

Request for Procurement by Noncompetitive Proposals

The Grant Recipient [**The City of Dillingham**] is proposing to use a procurement method other than full and open competition in its [**PIDP Grant Project: Harbor Float Replacement and Improvements FY25**]. The grant recipient intends to use procurement by noncompetitive proposals in the amount of \$[**1,124,000**] for [**Pre-construction NEPA Compliance Assistance, Engineering, Design, Project Management, and Permitting through PND Engineers**].

In accordance with the requirements found in 2 CFR 200.320(c), the grant recipient may use procurement by noncompetitive proposals only if one or more of the following circumstances applies:

- (1) The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold (currently \$10,000, unless the recipient increases it pursuant to 2 CFR 200.320(a)(1)(iv));
- (2) The procurement transaction can only be fulfilled by a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;
- (4) The recipient or subrecipient requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or
- (5) After soliciting several sources, competition is determined inadequate.

In making this request, please provide to MARAD answers to the following questions:

1. Provide a brief description of the project, the amount to be designated for the noncompetitive procurement, the item or service to be procured, the purpose of the contract, and an itemized budget for the contract amount.

The City of Dillingham Harbor Float Replacement and Improvements Project aims to replace aging infrastructure and upgrade utilities and land use at our small boat harbor. We are requesting to retain PND Engineers for pre-construction services in the amount of \$1,124,000. These services include engineering, design, project management, permitting, and NEPA Compliance Assistance essential for advancing pre-construction phases prior to finalizing the Grant Agreement. The itemized budget for these services can be found in the highlighted rows below:

1.7	Engineering and Project Management	1	Each	\$415,000	\$415,000
1.7.1	NEPA Review Process - Assumes Abbreviated EA	1	Each	\$65,000	\$65,000
1.7.2	Bid Support	1	Each	\$25,000	\$25,000
1.7.3	Construction Administration	1	Each	\$55,000	\$55,000
1.7.4	Submittal Review and Fabrication Inspection	1	Each	\$90,000	\$90,000
1.7.5	Onsite Construction Inspection	1	Each	\$150,000	\$150,000
1.7.6	Project Closeout	1	Each	\$30,000	\$30,000
2	Upland Water and Sewer Upgrades	1	LS	\$1,764,000.00	\$1,764,000
2.1	Mobilization and Demobilization	1	LS	\$150,000	\$150,000
2.2	Water System Upgrades	1	LS	\$540,000	\$540,000
2.3	Sewer System Upgrades	1	LS	\$535,000	\$535,000
2.4	Roadway Surface Repairs	1	LS	\$50,000	\$50,000
2.5	Contingency (Assumed 20%)	1	LS	\$255,000	\$255,000
2.6	Design, Engineering and Permitting	1	LS	\$128,000	\$128,000
2.7	Construction Management and Inspection	1	LS	\$106,000	\$106,000
3	North Bulkhead Extension and Boat Grid	1	LS	\$2,954,150.00	\$2,954,150
3.1	Mobilization and Demobilization	1	LS	\$400,000	\$400,000
3.2	Demolition	1	LS	\$60,000	\$60,000
3.3	Bulkhead Extension	1	LS	\$1,128,150	\$1,128,150
3.3.1	Provide Z-Sheet Pile	150	Ton	\$3,500	\$525,000
3.3.2	Install Sheet Pile	100	EA	\$1,230	\$123,000
3.3.3	Provide and Install Cap and Hand Railing	230	LF	\$540	\$124,200
3.3.4	Provide and Place Fill	4,500	CY	\$75	\$337,500
3.3.5	Provide and Place Surface Course	150	CY	\$123	\$18,450
3.4	Boat Grid	1	LS	\$548,000	\$548,000
3.4.1	Provide Pipe Piles	50	Ton	\$3,500	\$175,000
3.4.2	Install Pipe Piles	30	EA	\$5,100	\$153,000
3.4.3	Provide and Install Catwalk Caps	10	EA	\$22,000	\$220,000
3.5	Contingency (Assumed 20%)	1	LS	\$428,000	\$428,000
3.6	Design, Engineering and Permitting	1	LS	\$215,000	\$215,000
3.7	Construction Management and Inspection	1	LS	\$175,000	\$175,000
4	Bingman Property Phase I/II Environmental Assessment	1	LS	\$160,000.00	\$160,000
5	Lease Parcel Development	1	LS	\$657,500.00	\$657,500
5.1	Mobilization and Demobilization	1	LS	\$70,000	\$70,000
5.2	Clearing and Grubbing	1	LS	\$45,000	\$45,000
5.3	Provide and Place Fill	4,500	CY	\$75	\$337,500
5.4	Provide and Place Surface Course	200	CY	\$125	\$25,000
5.5	Contingency (Assumed 20%)	1	LS	\$95,000	\$95,000
5.6	Design, Engineering and Permitting	1	LS	\$48,000	\$48,000
5.7	Construction Management and Inspection	1	LS	\$37,000	\$37,000

2. Provide an explanation as to why it is necessary to contract in a noncompetitive manner, including which one (or more) of the circumstances in 2 CFR 200.320(c) cited above applies to the procurement transaction.

We are requesting procurement through noncompetitive proposals under 2 CFR 200.320(c)(2), as this procurement can only be fulfilled by a single source. PND Engineers possesses unique qualifications that make them the only viable contractor for this specific project:

1. PND created the original engineering and design for the float system (the project's central component)
 2. They have extensive experience with PIDP grant NEPA compliance requirements specific to Alaskan marine infrastructure
 3. They possess proprietary technologies critical to the project's success in Dillingham's challenging environment
 4. Their institutional knowledge of our harbor's specific conditions cannot be replicated without significant delay and additional cost
3. If the item or service is available only from one source, please include the following:

- a. Uniqueness of items or services to be procured from the proposed contractor or vendor (e.g., compatibility of patent issues);

PND Engineers holds exclusive rights to critical design elements essential for this project:

- The trademarked Spin Fin Pile Tip design is proprietary to PND and crucial for pile stability in Dillingham's extreme tidal conditions
- Their Open Cell sheet piling system is specifically engineered for Arctic and sub-Arctic conditions and has been successfully deployed in similar Dillingham harbor projects

- b. How the Recipient determined that the item or service is only available from one source (e.g., market survey results, independent agency research, patented or proprietary system);

The unique combination of PND's proprietary technologies and their specific experience with Dillingham's harbor infrastructure creates a situation where no other firm can provide equivalent services:

- The Spin Fin Pile Tip design is protected by US Trademark No. 4,453,302
 - PND's Open Cell technology has been proven effective in Dillingham's specific environmental conditions through previous installations at both the all-tide dock and fuel dock
 - Market research confirms no other firm has equivalent technologies specifically tested in our unique tidal environment
- c. Explanation of need for the contractor's expertise linked to the current project (e.g., knowledge of project management, responsiveness, experience of contractor personnel, and/or prior work on earlier phases of project); and

PND Engineers brings irreplaceable expertise to this project:

- They completed the initial engineering and design for the Float Replacement Project, creating crucial continuity
- Their extensive experience with Dillingham's unique environmental challenges (extreme tidal range, ice conditions, sedimentation patterns) is unmatched
- They served as consultants during our grant application process and are intimately familiar with project scope and requirements
- Their team has established relationships with relevant regulatory agencies, streamlining the permitting process
- They have demonstrated exceptional responsiveness and have allocated resources specifically for this project

- d. Any additional information that would support the request.

- PND has successfully completed similar harbor projects in comparable Alaskan communities including Naknek, Haines, and Homer
- Their proven track record of meeting federal grant requirements ensures compliance with all PIDP guidelines
- Using their existing design work and knowledge base will significantly reduce project timeline and costs
- Their familiarity with local construction logistics and material sourcing in remote Western Alaska is invaluable

4. If the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation, please include the following:

NA

- a. Description of the public exigency or emergency;
- b. Need for the contract and period of performance;
- c. Impact on project if deadline/dates are not met;
- d. How long it would take an alternate contractor to reach the same required level of competence (equate to dollar amounts, if desired); and
- e. Any additional information that would support the request.

5. If the Recipient is requesting that MARAD expressly authorize a noncompetitive procurement, please include the following:
 - a. Rationale for why the Recipient is requesting authorization for a noncompetitive procurement;
It would be cost and time prohibitive to bring a new vendor up to speed as to the history, status and requisite timeline of this project.
 - b. Provide a description of the marketplace to include distributors, dealers, resellers, etc.;
As key items of the design are Trademarked by PND, utilizing alternatives would require re-engineering and added lead time to identify and source materials needed for construction.
 - c. Describe how the Recipient determined that the item or service must be procured from the proposed source (e.g., market survey results, independent agency research, patented or proprietary system);
Proven performance of PND Engineers' designs in the design area.
 - d. Uniqueness of items or services to be procured from the proposed contractor or vendor (e.g., compatibility of patent issues);
The Spin Fin Pile Tip and Open Cell sheet pile designs are trademarked by PND Engineers is an integral part of the project.
 - e. Explanation of need for contractor's expertise linked to the current project (e.g., knowledge of project management, responsiveness, experience of contractor personnel, and/or prior work on earlier phases of project); and
PND has been very responsive and involved in many aspects of the project to date.
 - f. Any additional information that would support the request.
6. If competition is determined to be inadequate after soliciting several sources, please include the following:
NA
 - a. Results of a market survey to determine competition availability. If no survey is conducted, please explain why not; and
 - b. Any additional information that would support the request.
7. Describe whether there are any potential real or apparent conflicts of interest with the proposed vendor. If there may be conflicts of interest, please describe how the Recipient plans to mitigate this risk.
We have conducted a thorough review and confirm there are no potential, real, or apparent conflicts of interest between the City of Dillingham and PND Engineers. The firm has no financial interest in the city, and no city officials have financial interests in PND. The relationship is strictly professional and based on previous successful project completion.
8. Will the proposed contract otherwise comply with the Recipient's procurement policies and the procurement standards outlined in 2 CFR Part 200, including the required contract provisions?

Yes, the proposed contract will comply with all City of Dillingham procurement policies and the procurement standards outlined in 2 CFR Part 200, including all required contract provisions. Our legal counsel has reviewed the proposed procurement to ensure full compliance with federal regulations.

9. Will the proposed contract comply with the grant project's applicable domestic content procurement preference ("Buy America") requirements? If possible, provide a certification from the manufacturer/vendor confirming Buy America compliance.

The pre-construction services covered by this procurement request are professional services not subject to Buy America requirements. For the construction phase, which will involve materials procurement, we will ensure full compliance with applicable domestic content procurement preference requirements. PND Engineers has confirmed their awareness of these requirements and will incorporate them into all design specifications.

10. Provide any other information MARAD requests or the Recipient deems relevant, as applicable.

The City of Dillingham's harbor serves as critical infrastructure for the region's commercial fishing fleet, which is the economic lifeblood of our community. The harbor's current deteriorating condition poses safety risks and economic threats to our community. PND Engineers' unique knowledge of our harbor infrastructure will ensure an efficient, cost-effective project that meets all federal requirements while minimizing disruption to harbor operations during construction phases.

CERTIFICATION

I hereby certify that this justification is accurate and complete to the best of my knowledge and belief, and that this action is in the best interest of the Federally-funded project.

Signature of Authorized Representative of the
Grant Recipient

Date