

Milwaukee Water Works

Safe, Abundant Drinking Water.

February 26, 2013

OFFICIAL NOTICE NO. 31

ADDENDUM NO. 1

NOTICE TO CONTRACTORS, intending to bid on the above noted Official Notice. The bidder shall acknowledge receipt of this addendum on the acknowledgement page in the bid document.

The MWSBE requirement has been changed to **18% SBE participation**, which still need to be firms that have been certified by the City of Milwaukee Office of Small Business Development.

Attached are a number of revised forms:

- 1) RFP Rate Consultant Services Documents 31-2013
- 2) Official Notice 31-2013
- 3) Acknowledgement Page
- 4) "SBE" Small Business Enterprises Provisions
- 5) Form "A" Compliance Plan-City of Milwaukee-Department of Public Works SBE participation for Subcontractors and/or Material Suppliers
- 6) Form "D" SBE Monthly Report
- 7) Form "E" Small Business Enterprise program (SBE) Subcontractor Payment Certification

Very truly yours,



Earl D. Smith, Jr.
Water Business Manager
Milwaukee Water Works

Milwaukee Water Works

**Specifications
&
Request for Proposal Documents**

**Water Rate Consultant
Services
For
The
Milwaukee Water Works**

Official Notice 31-2013

**Compiled by the
Milwaukee Water Works
Business Division**

February 2013

2/28/2013

City Of Milwaukee

Department of Public Works
Room 501 – Frank P. Zeidler Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202-3684

INVITATION TO RESPOND TO REQUEST FOR PROPOSALS

Commissioner of Public Works
Phone: 414-286-3314

OFFICIAL NOTICE NO.31-2013
Project No. N/A_____

Sealed bids/responses for the work, material, labor, and services hereinafter described will be received at the Department of Public Works **Contract Office**, Room 506, Frank P. Zeidler Municipal Building, 841 North Broadway, Milwaukee, Wisconsin 53202-3684, no later than TUESDAY, April 30, 2013 at 10:30 A.M.

IMPORTANT

This bid/response is your offer to perform or supply the subject matter under "DESCRIPTION" below according to the terms and conditions set forth in this Invitation to Respond, Specific Official Notice No. 31-2013, General Specifications, Detailed Specifications, Special Provisions, Plans of this particular project, the proposed contract and Special Conditions when applicable.

Your bid/response must meet the Detailed Specifications and the Plans for this particular project.

You must agree to comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.

The bid/response must be signed as set forth in the General Specifications and must comply with all the requirements therein set forth, or it will not be considered. If submitted by a corporation, the bid/response proposal must bear the corporate seal.

Bid/response security hereinafter specified must be submitted with your bid. If a bid/response bond is used, it must be sealed by the bonding company and be accompanied by an affidavit of no interest and a copy of a power of attorney. Bonding agents must be licensed to do business in the State of Wisconsin.

Bids/responses received after the date and the time above specified will not be opened and read and will be deemed rejected.

NOTE: Also read the General Official Notice to Contractors, General and Detailed Specifications, Special Provisions, and Special Conditions when applicable pertaining to this bid.

Table of Contents	Page
OFFICIAL NOTICE TO CONTRACTORS.....	5
1. SPECIAL INSTRUCTIONS TO PROPOSERS.....	6
2. INSTRUCTIONS TO PROPOSERS.....	7
3. CONTRACT BACKGROUND AND BASIC INFORMATION.....	10
SPECIFICATIONS FOR WATER RATE CONSULTANT SERVICES	
I. SERVICES TO BE RENDERED.....	12
II. PROPOSAL SUBMISSION REQUIREMENTS.....	14
III. AWARD AUTHORITY	14
IV. CONTRACT TERM.....	14
V. QUALIFICATIONS AND EXPERIENCE ACCEPTABILITY	15
VI. EVALUATION CRITERIA	15
VII. PERFORMANCE/PAYMENT BOND	16
VIII. INSURANCE	16
IX. ITEMIZED INVOICE	18
X. PROJECT LIAISON	18
XI. CONTRACT REQUIRED.....	18
XII. MANDATORY PRE-BID CONFERENCE.....	19
XIII. PROPOSER INFORMATION.....	19
XVI. TRANSFERABILITY.....	19
XV. COOPERATION WITH OTHER AGENCIES	19
XVI. PROTECTION OF SECURITY PROCEDURES.....	19
OFFICIAL RESPONSE FORM	20
OFFICIAL SUPPLEMENTAL RESPONSE FORM	23

SCHEDULES

Schedule "A" Contractor Information

Schedule "B" Contractor Staff Cost Information

APPENDIX

Insurance Terms

DEPARTMENT OF PUBLIC WORKS FORMS

Official Notice 31-2013

Form 125-Response to Request for Proposals

Important Notice

Non-Collusion Affidavit

Form 126-Bid Bond and Affidavit of No Interest

Acknowledgement Page Small Business Enterprise Program

City of Milwaukee DPW Small Business Enterprise Provisions

Form A-Compliance Plan Small Business Enterprise Program

Form D-Monthly Report Form- Small Business Enterprise Program

Form E-Small Business Enterprise Program

Signature Page

Disclosure of Ownership Form

Affidavit of Compliance-Disclosure of Participation in or Profits derived from Slavery

Affidavit of Compliance with Wisconsin Statute 103.503

Substance Abuse Prevention Requirements Form

Notice to Contracts-City of Milwaukee Prompt Payment Ordinance

Notice-Prevailing Wage

Form DPW-11 Prime Contractor Affidavit of Compliance w/Minimum Wage Scale.

Form DPW-12 Subcontractor Affidavit of Compliance w/Minimum Wage Scale

Prevailing Wage Rate Determination File

OFFICIAL NOTICE NO. 31-2013

**Department of Public Works-Water Works
Frank P. Zeidler Municipal Building
841 North Broadway
Milwaukee, WI 53202**

NOTICE TO CONTRACTORS

Separate sealed copies of the response to the request for proposals presented in accordance with specifications listed will be received in this office until **Tuesday, April 30, 2013 at 10:30 A.M.** at which time the Department of Public Works will undertake their review towards the selection of a vendor to **furnish labor, service and materials to provide WATER RATE CONSULTING SERVICES to the Milwaukee Water Works. Late Proposals will not be accepted.** Submission will be in accord with the request for proposal including plans, specifications, contract documents, and proposed form of contract.

Copies of the Request for Proposal documents will not be at the Administrative Office of the Department of Public Works, Room 506, Frank P. Zeidler Municipal Building, 841 N. Broadway, Milwaukee, WI 53202. They must be obtained from **http://mpw.milwaukee.gov/services/bids_home**, and click on the Official Bid Notices button at the bottom of page. This document will be found under the administration tab.

PROSPECTIVE VENDORS ARE TO CAREFULLY EXAMINE AND REVIEW ALL AFORESAID DOCUMENTS AND MATERIALS IN SAID OFFICE BEFORE SUBMITTING PROPOSAL.

Contract Term: This contract will be for a period of at least one year as determined by the rates case process.

Bid Security Required: A bid bond, certified check, or cashier's check in the amount of Five Thousand Dollars (\$5,000) must accompany the bid. Corporate surety is required on bid bonds, performance and payment bonds. All applicable charter and statutory provisions and ordinances are imported into documents.

The City of Milwaukee will accept the proposal of the vendor determined to be the most qualified after the review of all submitted responses by the selection advisory committee. The Commissioner of Public Works reserves the right to reject any and all proposals and accept only such proposal deemed as is in the best interest of the City of Milwaukee.

THERE IS AN 18 % SBE REQUIREMENT INCLUDED IN THIS CONTRACT. DUE TO THE UNIQUE NATURE OF THIS CONTRACT, THERE IS NO RESIDENCY REQUIREMENT.

A MANDATORY PRE PROPOSAL MEETING is scheduled for Friday, March 22, 2013, at 10:00 A.M. in Frank P Zeidler Municipal Building Conference Room 100, 841 North Broadway, Milwaukee, Wisconsin.

Ghassan Korban
Commissioner of Public Works

PUBLISH SIX (6) TIMES, INSERTION WITHOUT FAIL, THURSDAY, FEBRUARY 28, 2013

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

1. SPECIAL INSTRUCTIONS TO PROPOSERS

The proposer shall acquaint him/herself with the specifications in order that he/she may satisfy him/herself that all terms and conditions can be met at the time of submitting a response to this request of proposal. Each proposer shall furnish with his/her response to the request for proposal all qualifying evidence as specified herein:

- A. Bid Bond and Affidavit of No Interest.
- B. Non –Collusion Affidavit
- C. Official Response Form
- D. Official Supplemental Proposal Response Form
- E. Signature Page for Official Notice 31-2013
- F. Proof of ability to meet the “Service to be Rendered” as defined in paragraph I of the specifications.
- G. Submission format as defined in paragraph II “Proposal Submission Requirements”
- H. Completed Schedule “A”.
- I. Completed Schedule “B”.

NOTE: All of the reports, information, data, etc. prepared or assembled by the proposer under this request for proposal are confidential and the proposer agrees that they shall not be made available to any individual or organization other than an appropriate agency of the United States Government, without the prior written approval of the City of Milwaukee.

All insurance and performance/payment bond requirements shall be satisfied and a contract executed by the Contractor and bonding company within ten (10) days after notice of award has been given in order that the services specified may be provided effective **Friday, June 1, 2013.**

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

2. INSTRUCTIONS TO PROPOSERS

- A. RESPONSES TO THIS REQUEST. The proposal shall be limited to forty (40) pages, not including the letter of transmittal and appendices. Paper should be 8.5 x 11 inches, printed on one side only, with minimum margins of 1" on all sides. Text font shall be a minimum of 12 point. Each proposer will provide eight (8) copies of their response to this request with one being considered the original.

The eight (8) copies of the response to this request for proposal shall be enclosed in a sealed envelope or wrapping, addressed to the Department of Public Works, identified on the outside with the words WATER RATE CONSULTANT SERVICES FOR MILWAUKEE WATER WORKS REQUEST FOR PROPOSAL", and filed with the Commissioner of Public Works, Room 506, Zeidler Municipal Building, 841 North Broadway, Milwaukee, Wisconsin 53202 by the SUBMISSION deadline.

- B. BID GUARANTEE. A Bid Bond, certified check, or cashier's check in the amount of Five Thousand Dollars (\$5,000) shall accompany each response to this proposal. The bid guarantee shall be made payable without condition to the City of Milwaukee, hereinafter referred to as "City". The bid guarantee may be retained by and shall be forfeited to the City if the bid is accepted and a contract based thereon is awarded and Contractor fails to enter into the contract in the form prescribed, with legally responsible sureties and insurance, within sixty (60) days after such award is made by the City.
- C. RELEASE OF BID GUARANTEE. The bid guarantee of the successful proposer shall be retained until the successful proposer has executed an agreement and furnished the required contract security, whereupon it will be returned. The Commissioner of Public Works will return the bid guarantee of the remaining PROPOSERS to them following a decision of contract award.
- D. WITHDRAWAL OF PROPOSAL. A proposer may withdraw his/her bid any time prior to the proposal submission date with a written request. No proposal may be withdrawn within a period of sixty (60) days after the submission date without the express written approval of the Commissioner of Public Works.
- E. SIGNATURE OF PROPOSERS. Each proposer shall sign the proposal on the enclosed forms using proposer's usual signature and stating proposer's full business address. Proposals submitted by partnerships shall be signed with the partnership name followed by the signature and designation of one of the partners or other authorized representative. Proposals submitted by corporations shall bear the corporate seal and shall be signed with the name of the corporation followed by the signature and designation of the president, secretary, or other person(s) authorized to bind the corporation.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

- F. INTERPRETATION OF CONTRACT DOCUMENTS AND QUESTION PERIOD. All questions regarding the Request for Proposals and the selection process must be made in writing, to the Milwaukee Water Works, 841 North Broadway, Room 409, and Milwaukee, WI 53202. Questions may be dropped of in person, faxed to (414) 286-2672. Questions can also be emailed to earl.smith@milwaukee.gov. No questions will be permitted after 4:45 P.M. on Thursday, March 28, 2013, so that all responses to can be prepared and made available to all Proposers who were attendees of the mandatory pre-submission meeting before the proposal submittal deadline. Only written answers will be binding upon the City.
- G. ACCEPTANCE AND REJECTION OF RESPONSES TO THIS REQUEST FOR PROPOSAL. The contract will be awarded, subject to the Commissioner of Public Works' authority, to the qualified responsible proposer(s) submitting a qualified responsive proposal as judged by the selection committee. In addition, the apparent proposer(s) will be required to demonstrate to the Commissioner of Public Works an adequate financing plan to provide the necessary funds required to operate under the terms and conditions of this contract.
- H. BASIS FOR CONTRACT AWARD. A selection advisory committee will be established in order to review and evaluate all proposals submitted in response to this RFP. The City of Milwaukee will consider all proposals submitted as being complete and meeting all of the requirements outlined in the request for proposal and will be evaluated in such a manner. The committee shall conduct an evaluation of all proposals on the basis of:
- Quality and adequacy of response 40%
 - Organization, personnel and experience 40%
 - Ability to complete work on schedule 10%
 - Contract cost 10%
- I. LEGAL REQUIREMENTS. All proposals shall be based upon compliance with all existing state and federal laws, city ordinances, and rules and regulations of state and federal regulatory agencies. Future amendments to laws, ordinances or regulations shall not serve as justification for termination of the contract.
- J. PERFORMANCE BOND. The Contractor to whom a contract is awarded will be required to furnish an annual performance bond to the City in the amount of an amount equal to the awarded amount of the contract for the life of said contract. The bond shall be executed on the form included in the contract documents by a surety company authorized to do business in the State of Wisconsin and acceptable as surety to the City.

Accompanying the bond shall be a "Power of Attorney" authorizing the attorney-in-fact to bind the surety company and certified to include the date of the bond.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

- K. PAYMENT BOND. The Contractor to whom a contract is awarded will be required to furnish an annual payment bond to the City on forms provided with the contract in the amount to the awarded amount of the contract for the life of said contract. The bond shall be executed on the form included in the contract documents by a surety company authorized to do business in the State of Wisconsin and acceptable as surety to the City.

Accompanying the bond shall be a "Power of Attorney" authorizing the attorney-in-fact to bind the surety company and certified to include the date of the bond.

- L. FIDELITY BOND. Within ten (10) days of contract award, the Contractor to whom a contract is awarded shall provide a fidelity bond to the City in the amount of Twenty Thousand Dollars (\$20,000).
- M. NO MINIMUM GUARANTEE. The City offers no minimum guarantee of the amount of business for the Contractor's service. Nothing in these specifications shall be construed to be otherwise, and no claims for additional compensation shall be considered. Services which are ordered and to be paid by the City shall be contingent upon appropriation of funds by the Common Council for this purpose.
- N. CONTRACT DOCUMENTS. The Official Notice, Instructions to PROPOSERS, Bid, Contract Agreement, Performance Bond, Specifications, Addenda and all Change Orders issued by the City are each included in this contract and the work shall be completed in accordance therewith.
- O. DEFINITIONS. Words, phrases or other expressions used in these contract documents shall have meanings as follows:
- i. "Contract" or "contract documents" shall include the items enumerated above under CONTRACT DOCUMENTS.
 - ii. "City" shall mean the City of Milwaukee, acting through its Commissioner of Public Works and his duly authorized agents.
 - iii. "Commissioner" shall mean the Commissioner of the Department of Public Works of the City of Milwaukee.
 - iv. "Contractor" shall mean the corporation, company, and partnership, firm or individual named and designated in the Contract Agreement or his/her duly authorized representatives.
 - v. "Date of Contract", or equivalent words, shall mean the date written on the Contract Agreement.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

- vi. "PERFORMANCE BOND" shall mean a contract bond that guarantees a contractor will complete the work they have agreed to do.
- vii. "PAYMENT BOND" shall mean a bond guaranteeing that a contractor will pay fees owed for labor and material and services necessary for the construction of the project
- viii. "FIDELITY BOND" shall mean a bond that will indemnify the City for loss caused by a fraudulent or dishonest act of a person covered by the bond with the intent to cause the insured a loss and benefit the employee or others the employee intended to benefit.

3. CONTRACT BACKGROUND

A. BASIC INFORMATION

Milwaukee Water Works (MWW) requests proposals for consultant services to assess MWW's existing water rates and fees, prepare an application to the Public Service Commission of Wisconsin (PSC) for a water rate increase, develop and submit testimony and exhibits, review the revenue requirement proposed by the PSC, perform a cost of service study, and develop alternative rate designs for MWW that serve the utility's financial and policy goals. By mutual agreement, the consultant will represent MWW at hearings that are part of the rate process.

B. BASIC INFORMATION

The Milwaukee Water Works is the drinking water utility owned and managed by the City of Milwaukee, Wisconsin. The utility serves a population of 862,000 located in 16 communities through 162,000 customer accounts. The utility serves retail accounts in Milwaukee, Greenfield, Hales Corners, St. Francis, West Milwaukee and a portion of Franklin. MWW also provides wholesale (consecutive system) service to water utilities in Brown Deer, Butler, Greendale, Menomonee Falls, Mequon, Milwaukee County Grounds, New Berlin, Shorewood, Wauwatosa and West Allis.

Through two water purification plants, MWW treats Lake Michigan water to the highest quality standards with ozone disinfection, biologically active filtration, and post-chlorination. The utility owns and maintains nearly 2,000 miles of water main and 20,000 hydrants. The utility functions with 350 employees in Plants, Distribution, Business, Engineering, and Water Quality work units. Average daily pumpage in 2012 was 104 million gallons; the daily system practical capacity is 360 million gallons. In 2012, 32.9 billion gallons of water were sold. Residential water use was 79 gallons per person per day. The cost of water per single family household is \$222 per year.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

MWW is wholly financed by charges for service and own-source revenues collected in the Water Fund, an enterprise fund of the City of Milwaukee. The utility is not supported by property tax dollars or other general city revenues. Annual sales and operating revenues of \$80 million support a net utility plant in service of \$323 million.

As a municipal water utility, MWW is regulated by the Public Service Commission of Wisconsin (PSC) through the Division of Water, Compliance and Consumer Affairs (DWCCA). This oversight includes rates, utility finance, large construction projects, rules and practices, compliance with statutes and codes and record-keeping. Policy for Milwaukee Water Works is set by the Mayor and Common Council.

**Specifications Water rate Consultant Services
For Milwaukee Water Works**

I. Service to be Rendered

1. Scope of Services and Deliverables

The consultant shall:

- a) Review MWW's existing water rates and fees and the rate proceedings that resulted in the current tariff. Documents relevant to the 2011 rate increase can be found at psc.wi.gov in docket 3720-WR-107.
- b) Review recent rate proceedings of other municipally owned Wisconsin water utilities that serve both retail and wholesale customers. Documents are available in dockets on the PSC web site.
- c) Provide guidance to the utility during its conventional rate case application process. Ensure that necessary data is collected and provided into the record to support the utility's goals for the ratemaking process.
- d) Request a conventional rate case application form from the PSC. The form will be pre-loaded with historical data from the utility's PSC Annual Reports. Complete the application and submit to the PSC via the Electronic Filing System (ERF). Supplement the filing with additional information and pre-filed testimony and exhibits to provide a full record supportive of the increase request. Relevant topics may include cost of service, rate of return, operations, accounting, revenues, and cost of capital.
- e) Review the revenue requirement proposed by the PSC and recommend changes or acceptance by MWW.
- f) Perform a Cost of Service Study (COSS) utilizing the "Base-Extra Capacity" methodology detailed in "Principles of Water Rates, Fees, and Charges" (AWWA Manual of Water Supply Practices M-1, Fifth Edition, 1991); and suggest COSS models or allocation changes that reflect MWW's varied customer base and cost structure, while still adhering to accepted principles of utility cost allocation.
- g) Provide at least two recommended rate/fee structures for consideration by MWW and enumerate the advantages and disadvantages of each, including the estimated impact of each rate structure on key accounts. Rates and fees will include:
 - i. Volume charges
 - ii. Meter charges
 - iii. Public fire protection charges
 - iv. Private fire protection charges
 - v. Service charges for non-consumption related activities

The rate structures shall assume a "base plus consumption" format and shall result in no decrease in stability of the revenue stream to the Water Fund, as compared to the current rate structure. The rate structures must be easy to understand and administer and be consistent with all Federal, State and Local regulations. The consultant shall collect information and provide a survey of the rates and fees charged by other municipal water utilities within Wisconsin and comparable utilities outside Wisconsin.

- h) Submit to PSC the COSS and rate design along with appropriate substantiating testimonies and exhibits.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

- i) Review PSC staff exhibits and work papers and rate orders and provide advice to utility and additional testimony and exhibits to PSC if appropriate.
- j) If requested, represent MWW before the PSC and at other hearings and meetings as the rate case proceeds, on a “time and materials” basis.

All model outputs, studies, and other documents shall be given to MWW as they are completed, and will be retained by MWW for future use and reference.

2. Project Management and Administration

The consultant shall prepare monthly project summaries detailing the following items:

- a) A listing of work performed during the month and a listing of anticipated work plans. Information is to be broken down by task and individuals who worked on each task, noting completed tasks as they occur and percentage completed of tasks remaining.
- b) Labor hours utilized to date, along with total labor hours allocated for each task. Include the names and dates for the work on this project.
- c) Consultant’s direct labor, indirect costs and other direct costs expended to date, along with the contract direct labor, indirect costs and other direct costs for each task, along with current balances.
- d) An updated schedule.

3. Timeline (Dates after May 15, 2013 are approximate)

Request for Proposals issued	February 28, 2013
Mandatory Pre-Submission meeting	March 22 2013-10:00AM
Questions due to MWW	March 28, 2013-4:45PM
Responses due from MWW	April 5, 2013
Proposals due to DPW	April 30, 2013-10:30AM
Notification of successful firm	May 15, 2013
Project kick-off meeting	June 7, 2013
Project update meetings	As mutually agreed
Submit completed rate application and supporting documentation to PSC	July 26, 2013
Prepare and submit response to PSC proposed revenue requirement	October 16, 2013
Complete Cost of Service Study and develop alternative rate structures for review by MWW	November 6, 2013
Submit Cost of Service Study, selected rate structure, and substantiating testimonies and exhibits to PSC	November 26, 2013
Review PSC responses to submissions; prepare additional testimonies and exhibits as appropriate	December 20, 2013
Represent MWW at PSC hearings if mutually agreed upon	To be determined

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

II. Proposal Submission Requirements

a) Proposal Requirements and Format

The proposal shall be limited to forty (40) pages, not including the letter of transmittal and appendices. Paper should be 8.5 x 11 inches, printed on one side only, with minimum margins of 1" on all sides. Text font shall be a minimum of 12 point. Proposal document will outline in detail proposal for the delivery of all services and deliverables as outlined in section 1. "Scope of Services and Deliverables". Submission package will include eight (8) copies of the complete proposal marked as such and one original of the complete proposal marked as such.

b) Cost Proposal

Full cost information shall be provided that shows the minimum number of hours to be provided by each person assigned to the proposed work. The hours of work shall be itemized for each major work element of the proposal. Fees must include all costs associated with the work effort, including travel, materials and other expenses.

Proposer should disclose their all-inclusive cost to complete items a) through i) in Section 1. "Scope of Services and Deliverables" on the Cost Proposal Form attached "**OFFICIAL RESPONSE FORM**"

Post Submission Work

Proposer should disclose their hourly fees and material costs for individuals who may be assigned to item j) in Section 1., should this option be pursued. Proposer should provide time and material costs on the "**OFFICIAL SUPPLEMENTAL PROPOSAL RESPONSE FORM**"

c) Contact Person

Full contact information shall be provided that shows the staff person assigned to the primary contact person for the proposed work. See Schedule "A".

III. Award Authority

The Commissioner of Public Works (Commissioner) or his designee and will be the sole judges of the quality and suitability of the equipment, materials, and services offered in its determination of the successful proposer.

IV. Contract Term

The contract to be awarded to the successful proposer shall be for a term of one year with a projected starting date of June 1, 2013 and continuing through and including May 31, 2014.

The contract could be subject to extensions by mutual consent. If, at the time of the proposed extension, the Contractor requests a price adjustment, said request must be accompanied by written documentation substantiating the request.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

V. **Qualifications and Experience Acceptability**

The consultant must demonstrate the ability of their firm and professional staff to perform the required tasks for this project. Information which will be considered includes:

1. The size of the firm and location of the office from which the work will be conducted, the experience of the firm, project manager, and project team in preparing and successfully defending water rate studies and rate structures of similar complexity and size of this endeavor within the past eight years. Collaborations with any other firms or individuals must be clearly specified.
2. The role, name, address and brief resume of personnel to be involved in the project and the specific duties of each individual proposed to conduct the work and an organizational chart showing the lines of authority/responsibility proposed for this project. The extent of involvement of personnel (number of hours anticipated) on this project must be specified.
3. The role(s) the consultant anticipates will be played by MWW staff as the project progresses, including the level of effort or estimated time commitment(s) that would be needed.
4. Demonstrated knowledge of and familiarity with ratemaking as regulated by the Public Service Commission of Wisconsin
5. A reference list of at least five (5) municipalities/utilities recently served by the firm, including names and telephone numbers of contact persons, including a brief description explaining the similarities/differences of those projects to this one.

VI. **Evaluation Criteria**

A selection advisory committee will be established in order to review and evaluate all proposals submitted in response to this RFP. The City of Milwaukee will consider all proposals submitted as being complete and meeting all of the requirements outlined in the request for proposal and will be evaluated in such a manner. No further clarification will be accepted.

The committee shall conduct an evaluation of all proposals on the basis of:

- | | | |
|----|---|-----|
| a) | Quality and adequacy of response | 40% |
| | a. Completeness and thoroughness | |
| | b. Understanding of the project, with emphasis on anticipating the key questions and issues that this proposed rate case is likely to generate from the PSC and stakeholders, and how the contracted firm will approach responding to those questions and issues | |
| | c. Responsiveness to terms and conditions | |
| b) | Organization, personnel and experience | 40% |
| | a. Qualifications and experience of personnel, with specific references to the individuals' prior involvement in rate case development for regulated water utilities | |

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

- b. Availability of key personnel and whether the proposed assignment of hours to tasks has been demonstrated to be adequate and appropriate
- c. Experience of firm with specific reference to the firm's prior involvement in rate case development for regulated water utilities and the impact of its involvement
- d. Comments from references
- c) Ability to complete work on schedule 10%
 - a. Amount of work proposed is reasonable for timeline
 - b. Appropriate resources dedicated to project
- d) Contract cost 10%
 - a. All inclusive cost to perform items 3a) through 3h)

VII. Performance/Payment Bond

The successful proposer will be responsible for providing the MWW with a performance bond in the full amount of the contract price.

The successful proposer will be responsible for providing the MWW with a payment bond in the amount of the full amount of the contract price.

Under no circumstances will work commence under this contract until such proper certificate/evidence of bonding is submitted to the **Department of Public Works, 841 North Broadway, Room 506, Milwaukee, Wisconsin, 53202** and approved by the City Attorney.

VIII. Insurance

A. The successful proposer and all possible subcontractors shall provide the MWW with evidence of insurance coverage as follows:

1. Workers Compensation and Employers Liability

		<u>Statutory</u>
Bodily Injury by Accident	Each accident	\$100,000
Bodily Injury by Disease	Each employee	\$100,000
Policy limit		\$500,000

To Include:

Other states coverage.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

2. Commercial General Liability
Bodily Injury/Property Damage:
Each Occurrence \$1,000,000
General Aggregate \$1,000,000
Operations Aggregate \$1,000,000
Personal Injury Aggregate \$1,000,000

To Include:

Occurrence coverage, premises/operations coverage, and contractual liability for risks assumed in the contract.

3. Automobile Liability
Bodily Injury/Property Damage:
Each Accident \$1,000,000

To Include:

Coverage for all owned, non-owned, and hired vehicles.

4. Umbrella Liability
Bodily Injury/Personal Injury:
Each Occurrence \$5,000,000
Aggregate \$5,000,000

5. Errors and Omission Policy
The successful proposer must also maintain in place for the entirety of the contract an Errors and Omissions insurance policy with limits of no less than Twenty-Five Million Dollars (\$25,000,000). A copy of the Errors and Omission insurance policy must be on file with the Department of Public Works prior to commencement of the contract.

The Errors and Omission coverage is to apply exclusively to the work and service required under the contract and these specifications. Evidence of coverage is to apply for not less than eighteen (18) months beyond the termination of the contract

- B. The MWW shall be named as an additional insured with respect to liability coverage and will be given thirty (30) days notice in advance of cancellation, non-renewal, or material change in any coverage.
- C. The successful proposer's Certificate of Insurance shall be approved by the City Attorney and placed on file with the Department of Public Works/MWW prior to the commencement of any work under this contract.
- D. PROPOSERS must be able to provide insurance coverage as stated above in order for this bid to be considered.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

- E. The successful proposer shall also provide an "Affidavit of No Interest", which provides that no official or employee of the City, MWW by inclusion has, or will, receive anything of value in connection with the issuance of the contract.
- F. Under no circumstances will work commence under this contract until such proper certificate/evidence of insurance is submitted to the Department of Public Works, 841 North Broadway, Room 506, Milwaukee, Wisconsin, 53202, and approved by the City Attorney.

IX. Itemized Invoice

Once a month the Contractor shall provide the City with an itemized invoice for services rendered under the terms of this specification based on the unit prices quoted in their bid. Invoice document will reflect the bid document in terms of terminology. No Changes will be accepted unless mutually agreed upon by the Vendor and the MWW. The invoice is to be addressed and sent to:

Milwaukee Water Works
841 North Broadway - Room 409
Milwaukee, Wisconsin 53202
Attn: Water Business Manager

X. Project Liaison

Prior to award, all questions on this specification can be directed in writing to Earl Smith, Water Business Manager c/o Milwaukee Water Works at (414) 286-5177; Fax number (414) 286-2672. Questions can be emailed to earl.smith@milwaukee.gov. **The deadline for questions is Thursday; March 28, 2013-4:45PM.**

The successful proposer shall provide the MWW Contract Administrator with the names and telephone numbers of the Contractor's various department project liaisons upon award of a contract.

XI. Contract Required

The successful proposer selected shall be required to execute a contract with the City using Department of Public Works standard contract.

XII. Mandatory Pre-Bid Conference

A **mandatory pre-bid conference** is scheduled on **Friday, March 22, 2013 at 10:00 A.M.**, to be held at **Frank P Zeidler Municipal Building Conference Room 100, 841 North Broadway, Milwaukee, Wisconsin**, to provide prospective PROPOSERS with the opportunity to pose questions regarding this specification. Samples of the current billing statements, business reply envelopes, and reports will be available at the pre-bid conference for review by prospective PROPOSERS.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

XIII. Proposer Information

Each proposer must complete and return Schedule "A" with their bid to facilitate the City's evaluation of the Contractor's qualifications to provide the services required of this specification. Failure to provide the information requested in Schedule "A" will result in bid rejection.

XVI. Transferability

In the event MWW transfers the contract, Contractor will be responsible for providing said services for the duration of the contract period under the direction of the transferee.

XV. Cooperation with Other Agencies

In the performance of the services set out herein, Contractor shall cooperate fully with the City, by and through its Commissioner or his designee; and cooperate fully with any and all Governmental and Private Customers doing business with the City, by and through its Commissioner or his designee.

XVI. Protection of Security Procedures

The City and Contractor shall implement such safeguards as are deemed reasonably necessary to assure the confidentiality and integrity of all security procedures relevant to the implementation and operation of this service contract, which includes, but is not limited to, system access passwords, repetitive transfer codes, and personal identification codes. Upon discovery of a breach of security by either the City or Contractor, the party discovering the security breach shall immediately notify the other party by both telephone call and written notice.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

OFFICIAL RESPONSE FORM
OFFICIAL NOTICE NO. 31-2013

City of Milwaukee
Department of Public Works
Room 506 - Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202

(Proposal Submission: Tuesday, April 30, 2013 at 10:30 A.M.)

At: Department of Public Works
Room 506, Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202

To: Commissioner of Public Works
City of Milwaukee
Room 506 - Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202

The undersigned _____
Indicate one: (A Corporation) (A Partnership) (An Individual)

of _____
Street City Zip Code Tel. No.

in conformity with Official Notice Number 31-2013, having examined the scope of the work and the contract documents and being familiar with the conditions to be met, hereby submits the following proposal for furnishing the material, equipment, labor, and everything necessary for the completion of the work listed hereunder and agrees to execute the proposed contract and furnish the required bond for the completion of said work at the locations and for the prices set forth on the inside pages of this form.

THE UNDERSIGNED PROPOSER, being familiar with the conditions to be met and fully understanding the extent and character of the work covered by this Bid, and all other factors and conditions affecting or which may be affected by the work,

HEREBY SUBMITS THE FOLLOWING PROPOSAL FOR FURNISHING ALL LABOR, SERVICES SECURITY, AND MATERIALS FOR THE COMPLETION OF THE WORK LISTED HEREUNDER AND AGREES TO EXECUTE THE PROPOSED CONTRACT AND FURNISH THE REQUIRED BOND FOR THE WORK FOR THE PRICE SET FORTH HEREIN.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

NOTICE TO PROPOSERS

SERVICES AND DELIVERABLES FOR CONTRACT.

The consultant shall provide the following scope of services and deliverables:

- a) Review MWW's existing water rates and fees and the rate proceedings that resulted in the current tariff. Documents relevant to the 2011 rate increase can be found at psc.wi.gov in docket 3720-WR-107.
- b) Review recent rate proceedings of other municipally owned Wisconsin water utilities that serve both retail and wholesale customers. Documents are available in dockets on the PSC web site.
- c) Provide guidance to the utility during its conventional rate case application process. Ensure that MWW provides necessary data to support its goals for the ratemaking process and guide efforts to collect appropriate data to support these goals.
- d) Request a conventional rate case application form from the PSC. The form will be pre-loaded with historical data from the utility's PSC Annual Reports. Oversee the completion of the application and its submission to the PSC via the Electronic Filing System (ERF). Supplement the filing with additional information and pre-filed testimony and exhibits to provide a full record supportive of the increase request. Relevant topics may include cost of service, rate of return, operations, accounting, revenues, and cost of capital.
- e) Review the revenue requirement proposed by the PSC and recommend changes or acceptance by MWW.
- f) Perform a Cost of Service Study (COSS) utilizing the "Base-Extra Capacity" methodology detailed in "Principles of Water Rates, Fees, and Charges" (AWWA Manual of Water Supply Practices M-1, Fifth Edition, 1991); and suggest COSS models or allocation changes that reflect MWW's varied customer base and cost structure, while still adhering to accepted principles of utility cost allocation.
- g) Provide at least two recommended rate/fee structures for consideration by MWW and enumerate the advantages and disadvantages of each, including the estimated impact of each rate structure on key accounts. Rates and fees will include:
 - a. Volume charges
 - b. Meter charges
 - c. Public fire protection charges
 - d. Private fire protection charges
 - e. Service charges for non-consumption related activities

The rate structures shall assume a "base plus consumption" format and shall result in no decrease in stability of the revenue stream to the Water Fund, as compared to the current rate structure. The rate structures must be easy to understand and administer and be consistent with all Federal, State and Local regulations. The consultant shall collect information and provide a survey of the rates and fees charged by other municipal water utilities within Wisconsin and comparable utilities outside Wisconsin.

- h) Submit to PSC the COSS and rate design along with appropriate substantiating testimonies and exhibits.
- i) Review PSC staff exhibits and work papers and rate orders and provide advice to utility and additional testimony to PSC if appropriate.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

All model outputs, studies, and other documents shall be given to MWW as they are completed, and will be retained by MWW for future use and reference.

GRAND TOTAL ESTIMATED PROPOSED COST

_____ **Dollars**
(words)

\$ _____

***** IMPORTANT NOTICE *****

ALL PRICES MUST BE ENTERED IN WORDS AND IN NUMERALS. IN CASE OF VARIATION BETWEEN THE TWO, THE WORDS WILL PREVAIL.

IF DOUBT EXISTS AS TO WHAT IS PROPOSED, THE PROPOSED WILL BE REJECTED.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

OFFICIAL SUPPLEMENTAL PROPOSAL
RESPONSE FORM
OFFICIAL NOTICE NO. 31-2013

City of Milwaukee
Department of Public Works
Room 506 - Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202

(Proposal Submission: Tuesday, April 30, 2013 at 10:30 A.M.)

At: Department of Public Works
Room 506, Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202

To: Commissioner of Public Works
City of Milwaukee
Room 506 - Municipal Building
841 North Broadway
Milwaukee, Wisconsin 53202

The undersigned _____
Indicate one: (A Corporation) (A Partnership) (An Individual)

of _____
Street City Zip Code Tel. No.

in conformity with Official Notice Number 31-2013, having examined the scope of the work and the contract documents and being familiar with the conditions to be met, hereby submits the following proposal for furnishing the material, equipment, labor, and everything necessary for the completion of the work listed hereunder and agrees to execute the proposed contract and furnish the required bond for the completion of said work at the locations and for the prices set forth on the inside pages of this form.

THE UNDERSIGNED PROPOSER, being familiar with the conditions to be met and fully understanding the extent and character of the work covered by this supplemental proposal, and all other factors and conditions affecting or which may be affected by the work,

HEREBY SUBMITS THE FOLLOWING PROPOSAL FOR FURNISHING ALL LABOR, SERVICES SECURITY, AND MATERIALS FOR THE COMPLETION OF THE WORK LISTED HEREUNDER AND AGREES TO EXECUTE THE PROPOSED CONTRACT AND FURNISH THE REQUIRED BOND FOR THE WORK FOR THE PRICE SET FORTH HEREIN.

Specifications for Water Rate Consultant Services for the Milwaukee Water Works

- j) If requested, represent MWW before the PSC and at other hearings and meetings as the rate case proceeds, on a "time and materials" basis.

All model outputs, studies, and other documents shall be given to MWW as they are completed, and will be retained by MWW for future use and reference.

TOTAL ESTIMATED STAFF COST FOR SUPPLEMENTAL WORK

Using Schedule "B" the Proposer will present the Milwaukee Water Works with a schedule of all the staff and their cost needed to accomplish the tasks listed in "j".

SCHEDULE "B" MUST BE ATTACHED TO THIS DOCUMENT

***** IMPORTANT NOTICE *****

**ALL PRICES LIST ON THIS SCHEDULE MUST BE ENTERED CLEARLY IN
NUMERALS.**

**IF DOUBT EXISTS AS TO WHAT IS PROPOSED, THE PROPOSED WILL BE
REJECTED.**

DEPARTMENT
OF
PUBLIC WORKS
FORMS



OFFICIAL NOTICE NO. 31-2013

**Department of Public Works-Water Works
Frank P. Zeidler Municipal Building
841 North Broadway
Milwaukee, WI 53202**

NOTICE TO CONTRACTORS

Separate sealed copies of the response to the request for proposals presented in accordance with specifications listed will be received in this office until **Tuesday, April 30, 2013 at 10:30 A.M.** at which time the Department of Public Works will undertake their review towards the selection of a vendor to **furnish labor, service and materials to provide WATER RATE CONSULTING SERVICES to the Milwaukee Water Works. Late Proposals will not be accepted.** Submission will be in accord with the request for proposal including plans, specifications, contract documents, and proposed form of contract.

Copies of the Request for Proposal documents will not be at the Administrative Office of the Department of Public Works, Room 506, Frank P. Zeidler Municipal Building, 841 N. Broadway, Milwaukee, WI 53202. They must be obtained from **http://mpw.milwaukee.gov/services/bids_home**, and click on the Official Bid Notices button at the bottom of page. This document will be found under the administration tab.

PROSPECTIVE VENDORS ARE TO CAREFULLY EXAMINE AND REVIEW ALL AFORESAID DOCUMENTS AND MATERIALS IN SAID OFFICE BEFORE SUBMITTING PROPOSAL.

Contract Term: This contract will be for a period of at least one year as determined by the rates case process.

Bid Security Required: A bid bond, certified check, or cashier's check in the amount of Five Thousand Dollars (\$5,000) must accompany the bid. Corporate surety is required on bid bonds, performance and bonds. All applicable charter and statutory provisions and ordinances are imported into documents.

The City of Milwaukee will accept the proposal of the vendor determined to be the most qualified after the review of all submitted responses by the selection advisory committee. The Commissioner of Public Works reserves the right to reject any and all proposals and accept only such proposal deemed as is in the best interest of the City of Milwaukee.

THERE IS AN 18 % SBE REQUIREMENT INCLUDED IN THIS CONTRACT. DUE TO THE UNIQUE NATURE OF THIS CONTRACT, THERE IS NO RESIDENCY REQUIREMENT.

A MANDATORY PRE BID MEETING is scheduled for Friday, March 22, 2013, at 10:00 A.M. in Frank P Zeidler Municipal Building Conference Room 100., 841 North Broadway, Milwaukee, Wisconsin.

Ghassan Korban
Commissioner of Public Works

PUBLISH SIX (6) TIMES, INSERTION WITHOUT FAIL, THURSDAY, FEBRUARY 28, 2013

ACKNOWLEDGEMENTS PAGE

Official Notice No. 31-2013
Project No. N/A

MINORITY/WOMEN/SMALL BUSINESS ENTERPRISE PROGRAM, RESIDENT PREFERENCE AND APPRENTICESHIP PROGRAM REQUIREMENTS

In submitting this bid, the bidder acknowledges, understands and agrees that submission of a bid shall commit the bidder to comply with the City's requirements as outlined in the SMALL BUSINESS ENTERPRISE PROGRAM (SBE), the Resident Preference Program and the Apprenticeship Program provisions. The bidder also agrees to comply with the specific requirements as follows:

The bidder's commitment for SBE participation on this project is 18 %

The bidder's commitment for Resident Preference Program Participation on the project is N/A %

The bidder's commitment for Apprenticeship Program participation on this project is:
Apprentice(s) from N/A of the following trade(s) are to be employed.

In submitting this bid, the bidder understands that the Commissioner of Public Works reserves the right to reject any and all bids. If written notice of the acceptance of the bid is mailed, telegraphed, or delivered to the undersigned within forty-five (45) days after the opening thereof, the undersigned agrees to execute and deliver the contract in the prescribed form (contract form on file in the office of the Commissioner of Public Works) and furnish the required performance and payment bonds, and to meet such insurance requirements as may be required, within ten days after the receipt of the official notice of award.

This bidder understands that if they are the successful bidder and the contract is awarded, that pursuant to Sec. 7.14, Milwaukee City Charter, 1971 Compilation, as amended, failure to execute and to deliver the contract or to furnish the required insurance and the required security within ten (10) days after receipt of the official notice of award or such extension thereto as the Commissioner only may deem reasonable, the City, in addition to any other legal or equitable remedy which it may have, may annul the award and notice of award, and the bid security of this bidder will be forfeited.

Attached hereto is an affidavit in proof that the undersigned has not colluded with any person in respect to this bid or any other bid for the contract for which this bid is submitted.

We acknowledge the receipt of Addenda _____ to _____ inclusive.

Bidder assures the City and acknowledges that the Official Notice, Special Provisions, if any, Special Conditions where applicable, Invitation to Bid and Bid, Detail Specifications, Addenda, if any, and Plans of this particular project have been read and has a full understanding of the provisions therein.

City Of Milwaukee

Department Of Public Works

Small Business Enterprise (SBE) Provisions

I. General

- A. In accordance with Chapter 370 of the Milwaukee Code of Ordinances, Small Business Enterprise (SBE) participation is required in all contracting activities of the Department of Public Works. The ordinance requires that certified SBEs be utilized for 25% of the total dollars annually expended through prime contracts or subcontracts for Construction and the purchase of Goods and Services. For the purchase of Professional Services the requirement is 18%. To that end, the Commissioner of Public Works, as a contracting officer for the City, requires all bidders to utilize SBEs as subcontractors and material suppliers on all contracts. For this contract, bidders are required to achieve a minimum 18 % SBE participation.
- B. The prime contractor shall prepare and submit accurate and timely SBE utilization forms and reports to the Department of Public Works. The reports shall include, but not be limited to, Compliance Plan (Form A), monthly utilization (Form D), and SBE subcontractor payment certification (Form E) forms as directed. Failure to submit the required forms and reports to the Department of Public Works may result in disqualification of future bids, delay of payments, or other appropriate sanctions. Final contract payments will not be made until final SBE utilization reports and SBE subcontractor payment certification forms are on file with the Department of Public Works.
- C. During the performance of this contract, the Department of Public Works reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Commissioner of Public Works will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, the Department of Public Works may take one or more of the actions listed below:
 - 1. Terminate or cancel the contract, in whole or in part.
 - 2. Consider possible debarment of the prime contractor from bidding.
 - 3. Withhold payments on the contract.
 - 4. Any other remedy available to the City at law or in equity.

II. Definitions

- A. "SMALL BUSINESS ENTERPRISE" (SBE) means a small business concern that is 51% owned, operated and controlled by one or more individuals who are a small business owner (who is at an "economic disadvantage"). The individuals must have day-to-day operational and managerial control and interest in capital, financial risks and earnings commensurate with the percentage of their ownership.
- B. "OWNED, OPERATED AND CONTROLLED" means a business which is one of the following:
 - 1. A sole proprietorship legitimately owned and operated and controlled by an individual at a disadvantage as defined in Chapter 370.
 - 2. A partnership or joint venture legitimately owned, operated and controlled by individuals who are at a disadvantage and who own at least 51% of the beneficial ownership interests in the enterprise and who hold at least 51% of the voting interests of the enterprise eligible as defined in Chapter 370.

3. A corporation legitimately owned, operated and controlled by one or more individuals who are an individual at a disadvantage and who own at least 51% of the outstanding shares and who hold at least 51% of the voting interests of the corporation eligible as defined in Chapter 370.

III. SBE Utilization Requirements

- A. Each prime contractor shall utilize SBE to a minimum of 18% on this contract. Note that the prime contractors shall be required to attain SBE participation on their base bid excluding specified allowances, alternatives, and change orders. SBE commitments relative to contract award shall be based upon the approved SBE Compliance Plan (Form A).
- B. The determination of SBE utilization shall be based on the following criteria:
 1. The firms identified as SBE by the prime contractor on the SBE Compliance Plan (Form A) must be certified by the Office of Small Business Development prior to bid opening.
 2. The prime contractor shall be credited for the entire expenditure to SBE firms only if all of the identified scope of work is performed directly by the certified SBE firm.
 3. The prime contractor shall be credited for the entire expenditure to SBE manufacturer only if the manufacturer produces goods from raw materials or substantially alters them for resale. Only 20% of the SBE goals may be expended for SBE suppliers that do not manufacture products they supply.
 4. The prime contractor shall count toward the SBE requirement only those payments to SBEs who perform a commercially-useful function in the actual performance of the contract. While that generally means an SBE should be engaged in direct contract work, a "commercially-useful function" may also include management of a third tier subcontractor. For example, while an SBE trucking subcontractor is always expected to perform some direct work on the project, in some cases it may become necessary to subcontract work out to one or more third tier subcontractors. If a third tier subcontractor is also an SBE, the full amount of the work performed by that third tier SBE can be counted toward SBE participation. However, if the third party subcontractor is not an SBE, the prime contractor may only count 20% of the amount being subcontracted to the third tier non-SBE subcontractor. SBEs are required to notify the Department of Public Works if they subcontract out work so that the Department can determine how much, if any, of the subcontracted work can be counted toward the SBE requirement. The Commissioner of Public Works will make the final determination and evaluation of whether the SBE is performing a commercially-useful function.
- C. The contractor, by signing and submitting a bid, certifies that the contractor understands the provisions of Chapter 370 and knows of and intends to comply with them. The completed SBE Compliance Plan (Form A) must be submitted by the apparent low bid contractor within three (3) working days after the identification of the "low bidder."
 1. Information on Form A shall include, but not be limited to:
 - a. The names, addresses, telephone numbers, SBE Certification designation and contact person names for the certified SBE contractors that will participate on the project as subcontractors or suppliers;
 - b. A description of the scope of work to be performed by the SBE on this project; and
 - c. The SBE contractor dollar value(s) and corresponding percentages that the dollar values represent of the total contract amount.

2. Listing an SBE on the Compliance Plan (Form A) shall constitute a representation that the contractor has communicated directly with the SBEs listed. If awarded the contract, the bidder will enter into a subcontract with the firm for the portion of the work listed.
3. SBE participation is an element of bid responsiveness. Failure to meet the specified SBE requirements will render the bid unresponsive. The contract may then be awarded to the next apparent low bidder. Under certain circumstances, failure to meet specified SBE requirements after submission of an apparent low bid may result in surrender of the bidder's bid bond.
4. Only SBEs that have been certified by the Office of Small Business Development may be listed on the SBE Compliance Plan (Form A) and counted towards the percentage requirements on this project. A listing of the currently City certified SBE firms are maintained at:

Office of Small Business Development
200 East Wells Street
City Hall, Room 606
Milwaukee, Wisconsin 53202
Phone: (414) 286-5553
FAX: (414) 286-8752

- D. After execution of the contract, if for any reason an SBE cannot perform, the prime contractor shall contact the Commissioner of Public Works for approval to substitute another certified SBE firm. The prime contractor must submit a written request for substitution which specifies the reasons for the request. Approval must be obtained prior to making substitutions. Any difference in the cost occasioned by such substitution shall be borne by the prime contractor. If the prime contractor cannot find another certified firm to do the work at a comparable price, a non-SBE firm may be substituted with the approval of the Commissioner of Public Works.
- E. If the prime contractor has a problem in meeting the SBE requirements or if any other problems relative to SBE(s) arise during the completion of this project, the prime contractor shall immediately contact the Commissioner of Public Works.
- F. Certification from programs other than the Office of Small Business Development is neither accepted by the City of Milwaukee nor do they have any bearing whatsoever on the eligibility criteria established by the City of Milwaukee.
- G. Right to Appeal.

All contracts awarded under ss.7-14-2 and 7-22 of the City Charter shall be awarded by the Commissioner of Public Works to the lowest responsible bidder determined in accordance with applicable City ordinances for participation of the Office of Small Business Development. Following the opening of any bid involving a determination under applicable City ordinances for participation of SBE, the Commissioner of Public Works shall make a written recommendation as to the lowest responsible bidder and notify all bidders by publication in an official City newspaper as to the content of the written recommendation. Any bidder who objects to the recommendation on grounds of determinations made under applicable City ordinances for participation of SBE may appeal the recommendation on such grounds by filing a written appeal with the Commissioner of Public Works within five (5) working days of the date of publication. The appeal shall state the specific objection to the recommendation, include supporting documentation and specify an alternative recommendation. The Commissioner of Public Works shall schedule a hearing before an appeals committee consisting of the Chair of the Economic Development Committee or the Chair's designee, a member of the Economic Development Committee selected by the Chair and the Director of the Office of Small Business Development to be held within five (5) days of receipt of the appeal. The Committee shall have authority by majority vote to affirm or set aside the recommendation of the Commissioner of Public Works and its decision in this regard shall be final. In the event a timely appeal, meeting the requirements above is not filed, or the Committee affirms

the Commissioner's recommendation following a timely appeal, meeting the requirements above, the Commissioner shall make an award in accordance with the recommendation.

H. **Percentage of Required SBE Participation**

Construction 25%

The Purchase of Goods and Services 25%

The Purchase of Professional Services 18%

The following tables outline the specific types of Business Enterprises and the percentage requirement for particular contract types. Once the specific enterprise percentage listed below is met for a particular contract type the overall SBE percentage requirement may be met by using any other certified SBE

For example, a Construction contract requiring 25% SBE can be achieved by using an African American SBE for 5.57, an Asian American SBE for .07 and a WBE for 7.31. The remaining 12.05% can be met by using any certified SBE.

	Construction	Goods & Services	Professional Services
SBE	<i>25%</i>	<i>25%</i>	<i>18%</i>

Rev. 2_26_13
SBE provisions 2_26_13

**FORM A - COMPLIANCE PLAN - CITY OF MILWAUKEE - DEPARTMENT OF PUBLIC WORKS
SBE PARTICIPATION FOR SUBCONTRACTORS AND/OR MATERIAL SUPPLIERS**

PRIME CONTRACTOR'S NAME: _____ OFFICIAL NOTICE NUMBER: _____

DATE: _____ TOTAL BID AMOUNT: _____ TOTAL SBE AMOUNT: _____

This Form A must be completed in its entirety and is a **required** submission with a Bid or Request for Proposal. List all proposed SBE subcontractor(s) and/or material supplier(s) for this project. **NOTE:** To receive full credit, SBE's must perform commercially useful work at the job site. ONLY up to twenty percent (20%) credit may be given under certain circumstances to SBE suppliers or other SBE contractors who assist in management of the project. I/We propose to utilize the following SBE subcontractor(s) and/or material supplier(s):

Fill in BID REQUIREMENTS: _____ %SBE

SBE FIRM(S) NAME ADDRESS/CONTACT PERSON AND PHONE NUMBER	LIST DESIGNATION: SMALL BUSINESS	PERCENT OF BID	AMOUNT	EXPLAIN WORK TO BE PERFORMED/MATERIAL SUPPLIED	AUTHORIZED SBE(S) OWNER/REPRESENTATIVE SIGNATURE OF ACKNOWLEDGEMENT
1.					
2.					
3.					
4.					
5.					

I certify that the information included on this Form A is true and complete to the best of my knowledge. I further understand and agree that this Form A is a condition of my Bid/RFP responsiveness. Failure to submit this form and/or meet the specified SBE requirements may render the Bid/RFP nonresponsive.

CONTRACTOR: _____ (SIGNATURE & TITLE REQUIRED) DATE: ____/____/____

REVIEWED BY OSBD ANALYST: _____ DATE: ____/____/____

DEPARTMENT OF PUBLIC WORKS: _____ DATE: ____/____/____

**DEPARTMENT OF PUBLIC WORKS
SMALL BUSINESS ENTERPRISE PROGRAM**

Form D – SBE MONTHLY REPORT

(1) Report for the Month of _____ 20____ (Final: yes ___ no ___)

(2) Prime Contractor/Firm _____

(3) Full Address & Phone Number: _____

(4) Description of work/service performed and/or material supplied _____

(5) DPW Contract No. C _____ (6) Official Notice No. / Project Number _____

7) Start Date: _____ (8) Prime Contractor's Total \$: _____

(9) Completion Date: _____ (10) Prime Contractor paid to date \$: _____

(11) Small Business % _____ and Small Business \$ amount _____

List all SBE subcontractor firm(s) utilized in connection with the above contract, either as service performed and/or supplier for the month. This form shall be signed and returned. **If this represents the final report, be sure to attach SBE Payment Certification Form (Form E) for each sub listed.**

NAME OF SBE FIRM(s) <i>AND LIST THEIR SBE DESIGNATION</i>	WORK/SERVICE PERFORMED or MATERIAL SUPPLIED	AMOUNT PAID FOR THE MONTH	TOTAL \$ PAID TO DATE
TOTAL PAID TO SBE(s)			

I/we hereby certify that I/we have read the above and approved this information to be precise and confirmed.

(12) Report Prepared By: _____
(Name) (Title) (Phone Number)

(13) Authorized Signature : _____
(Name) (Title)

(14) Date _____

Note: This form should be submitted no later than the 20th of every month to DEPARTMENT of PUBLIC WORKS CONTRACT ADMINISTRATION, Room 506, Municipal Building, 841 North Broadway, Milwaukee, WI 53202.

DIRECTIONS FOR SBE MONTHLY REPORT (FORM D)

1. List the month and year that the report is being submitted for. **Note: If this is the final report, check yes and submit Form E Subcontractor Payment Certification Form.**
2. Prime contractor's or firm's registered company name.
3. List full registered business address to include city/state, zip code and telephone number.
4. Brief description service performed and/or material supplied on this contract.
5. List the DPW Contract Number, as represented on the contract document.
6. List the official notice & project number as represented on the front page of the contract.
7. List the start date of the project.
8. List the total dollars awarded to the prime contractor.
9. List the completion date of the project.
10. Total dollars paid to Prime contractor to date.
11. List **EACH** SBE percentage **REQUIRED** on this project and each SBE dollar amount.
12. List the name, title and phone number of the individual who prepared the report.
13. Provide the authorized signature and title of the individual who approves the report.
14. List the date that the report is completed.

**THIS REPORT IS DUE THE 20TH OF EVERY MONTH FOR THE PREVIOUS MONTH'S ACTIVITY.
FAILURE TO RETURN THIS FORM BY THE SPECIFIED TIME MAY CAUSE A DELAY IN PAYMENTS.**

City Of Milwaukee

Department Of Public Works

Small Business Enterprise Program (SBE)
Subcontractor Payment Certification

(This form must be completed by the SBE subcontractor and attached to the Prime Contractor's Final SBE Form D Report)

-PRIME CONTRACTOR & SUBCONTRACTOR EXECUTE-

Section A - SBE Company Officer & Prime Contractor Complete For Payment That Has Been Received

SBE Subcontractor Name : _____

Official Notice No.: _____ Project No. _____ DPW Contract No. C _____

I hereby certify that I have received \$ _____ for subcontract work on the above project.

Dated: _____ Signature of **SBE** Subcontractor: _____

Printed Name & Title of **SBE** Subcontractor: _____

Certified as(Please check): _____ MBE _____ WBE _____ SBE

Acknowledged by **Prime** Contractor Signature: _____

Printed name & Title of **Prime** Contractor: _____

-PRIME CONTRACTOR & SUBCONTRACTOR EXECUTE-

Section B – Prime contractor and SBE Company Officers Complete if Full Payment Has Not Been Made to the SBE Subcontractor and a balance remains to be paid.

Prime Contractor: _____

M/W/SBE Subcontractor: _____

Official Notice No.: _____ Project No. _____ DPW Contract No. C _____

I hereby certify that I will pay \$ _____ to _____
for subcontract work on the above project. (Name of SBE Firm)

Dated: _____ Signature of **Prime** Contractor: _____

Printed Name & Title of **Prime** Contractor: _____

Acknowledged by: **SBE** Subcontractor Signature: _____

Printed name & Title of **SBE** Subcontractor: _____