiple Bidders pursuant to this Invitation to Proposal. Additionally, a Bidder may be awarded multiple works packages.

6.2 Government's Right to Accept any Proposal and to Reject any or all Proposals

- .1 The Government does not bind itself to accept the lowest or any Proposal and reserves the right to reject any Proposal and, and to annul the Request for proposal process and reject all Proposals, at any time prior to Award of Contract, without thereby incurring any liability to the affected Bidder, or Bidders or any obligations to inform the affected Bidder or Bidders of the grounds for the Government's action.
- .2 Where multiple works packages are available, the Government does not bind itself to accept the lowest Proposal of each package. The Government reserves the right to award the works packages in their entirety to a single Consultant or to separate Consultants.
- .3 The Government may declare the Request for proposal process void when it is evident that there is a lack of competition or there has been collusion.
- .4 All Proposals may be rejected if substantially higher than the budget.

6.3 Notification of Award

- .1 Prior to the expiration of the period of Proposal Validity prescribed by the Government, the Government will notify the successful Bidder by email or facsimile, confirmed in writing by registered letter that their Proposal has been accepted.
- .2 This letter, hereinafter, and in the Conditions of Contract called "Letter of Acceptance", shall name the sum which the Government will pay to the Consultants in consideration of the execution, completion and maintenance of the Works by the Consultants as prescribed by the Contract, hereinafter, and in the Conditions of Contract, called "the Contract Price".
- .3 The notification of award in writing will constitute the formation of the Contract.
- .4 The Government will promptly notify the unsuccessful Bidders that their Proposals have been unsuccessful.

6.4 Signing of Contract Agreement

- .1 At the same time that the successful Bidder is notified that their Proposal has been accepted, the Government will arrange for the contract signing.

END OF INSTRUCTIONS TO BIDDERS