

Contract Agreement for Water Plant Upgrade of the Water Filtration System

This Agreement is made and entered into as of [Date], by and between the **City of Kotzebue** ("Owner"), located at 256A Third Street, Kotzebue, AK 99752, and **Drake Construction, Inc.**, ("Contractor"), located at 116 2nd Avenue, Kotzebue, AK 99752, and **DOWL Engineering** ("Engineer"), located at 5015 Business Park Blvd #4000, Anchorage, AK 99503. The parties agree as follows:

Article 1: Project Description

The Contractor and Engineer agree to perform all work necessary for the design, construction, and implementation of the **Water Plant Upgrade of the Water Filtration System** for the City of Kotzebue, as per the specifications outlined in the City of Kotzebue Request for Proposals ("RFP") 24-06 which is attached hereto and incorporated by reference herein.

Article 2: Compliance with Applicable Laws and Standards

The Contractor and Engineer shall comply with all federal, state, and local laws, regulations, and requirements applicable to the project, including but not limited to:

2.1 Davis-Bacon Wage Requirements

- Compliance with the Davis-Bacon Act, as specified in the **Davis-Bacon Compliance Guide** and **Bid Insert Requirements** found at:
 - [Davis-Bacon Compliance Guide](#)
 - [Davis-Bacon Bid Insert](#)
- The Contractor shall maintain detailed payroll records and make them available for inspection upon request by the Owner or other authorized entities. The City of Kotzebue will be responsible for reporting wage requirements compliance to the funder.

2.2 Build America, Buy America (BABA) Act

- Compliance with BABA Act standards, as per the **BABA Compliance Documentation Guide** and **Construction Contract Example** found at:
 - [BABA Compliance Guide](#)
 - [BABA Construction Contract Example](#)
- Appropriate documentation verifying compliance shall be submitted to the Owner.

2.3 Disadvantaged Business Enterprise (DBE) Requirements

- The Owner shall demonstrate good faith efforts to include DBEs in the project per the **DBE Contract Insert** and **Good Faith Effort Form** found at:
 - [DBE Contract Insert](#)
 - [Good Faith Effort Form](#)

- The Owner shall submit documentation of outreach efforts, solicitations, and responses received from DBEs. The City of Kotzebue will submit documentation for outreach efforts and solicitations. In the case that the Contractor or Engineer needs to do sub-contract work, this request will be submitted to the City of Kotzebue in writing. Once in agreement for the need of a subcontractor, the Contractor or Engineer will be responsible for documentation of efforts, solicitations and responses received from DBEs and submitted to the owner. It will be the responsibility of the owner to report these efforts to the funder.

Article 3: Scope of Work

3.1 Contractor Responsibilities

- Perform all construction activities as per project specifications contained in RFP 24-06 attached hereto.
- Ensure compliance with Davis-Bacon, BABA, and DBE requirements.
- Submit progress reports, compliance documentation, and payroll records.

3.2 Engineer Responsibilities

- Provide design, engineering oversight, and technical support for the Water Plant Upgrade of the Water Filtration System.
- Ensure engineering designs comply with project requirements and federal, state and local standards.
- Assist with inspection and certification of work completed by the Contractor.

Article 4: Compensation

The Owner agrees to compensate the Contractor and Engineer as follows:

- Contractor: [Amount, terms of payment] ****←we need the revised prices from Drake for this item****
- Engineer: [Amount, terms of payment] ****←not sure if we have to revise these numbers****

Payments shall be subject to verification of compliance with Davis-Bacon, BABA, and DBE requirements.

The Contractor and Engineer acknowledge that this is a State of Alaska Revolving Loan (“SRF”) Project with the only funds available for this Project being the SRF forgivable loan monies (less the loan fee imposed by the SRF) and that no City of Kotzebue general funds are available for and/or committed to this Project. To that end, the Contractor and Engineer shall submit a phased budget estimate for this Project as a condition precedent to the execution of this Contract Agreement. (If the Contractor and/or Engineer shall become aware of changes that need to be made to the budget estimate, the Contractor and/or Engineer shall promptly notify the Owner within no more than ten (10) days of becoming aware of the changes that need to be made to the budget estimate.)

Article 5: Performance and Termination

5.1 Performance

The Contractor and Engineer shall perform all work with the highest standards of workmanship and within the agreed-upon timeline. Delays attributable to noncompliance with federal, state and/or local requirements may result in penalties.

5.2 Termination

The Owner reserves the right to terminate this contract for cause, including *inter alia* noncompliance with Davis-Bacon, BABA, or DBE requirements.

Article 6: Dispute Resolution

Any dispute, whatsoever, concerning this Agreement and/or termination of this Agreement shall be resolved by good faith, non-binding mediation between the Parties to this Contract. If such non-binding mediation shall not resolve all disputed matters, the Parties agree to submit any unresolved disputes to binding arbitration (with a single arbitrator). This arbitration shall be the sole remedy for any and all disputes arising under this Agreement, including termination of this Agreement, and the decision of the Arbitrator shall be the complete, final adjudication of any and all such disputes under this Agreement. The site of any such arbitration shall be in Kotzebue, Alaska, at a location agreed upon by the Parties.

The arbitration shall be governed by Alaska's Revised Uniform Arbitration Act as set forth in A.S. 09.43.300 to A.S. 09.43.595. Damages, if any, awarded by an arbitrator shall be limited to non-tort, contract damages allowed by Alaska law, with full, reasonable fees and costs awarded to the prevailing party by the Arbitrator, with the determination of prevailing party status governed by the Alaska case law developed under Alaska Rule of Civil Procedure 82.

Article 7: Miscellaneous

7.1 Notices

Notices under this Agreement shall be in writing and hand-delivered to the parties at their respective addresses listed above **and/or** by USPS Priority Mail to the following USPS mailing addresses: City of Kotzebue, P.O. Box 46, Kotzebue, AK 99752-0046, Drake Construction, Inc., P.O. Box 338, Kotzebue, AK 99752-0338 and DOWL Engineering 5015 Business Park Blvd #4000, Anchorage, AK 99503.

7.2 Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Alaska.

Signatures on next page

City of Kotzebue

By: _____

Name: [City Manager's Name]

Title: City Manager

Date: _____

Drake Construction, Inc.

By: _____

Name: _____

Title: _____

Date: _____

DOWL Engineering

By: _____

Name: _____

Title: _____

Date: _____

ATTACHMENT: RFP 24-06 and related documents [5 pages]

City of Kotzebue
Request for Proposal (RFP) – Water Treatment Plant Filtration System Upgrade During the Winter/Spring 2024-2025

RFP Number: 2024-05

Date Issued: October 30, 2024

Proposal Due Date: December 2, 2024

I. PURPOSE

The City of Kotzebue is soliciting proposals from qualified Design-Build contractors and firms for the winter/spring 2024-2025 design, procurement, and installation of an upgraded filtration system for the city's new water treatment plant. The intent of this project is to enhance water quality, ensure compliance with current regulatory standards, and optimize operational efficiency.

II. BACKGROUND

The City of Kotzebue relies on a new water treatment plant constructed in 2023 to deliver potable water to residential and commercial users. The existing filtration system has challenges adequately removing, among other things, high levels of manganese, leading to inefficiencies and a need for improvement. An updated filtration system installed during the winter/spring 2024-2025 is essential to meet state and federal water quality regulations and support the city's commitment to public health and safety.

III. SCOPE OF WORK

The selected contractor will provide a full solution for upgrading the water treatment plant filtration system **during the winter/spring 2024-2025**. The scope of work includes:

1. Design Phase:

- Assessment of the current system's performance.
- Development of a detailed design for the new filtration system that mitigates deficiencies.
- Compliance with EPA, state, and local water quality standards.
- Submission of design documents for city review and approval.

2. Procurement of Equipment:

- Provision of all necessary materials and equipment, including filtration media, tanks, pumps, and control systems.
- Emphasis on energy-efficient equipment compatible with existing infrastructure.

3. Installation and Construction:

- Removal and disposal of the existing filtration system as required.
- Installation of the new system, including mechanical, electrical, and control components.
- Coordination with city staff to minimize disruptions to water service.
- Startup, testing, and commissioning of the system for optimal operation.

4. Training and Documentation:

- Training for city staff on system operation and maintenance.
- Delivery of manuals, maintenance schedules, and as-built drawings upon project completion.

IV. PROJECT REQUIREMENTS

1. **Compliance:** All work must meet Alaska Department of Environmental Conservation (ADEC) standards, EPA regulations, and City of Kotzebue ordinances.
2. **Timeline:** The City requires immediate action. Anticipated Substantial Completion is April, 2025
3. **Budget:** The budget for this project is up to the approved amount by the State Revolving Fund Loan and inclusive of all costs associated with design, procurement, installation, and commissioning.
4. **Warranty:** A minimum one-year warranty on equipment and workmanship is required, with extended warranties where available.

V. PROPOSAL REQUIREMENTS

Interested contractors should include the following in their proposal:

1. **Company Information:**
 - Name, address, and primary contact information.
 - Overview of the company's history and relevant experience of work in the Arctic and Subarctic and in water treatment systems in the Arctic and Subarctic.
2. **Technical Proposal:**
 - Detailed description of the approach to the project, including design and installation.
 - Information on the proposed filtration technology, including technical specifications.
3. **Project Timeline:**
 - Detailed timeline for the winter/spring 2024-2025 covering key project phases, including design, procurement, installation, and commissioning by the end of spring 2025.

4. **Cost Proposal:**

- Provide rates that will be used for both design and construction. Rates should include a full list of personnel, supplier and sub-contractor fees.

5. **References:**

- At least three references from similar projects completed in the last five years.

6. **Proof of Insurance and Bonding:**

- Proof of liability insurance, worker's compensation, and bonding coverage.
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VI. EVALUATION CRITERIA

Proposals will be evaluated on the following:

1. **Technical Approach** – Quality of proposed filtration system and design approach. **[10 points]**
 2. **Experience and Qualifications** – Relevant experience and qualifications of the **Design-Build** team and experience in Northwest Alaska. **[20 points]**
 3. **Equipment Mobilization**- Design build team has **the necessary** equipment to mobilize a team in Kotzebue **during the winter/spring 2024-2025**. **[25 points]**
 4. **Cost** – Alignment with budgetary expectations and overall cost competitiveness. **[20 points]**
 5. **Project Timeline** – Feasibility and efficiency of the proposed timeline for the winter/spring 2024-2025. **[15 points]**
 6. **References** – Positive feedback and successful project outcomes from prior clients. **[10 points]**
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VII. SUBMISSION INSTRUCTIONS

Proposals must be submitted no later than December 2, 2024 at 5PM to:

City of Kotzebue

ATTN: Russ Ferguson, Public Works Director

P.O. Box 46, Kotzebue, AK 99752

Email: customerservice@kotzebue.org and rferguson@kotzebue.org

Phone: 907-442-3401 Cell 907-412-3656

Proposals should be submitted in both electronic and hard copy formats.

VIII. QUESTIONS AND ADDENDA

All questions regarding this RFP must be submitted in writing to customerservice@kotzebue.org by November 15, 2024. Responses to questions will be issued to all bidders in an addendum format within 5 business days.

IX. TERMS AND CONDITIONS

The City of Kotzebue reserves the right to reject any or all proposals, waive informality in the RFP process, and award the contract based on the best interests of the City.

We look forward to reviewing proposals and collaborating to enhance the quality and reliability of Kotzebue's water supply.

Issued by:

Tessa Baldwin
City Manager
City of Kotzebue



P.O. Box 46
Kotzebue, Alaska 99752

City Hall
(907) 442-3401

Police Dept.
(907) 442-3351

Fire Dept.
(907) 442-3404

Public Works
(907) 442-3401

Request for Proposal (RFP) – Water Treatment Plant Filtration System Upgrade During the Winter/Spring 2024-2025

RFP Number: 2024-05

Date Issued: October 30, 2024

Proposal Due Date: December 2, 2024

Addendum Issued by: The City of Kotzebue

Date: November 27, 2024

The City of Kotzebue has revised the submission requirements for the Request for Proposals (RFP) regarding the Water Treatment Plant Filtration System Upgrade.

Revised Submission Requirement:

The City will now accept **electronic submissions** in lieu of hard copy submissions. Proposers are no longer required to send hard copies of their proposals to City Hall.

New Submission Method:

All proposals must be submitted electronically to the following email address:

customerservice@kotzebue.org

Please ensure the subject line of your email reads:

"Proposal Submission: Water Treatment Plant Filtration System Upgrade"

The deadline for proposal submissions remains unchanged. It is the responsibility of the proposer to ensure the electronic submission is received before the stated deadline.

For any questions regarding this addendum or the RFP, please contact the

customerservice@kotzebue.org

Thank you for your interest in working with the City of Kotzebue.