



REQUEST FOR QUALIFICATIONS

Design Consultant for the Aquatic Ponds Restoration at Phipps Conservatory and Botanical Gardens

October 9, 2020

Introduction

A green oasis in the middle of Pittsburgh's vibrant Oakland neighborhood, **Phipps Conservatory and Botanical Gardens** (Phipps) has provided a world-class garden experience to its visitors since 1893. Explore the beauty and wonders of nature at Phipps, encompassing 15 acres including a 14-room glasshouse and 23 distinct gardens. Experience industry-leading sustainable architecture and green practices, stunning seasonal flower shows, exclusive commissioned exhibits, renowned orchid and bonsai collections and more. This historic landmark is just a few miles from downtown Pittsburgh in Schenley Park.

For more information on Phipps, please visit our website at: www.phipps conservatory.org

Phipps is currently seeking services of an experienced design consultant for the preparation of construction drawings and specifications for an Aquatic Pond Restoration project at its Schenley Park campus.

Phipps requests that the proponent provide a firm qualifications package to include resumes/background of proposed project staff, firm experience with similar or related projects, and client references for these projects. Project staff experience with grant funded, stormwater/rainwater beneficial reuse, and historic preservation site projects will be given priority during Phipps consultant evaluation process.

Phipps representatives will provide input, review, comments and direction with respect to the design and project development.

Project Overview

The Aquatic Ponds Restoration is an approximately \$500,000 project funded in part by a grant from the Pennsylvania Department of Conservation and Natural Resources (DCNR) Bureau of Recreation & Conservation Community Conservation Partnerships Program. The scope of this project includes the restoration of the existing Lily Ponds (2) , associated hardscape/landscape, stone benches, lighting and construction of a new rainwater collection and storage system for the east wing (Victoria Room, Broderie Room, East Room).

The project area is approximately 0.3 acres and is highlighted in the attached Figures 1 & 2. Photos of the existing conditions in the project area as well as available historic photos of the project site have been included as attachments to this request for qualifications. Also attached for reference in Figure 3 is a historic Detailed Plan of Changes for the project area which still represents many of the existing conditions.

The DCNR Bureau of Recreation & Conservation Community Conservation Partnerships Program requires that all construction drawings and specifications be under the seal of a licensed professional who is authorized by Pennsylvania law to apply the seal. Depending on the nature of the project, the professional could be a Landscape Architect, Architect, or Engineer.

Construction drawing and specification reviews may be required, as well as, permits or approvals from, but not limited to, the following:

- Department of Environmental Protection

- Department of Labor and Industry

- Department of Transportation

- Department of Conservation & Natural Resources

- PA Historical & Museum Commission

- County Conservation District

- City of Pittsburgh Historic Review Commission

- City of Pittsburgh Arts Commission

- City of Pittsburgh Department of Permits, Licenses & Inspections

- Allegheny County Health Department

A document summarizing DCNR Bureau of Recreation & Conservation requirements for the Preparation of Final Construction Drawings and Specifications and a Park Site Development Drawing(s) Checklist are attached for reference as Appendices A & B. Additional information on the DCNR Bureau of Recreation & Conservation Community Conservation Partnerships Program Grants can be found at the following:

<https://www.dcnr.pa.gov/Communities/Grants/Pages/default.aspx>

Schedule & Contact

Please deliver qualifications package via e-mail by **5:00 PM (EST) on Friday November 6, 2020**, to the following:

Brad Clauss

Senior Facilities Project Manager

Phipps Conservatory & Botanical Garden

One Schenley Park

Pittsburgh, PA 15213

(412) 622-6915 ext. 6631

bclauss@hipps.conservatory.org

Figure 1 - Project Area

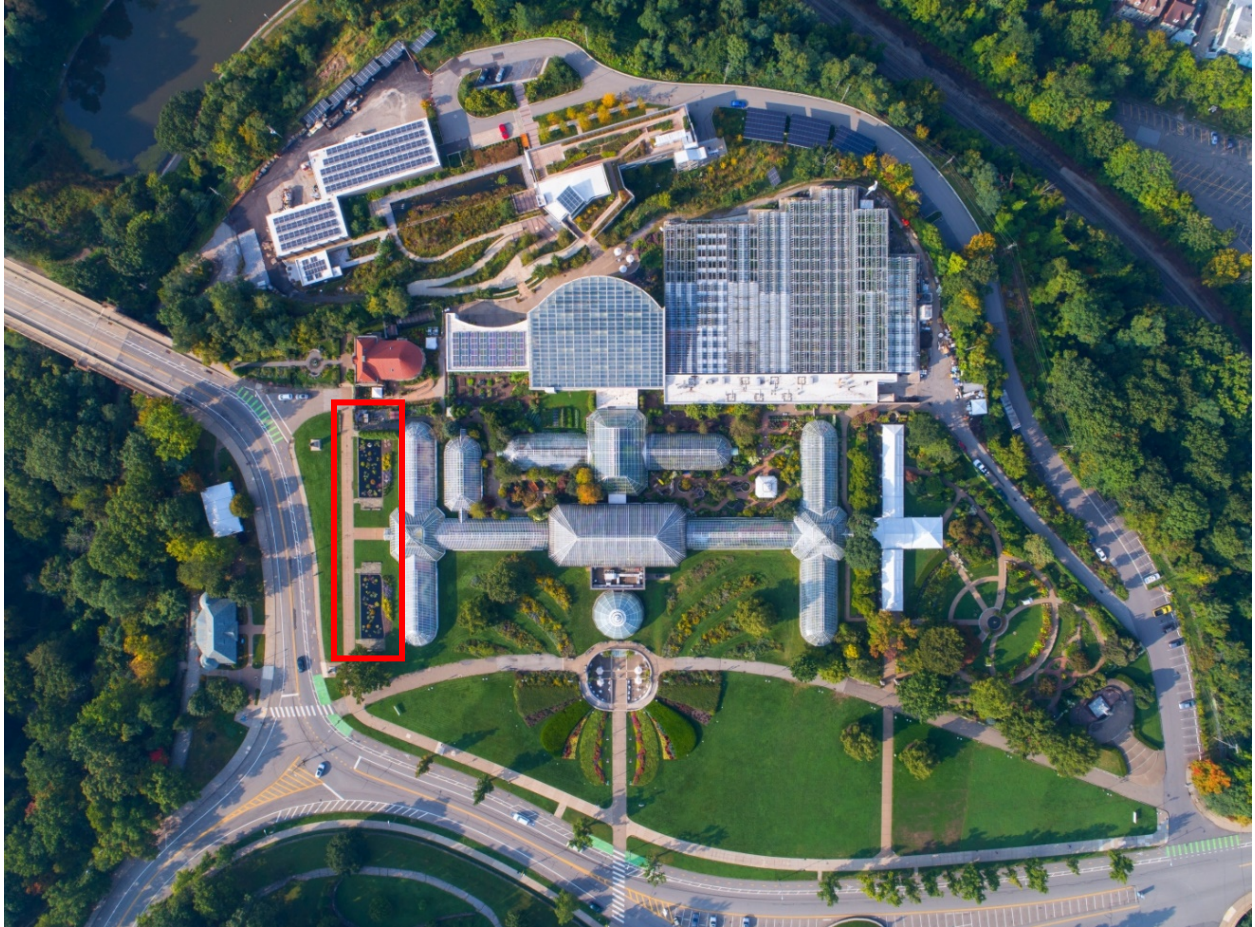


Figure 2 – Project Area

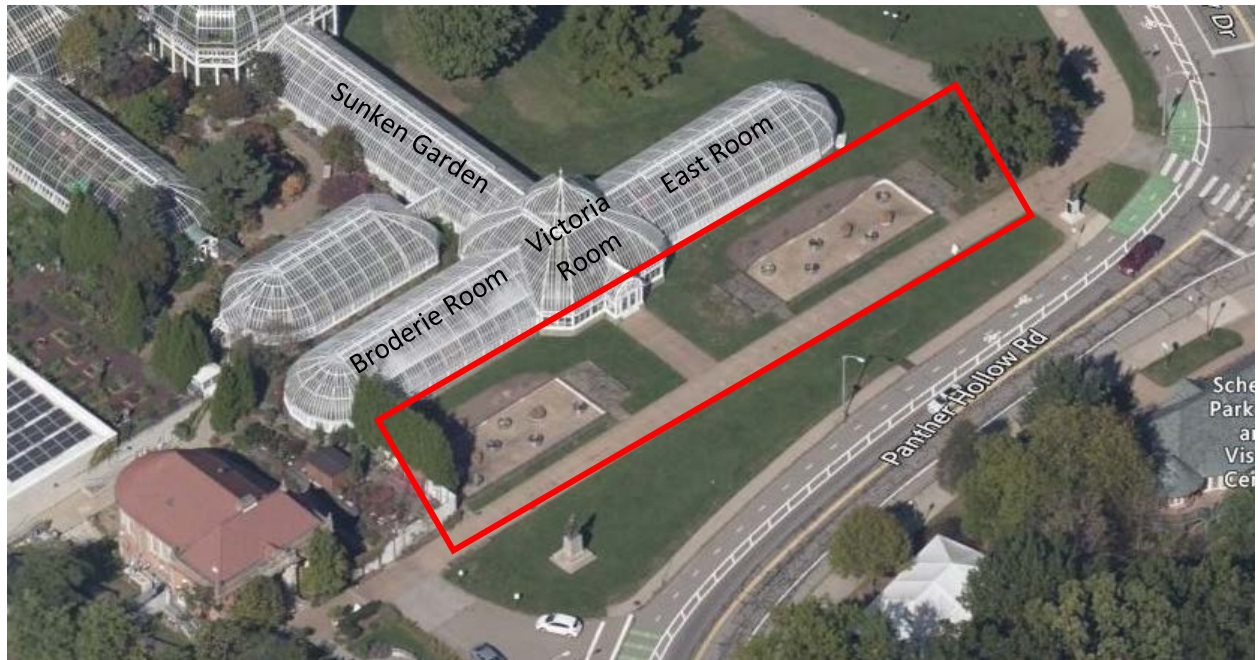
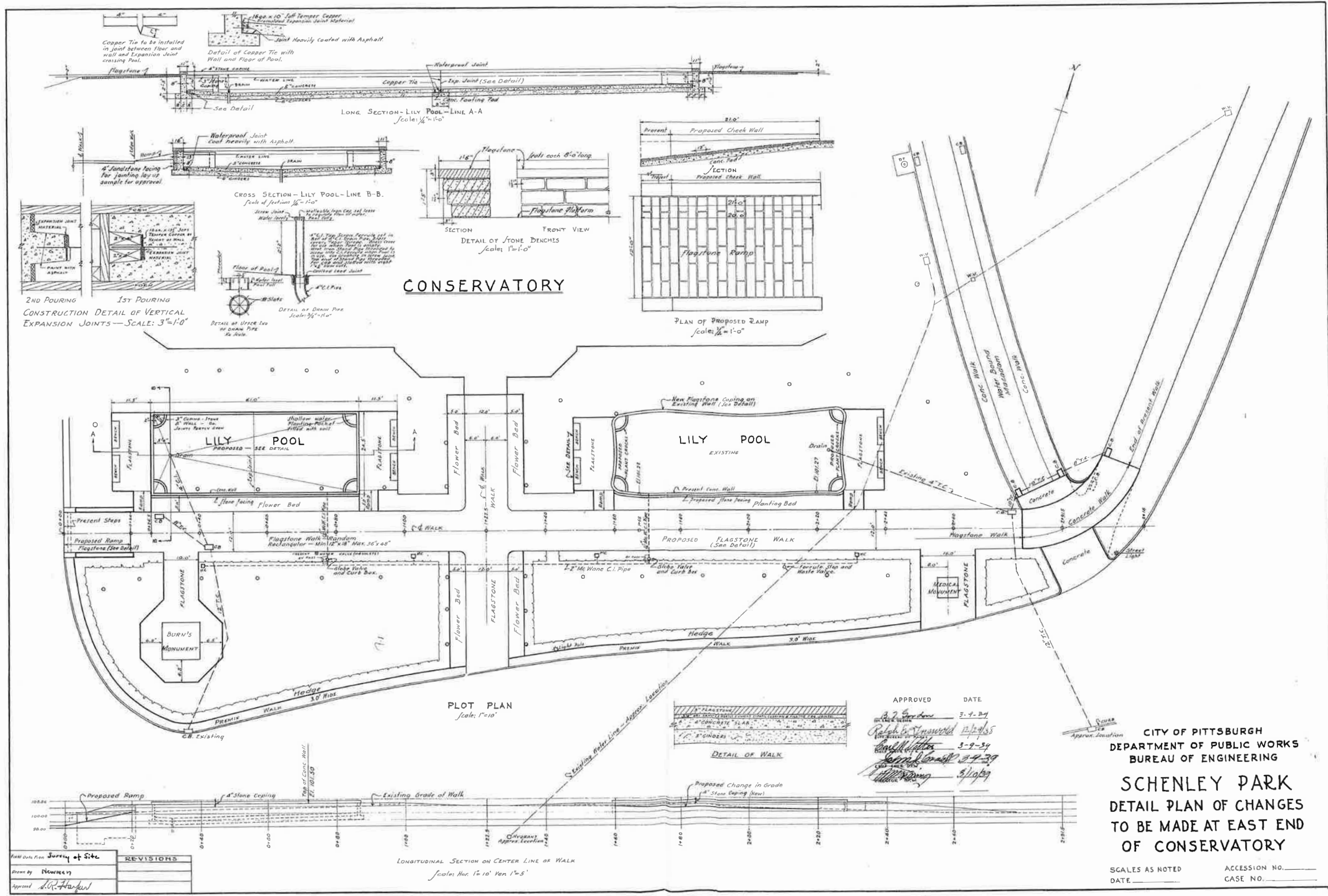


Figure 3



Photos of Project Site Current Conditions

(Northeast Lily Pond #1, Benches, and Flagstone Platform)



(Northeast Lily Pond #1, Benches, and Flagstone Platform)



(East Room & Victoria Room)



**(Northeast Lily Pond #1, Benches, Stone Platform, Sidewalk)
(View to the North with East Room)**



**(Northeast Lily Pond #1, Benches, and Flagstone Platform)
(View to the Northeast)**



**(Southwest Lily Pond #2, Benches, Sidewalk and Flagstone Platform)
(View to the North with Broderie & Victoria Rooms)**



**(Southwest Lily Pond #2, Benches, Sidewalk and Flagstone Platform)
(View to Southwest with Neptune Statue and Arbor Vitae)**



**(Lily Ponds #1 and #2, Benches, Sidewalks and Flagstone Platforms)
(View to Northwest with Victoria Room and Vestibule Entrance)**



Historic Photos of Project Site

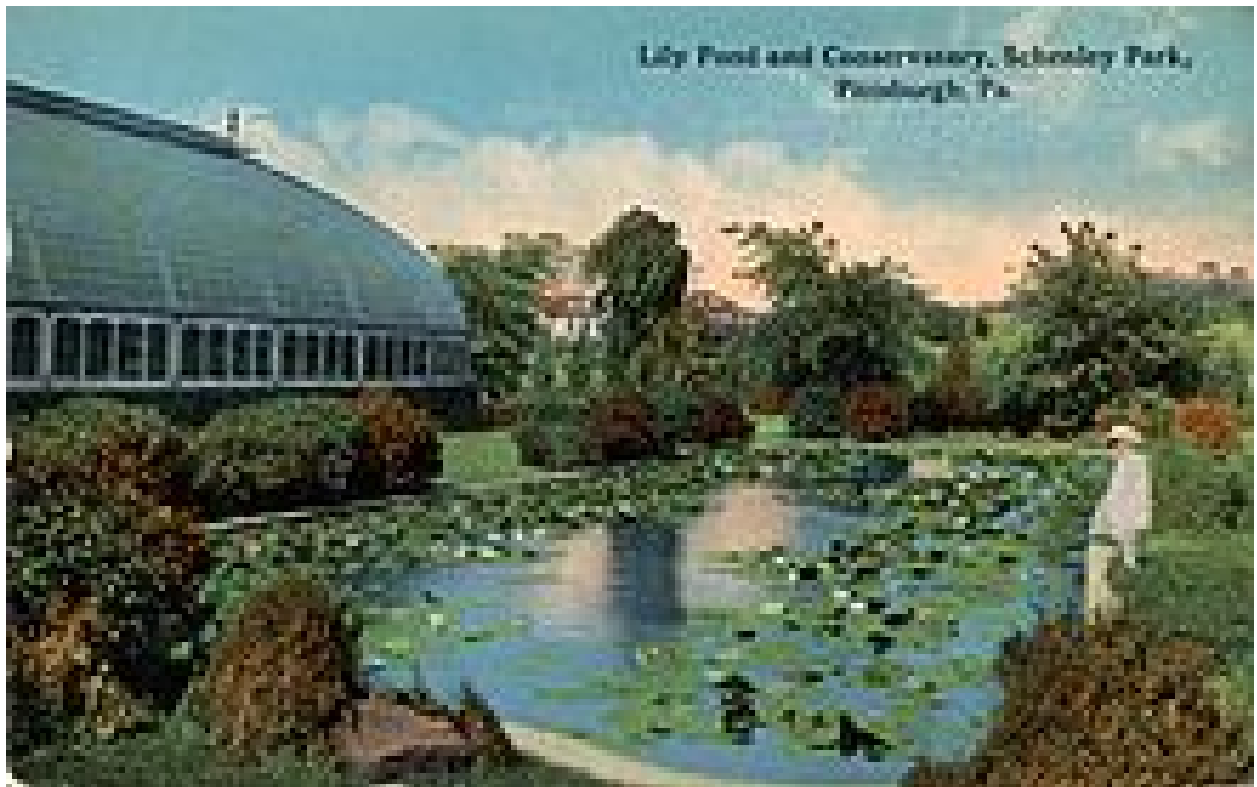












APPENDIX A

Park Site Development Drawing(s) Checklist

This checklist is provided to assist the Design Consultant in providing a **Site Development Drawing(s) (SDD)** that meets the information needs of the Department of Conservation and Natural Resources. The data outlined below shall be shown on all SDD unless specific exception is provided by the Department. ***All new items to be funded under this project and all existing improvements on the site should be clearly identified.*** For additional clarity, photographs keyed to the SDD should also be submitted. If the area to be developed is less than the total park property, a master site development drawing for the entire park should be submitted. Consistent terminology should be used in relating work items on the SDD with cost estimates and narrative project descriptions. Cost estimates should be developed to coincide with work items being funded.

Note: The individual preparing the SDD must be a licensed professional. Depending on the nature of the project, this could be a Landscape Architect, an Architect or an Engineer.

For a grant application, we do not require a seal on the SDD. However, final construction drawings and specifications must be under the seal of a licensed professional who is authorized by Pennsylvania law to apply the seal.

Check	No.	Item
<input type="checkbox"/>	1.	Project Name and Applicant/Grantee.
<input type="checkbox"/>	2.	Scale, North Arrow, Legend, and Date.
<input type="checkbox"/>	3.	Acreage of Site: Acreage of area being developed by this project. If less than the entire site, indicate acreage of area being developed and area of entire site.
<input type="checkbox"/>	4.	Project Boundary Map: Show exterior boundaries of site with metes and bound information. Indicate if owned or leased by the applicant.
<input type="checkbox"/>	5.	Surrounding property and use: Show ownership, use, street names, and rights of way.
<input type="checkbox"/>	6.	Topography: One to ten foot contours. If not available, show spot elevations indicating land character and significant grade changes.
<input type="checkbox"/>	7.	Vegetation: Existing.
<input type="checkbox"/>	8.	Water Areas: Streams, rivers, ponds, lakes, etc.
<input type="checkbox"/>	9.	Floodplain: Delineate floodway and limits of 100-year (1%) floodplain.
<input type="checkbox"/>	10.	Wetlands: Identify locations on and/or immediately adjacent to site.
<input type="checkbox"/>	11.	Soils.
<input type="checkbox"/>	12.	Recreation facilities: Identify existing, proposed, relocated, deleted, future, etc.
<input type="checkbox"/>	13.	Buildings (Also see Item No. 22).
<input type="checkbox"/>	14.	Circulation: Access roads, service drives, parking, trails, ramps, steps, paths, bridges, etc.
<input type="checkbox"/>	15.	Drainage structures: Culverts, catch basins, inlets, ditches, drain tile, swales, rain gardens, etc.
<input type="checkbox"/>	16.	Site Control Structures: Fences, walks, dikes, walls, gates, etc.
<input type="checkbox"/>	17.	Interior Property: Show rights of way and easements.
<input type="checkbox"/>	18.	Utilities: Water, electric, sewage, gas, phone, etc.
<input type="checkbox"/>	19.	Landscaping: Show general location of existing and any proposed trees, shrubs, etc. Show areas to be turfed, seeded, paved, planted with native plants, etc.
<input type="checkbox"/>	20.	Work limits: Show limits of work to be undertaken in this project.
<input type="checkbox"/>	21.	Phasing: Color code work stages if project is for less than total development.
<input type="checkbox"/>	22.	Floor plans: Provide floor plans for all structures and indoor recreation facilities to be developed/rehabilitated.
<input type="checkbox"/>	23.	Project sign location.

APPENDIX B

Preparation of Final Construction Drawings and Specifications

We stress the importance of good design and construction practices throughout your project for completion of safe and functional facilities. The Grantee assumes liability for all work in this project and can best protect itself by using design, construction techniques and materials that are in accordance with accepted standards for the work to be completed.

All required documentation should be provided with a letter of transmittal/cover letter and shall be sent directly to the **Department of Conservation and Natural Resources, Bureau of Recreation and Conservation: PO Box 8475, Rachel Carson State Office Building (RCSOB), 400 Market Street, 5th Floor, Harrisburg, PA 17105-8475.**

INSTRUCTIONS – The following document outlines the various phases for completing a development project. These phases include the preparation of final construction drawings and specifications (bid documents), advertising for bids, awarding of contract(s) and the start of construction. **Comments relative to project design and land use, made by the Bureau in its initial project review letter and/or in the Bureau's Approval to Proceed Letter, are to be incorporated into the final drawings and bid documents.**

For development projects, the Design Consultant(s) who prepares the construction drawings and specifications must be experienced in the area(s) necessary and be of the appropriate design discipline required for the proposed development project. The Bureau requires that all construction drawings and specifications be under the seal of a licensed professional who is authorized by Pennsylvania law to apply the seal. Depending on the nature of the project, the professional could be a **Landscape Architect, an Architect or an Engineer.**

You are reminded that the following requirements apply to all Grantees, including Non-Profit Organizations.

Definition of Contract Labor: The term "Contract Labor" referred to throughout this document is defined as work being performed through a construction contract entered into between the Grantee and a Contractor(s). **(On projects with total project costs that exceed \$25,000, be advised that all Contract Labor is subject to PA Prevailing Wage Rates.)**

Definition of Non-Contract Labor: The term "Non-Contract Labor" referred to throughout this document is defined as the construction labor to be provided by Grantee's In-House Staff/Employees, Volunteers and/or Donated Labor Services (Non-Cash Match Labor).

Please plan to discuss the purchasing and bidding procedures/process in detail with your DCNR Project Manager, during your initial Bureau Conference Call. You are advised to discuss this with your Municipal Solicitor/Attorney and Design Consultant to develop a realistic course of action prior to the Conference Call. You will not be permitted to move forward with the development of your submission or conduct any purchasing, advertising or bidding until this has been reviewed and approved by the Bureau.

You are reminded that for projects funded with DCNR grants, TOTAL PROJECT COST is comprised of ALL ELIGIBLE CONSTRUCTION COSTS, as outlined in the DCNR approved scope of work including, but not limited to all materials, supplies, equipment and installation/construction labor. Additionally, Construction Costs can be comprised of both CASH Costs & NON-CASH Match Values, as applicable.

The Grantee must ensure that all parties involved in developing the **Purchasing Plan** for this project have discussed, understand and are in compliance with all applicable procurement requirements; **to include:** Grantee, DCNR Grant Funding, Federal Grant Funding, Pennsylvania's Department of Labor & Industry- PA Prevailing Wage Rates and Bidding Threshold Limits, the Municipal Code, as well as, all applicable Cooperative Purchasing Program requirements.

I. **CONSTRUCTION DRAWINGS** – Shall be prepared with the primary objective of clearly and concisely describing the work to be done in order to achieve the proposed design. Legally, these drawings, along with the specifications, stipulate the specific **Materials, Supplies and/or Equipment & Contract Labor services** to be supplied for the **Contract price**. Thus, these documents should accurately **define the scope of the project** and all standards of construction utilizing terminology which laypersons (who approve projects) and contractors or craftsmen (who bid and build them) can readily understand. Consistent terminology should be used in relating work on the drawings to specifications and cost estimates, as well as in other bid documents such as agreements and advertisements.

A. **Basic Site and Design Data** – Must be provided, including property surveys or verifications thereof; topographic information; soil tests; sub-surface water and drainage conditions; test borings and pits; laboratory tests of materials; or any other information or investigation determined to be relevant to the project design and construction for the protection of the health and safety of the users.

B. **Drawings– Must provide sufficient data for Contract and Non-Contract Labor, as applicable to this project**, to locate work to be accomplished; establish existing grades and construct finished grades; identify and protect areas not included in contract work; and other information necessary to coordinate plans with work to be constructed and/or other accompanying documents and information necessary to comply with other agency reviews.

Drawings must incorporate sufficient data in plan views, elevations, sections, and construction details for clarity to Bidders and/or Contractors and should present as completely as possible a graphic description of the project, including details, dimensions, materials and methods of construction, in as legible a manner as possible. Information on drawings must be clearly coordinated with the specifications.

Inclusion of specific **Construction Details** on these drawings may prove helpful to ensure that **Contract and Non-Contract Labor, as applicable** have a visual and clear understanding of all applicable project specifications. ***It is the Design Consultant's responsibility to ensure that the Contract and Non-Contract Labor performs and completes the work in accordance with the drawings and specifications.***

Drawings must show existing and proposed utilities and services, such as water, sewage, storm water, electric and gas, including locations, sizes, depths, material, condition and rights-of-way or easements with conditions of same, as may be agreed upon with municipal officials.

C. **Separation Act:** If you are a **MUNICIPALITY**, constructing a **public building** and public bids are required, **separate contracts and drawings may have to be prepared** for Electrical, Plumbing and/or Mechanical (HVAC) work. These will be separate from those being prepared for the General Construction work. Landscape contract work may be separated or incorporated with the general work.

- **This Act may also be applicable to Grantees who are not political subdivisions, such as Non-Profit Organizations, if the site/facility to be developed is publicly owned.**

NOTE: It appears based on the Municipal Code:

1. Boroughs- have the ability to OPT out
2. Townships- are required to abide by the Separations Act
3. Cities- are required to abide by the Separations Act

Please review this with both your Design Consultant and Solicitor before you proceed.

- D. **Professional Registration Seal and Signature** affixed by the appropriate design professional (Landscape Architect, Architect or Engineer) shall **appear on EACH drawing sheet for all work on the project.**

- **Signature and Date Required on Cover Sheet**

- II. **TECHNICAL SPECIFICATIONS** – Shall be prepared to establish detailed qualitative requirements for materials and workmanship. Specifications set requirements for strength, size, and other physical qualifications, establishes standards and methods of workmanship for construction or manufacture of products used, and guarantees components and materials to be used. Nomenclature in specifications should be consistent with the drawings and the cost estimate. **Please be reminded that you must include an “OR EQUAL” clause when bidding this project.**

Guideline specifications have been prepared by the various design and planning professional societies and are flexible enough to be adapted to most projects.

Simple, unsophisticated projects, however, may only need to outline the specifications by listing the proposed work, materials to be used and methods of construction. In some instances, where appropriate, the specifications along with construction details may be written **directly on the drawings.**

- A. In case of conflict, **written specifications normally, take precedence**, over information supplied on the drawings. This point should be clearly stated in all construction contracts and the specifications.
- B. **Separation Act: (AS NOTED PREVIOUSLY)** If you are constructing a public building and public bids are required, **separate contracts and specifications may have to be prepared** for Electrical, Plumbing and/or Mechanical (HVAC) work. These will be separate from those being prepared for the General Construction work. Landscape contract work may be separated or incorporated with the general work.
- C. **Professional Registration Seal and Signature** of the appropriate design professional (Landscape Architect, Architect or Engineer) shall **appear on the cover page** of each specification document (**BID Packet**).
- **Signature and Date Required on Cover Sheet**

- III. **BIDDING DOCUMENTS** – Shall be prepared by the Design Consultant in consultation with the Municipal Solicitor/Non-Profit Attorney, for projects with construction costs (to include all materials, supplies and /or equipment purchases and contract labor costs) **which exceed \$20,600**. It is ultimately the responsibility of the Solicitor/Attorney, to verify the **legal conformance and adequacy of all documents and procedures for the municipality/non-profit** to ensure adherence to all applicable local, state, federal laws and regulations.

Bidding documents for public contract work usually consist of the following:

- A. Advertisement or Invitation to Bid
- B. Instructions to Bidders
- C. Qualifications of Bidder's Statement
- D. Summary of Work to be Performed
- E. **Bid Proposal Form** – All Alternate and/or Unit Price Bid Items must be clearly stated and delineated on the Bid Proposal Form. **Additionally, itemization on the Bid Forms, to include ADD Alternates and/or Deducts is strongly encouraged. The use of Lump Sum bidding may prove to be problematic.**
- F. **Contract Agreement** – A written agreement between the successful bidder and the Municipal/Non-Profit Grantee must be fully executed and forwarded to the Department for review and approval prior to starting construction. Standard Contract Agreement Forms as used by the American Society of Landscape Architects, the American Institute of Architects or the National Society of Professional Engineers may be used.

In all cases, the Contract Agreements shall be dated and clearly state the scope of work, contract amount, method of payment, starting and completion times, equal opportunity clauses and any other special conditions unique to the completion of the contract or adherence to applicable State and Federal laws and regulations.

All agreements must be maintained by the Grantee and must be made available to Bureau for review and approval.

It is expected that the award will be made to the lowest qualified and responsible Contractor or Bidder.

You are reminded that this applies to ALL MUNICIPAL Grantees:

Grantees shall not evade provisions for advertising for bids by purchasing materials or contracting for services, in a piecemeal manner for the purpose of obtaining prices under \$19,700, transactions should, in the exercise of reasonable discretion and prudence, be conducted as one transaction, amounting to more than \$19,700.

This provision in the municipal code is intended to make unlawful the evading of advertising requirements by making a series of purchases or contracts each for less than the advertising requirement or by making several simultaneous purchases or contracts each below said price, when in either case, the transactions involved should have been made as one transaction for one price.

G. **Bonding Requirements – (Apply to ALL Grants funded by DCNR)**

1. **Bid Bond** (or Certified Check, Banks Cashier's Check, or Treasurer's Check), as required by Municipal Code, is to be provided with the bid proposal to secure the bidder's financial responsibility.
2. **Performance Bond and Labor and Material Payment Bond** – The Public Works Contractors' Bond Law of 1967, as amended, 8 P.S. §§ 191-202, requires that all construction contracts in excess of \$10,000 be accompanied by a Performance Bond and a Labor and Material Payment Bond, unless current municipal codes are more restrictive. Each bond must be in the amount of 100% of the contract award price. These bonds must be secured from an agency or firm approved by the Commonwealth's Department of Insurance to do business in Pennsylvania. These bonds may be substituted with other acceptable forms of security by the Municipal Grantee (Act 171 of 1991, 8 P.S. 193, 1967, P.L. 869 No. 385).
3. **Maintenance Bond** is also required to protect the Municipal/Non-Profit Grantee from faulty or defective work by the contractor. This bond should cover a period of one year following completion of the project and should be in an amount of at least 10% of the contract price.

H. General Conditions

I. Supplemental Conditions

IV. **OTHER APPLICABLE LAWS AND REGULATIONS – (Apply to ALL Grants funded by DCNR)**

The following Federal and State Laws and regulations impact the preparation of the bid documents and govern the advertising and awarding of contracts and construction of the project. **Compliance with these laws and regulations is mandatory for all projects.**

- A. **Professional Registration Laws** – The Department requires professional registration seals of the appropriate design professional, licensed to practice in the Commonwealth of Pennsylvania, (Landscape Architect, Architect or Engineer) to appear on each drawing sheet prepared for a project. The appropriate design professional is required to design the project in order to safeguard life, health or property and to promote the general welfare of the public.
- B. **Pennsylvania Construction Code Act** – Construction must comply with the Act of November 10, 1999 (P.L. 491, No. 45), known as the Pennsylvania Construction Code Act (35 P.S. Sections 7210.101 et seq.), as implemented by Department of Labor and Industry regulations, 34 Pa. Code Chapters 401, 403, and 405. Please note that, as of December 2006, Pennsylvania's statewide building code will be referred to as the Uniform Construction Code (UCC). The codes currently in use under the UCC are the 2009 International Codes issued by the International Code Council. ***Please refer to the UCC regulations and statutes in relation to the design and development of public buildings, indoor facilities and park facilities.***
- C. **Architectural Barriers Act of 1968 and Section 504 of the Rehabilitation Act of 1973; PA Act 235 of 1965, as amended, Universal Accessibility Act, and the Americans with Disabilities Act (ADA) of 1990, as amended** – Construction of any new facilities built, renovated or acquired by the Municipal/Non-Profit Grantee with DCNR funding must comply with these regulations. The 2010 ADA Standards for Accessible Design (2010 Standards) are available at the US Department of Justice website at <http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>

Technical Assistance can be provided by the United States Access Board at www.access-board.gov.

- D. **Wage Rates** - Pennsylvania prevailing wage rates are required if the **TOTAL PROJECT COST** is estimated to be **in excess of twenty-five thousand dollars (\$25,000)**. If the Grantee will be using Federal Funds as a part of the local match, and the contract(s) or subcontract(s) exceed two thousand dollars (\$2,000), compliance with Davis-Bacon Federal Wage Rates may be required.

In all cases, the appropriate wage rates must be incorporated into the specifications and bidding documents prior to advertising.

- E. **Separations Act of 1913 (Act 104), as amended** – **(AS NOTED PREVIOUSLY)** When preparing for the erection, construction and alteration of any **public building**, the applicable municipal codes mandate that contract documents for Electrical, Plumbing and Mechanical (HVAC) work shall be prepared in separate drawings and separate specifications from those prepared for the General Construction and landscape work, for all projects where construction costs are equal to or greater than \$19,700.

NOTE: It appears based on the Municipal Code:

1. Boroughs- have the ability to OPT out
2. Townships- are required to abide by the Separations Act
3. Cities- are required to abide by the Separations Act

Please review this with both your Design Consultant and Solicitor before you proceed

- **This Act is not applicable to Grantees who are not political subdivisions, such as Non-Profit Organizations.** These entities do not need to separate out these construction elements.

- F. **Nondiscrimination/Sexual Harassment Clause** – All construction contracts and/or sub-contracts awarded for the project must provide for compliance and adherence to applicable Contract Compliance Regulations for Nondiscrimination/Sexual Harassment. Where state funds are used, all construction contracts and/or sub-contracts **must contain the Nondiscrimination/Sexual Harassment Clause, enclosed with this packet.** This Clause shall be incorporated into the specifications for each contract and/or sub-contract to be awarded.

- G. **Federal Occupational Safety and Health Act of 1970 (O.S.H.A.)** – This Act includes regulations to assure safe and healthy work conditions. Compliance includes recording and reporting. The Consultant shall incorporate in contract specifications the contractor's specific responsibility to comply with regulations of the Act and to perform recording and reporting requirements. **O.S.H.A. applies to all construction projects, however funded, and supersedes any local or state regulations.**

- H. **Pennsylvania Act 287, as amended by Act 181 of 2006** – This act requires, among other things, that:

1. The Pennsylvania One Call System is utilized; 811 Call before you dig!
2. Each Design Consultant preparing a drawing requiring excavation or demolition in a site within a political subdivision shall show upon the drawing the approximate location and type of each underground utility line or pipe.
3. Each Contractor intending to perform excavation or demolition work on a site within a political subdivision shall ascertain the location and type of utility lines and pipes at each site and notify the utility company(ies) three working days in advance of performing the excavation or demolition.

Please note that should the Grantee be performing excavation or demolition work on the site within a political subdivision, as part of their Non-Cash Match, either with In-House Municipal Staff, Volunteers or Donated Services, *they shall be responsible to ascertain the location and type of utility lines and pipes at each site and notify the utility company (ies) three working days in advance of performing the excavation or demolition.*

- I. **Disadvantaged Business Enterprise (DBE) [Pennsylvania Recreational Trails (PRT) Projects Only]** – The Pennsylvania Department of Conservation and Natural Resources (DCNR) receives Federal Highway funds from PennDOT in support of the Recreational Trails Program (PRT). Moving Ahead for Progress in the 21st Century (MAP-21) or the most current legislation, under which PRT Projects are funded, mandates that a portion of funds allotted through the Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. In accordance with 49 Code of Federal Regulations Part 26.37, all PRT-funded projects must conform to DCNR's Disadvantaged Business Enterprise Requirements to ensure that DBEs have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds.

- V. **OTHER STATE/COUNTY/LOCAL AGENCY REVIEWS** – May be required. Depending on the nature of the proposed development, the construction drawings and specifications will have to be submitted to several other agencies of the Commonwealth for their review and approval prior to starting work.

It is the sole responsibility of the **Municipal/Non-Profit Grantee** and the Design Consultant to make such submissions and obtain these other State/County/Local Agency approvals. Reviews may be required, as well as, approvals or permits from, but not limited to, the following:

- A. Department of Environmental Protection
- B. Department of Labor and Industry
- C. Department of Transportation
- D. PA Historical and Museum Commission
- E. County Conservation District

For Pennsylvania Natural Diversity Inventory (PNDI) Survey results, further review may be required by the following:

- A. Department of Conservation and Natural Resources
- B. PA Fish and Boat Commission
- C. PA Game Commission
- D. US Fish and Wildlife Service

- VI. **REVIEW AND APPROVAL** – ***Of construction drawings and specifications (bid documents) by the Bureau is required prior to making any purchases, advertising of bids and the awarding of contracts.*** Please be aware that the final review of the layout, design, completeness and accuracy of the construction documents is the responsibility of you and your Design Consultant. **You are required to consult with your Municipal Solicitor/Attorney and Design Consultant to review the proposed purchasing procedure/process, drawings and bid documents before advertising for bids and awarding contracts to ensure that the content and format are acceptable under local bidding laws and in compliance with the requirements of the DCNR's Grant Agreement.**

VII. PUBLIC ADVERTISING AND BIDDING – Of construction contracts, material purchases and rental of equipment is required, based on the classification of the Grantee. **All Grantees, in consultation with the Solicitor/Attorney,** must consider the **Total Cost** of the project **(to include Materials, Supplies and/or Equipment, Contract Labor & Rental of Equipment Costs)** to determine the proper purchasing procedures/process to be followed.

- **For MUNICIPAL Grantees,** local municipal codes and bidding laws regulate the conditions and schedules for public advertising.
- **Non-Profit, For-Profit or any Organization not covered by bidding laws** recent modifications to the “DCNR- Competitive Bidding Policy” have outlined new requirements **for the competitive bidding of DCNR projects.**

Grantees shall not evade provisions of advertising for bids by purchasing materials or contracting for services in a piecemeal manner for the purpose of obtaining prices under the established bidding limits, when transactions should, in the exercise of reasonable discretion and prudence, be conducted as one transaction, amounting to values which exceed the established bidding limit.

Basic requirements are outlined below:

A. Municipal Grantees:

1. If the Grantee is a political subdivision or other entity for which open and competitive bidding procedures have been established by law, the Grantee shall comply with those procedures, as applicable to the project being funded.
2. The Bureau requires the Grantee to submit proof of compliance with said procedures.
3. If other state or federal funds are being used by the organization as a match for the DCNR project and competitive bidding procedures are to be used, please provide the program specific documentation to the Bureau.
4. **Professional Design Services Contracts:** The Grantee must comply with all applicable Municipal Code and local ordinance requirements related to securing a Professional Service Contract.

B. Non-Profit, For-Profit or any Organization not covered by bidding laws:

1. Grantees with grant allocations between **\$20,000 - \$100,000**
 - a. Grantees will be required to obtain (3) formal written quotes.
 - b. Quotes must be formalized and may be directly solicited, publicly advertised in a newspaper of general publication and/or by utilizing a public electronic construction bidding venue.
2. Grantees with grant allocations **over \$100,000**
 - a. Grantees will be required to use open and competitive purchasing procedures related to the use of these public funds for any grants, sub-grants, contracts, subcontracts and/or other agreements for construction, reconstruction or alteration work and/or purchase of machinery and equipment.
 - b. Bid documents must be formalized and publicly advertised in a newspaper of general publication and/or by utilizing a public electronic construction bidding venue.
3. The Bureau requires the Grantee to submit proof of compliance with said procedures.
4. If other state or federal funds are being used by the organization as a match for the DCNR project and competitive bidding procedures are to be used, please provide the program specific documentation to the Bureau.
5. **Professional Design Services Contracts:** The Grantee must comply with all applicable Organization requirements related to securing a Professional Service Contract.

- C. The Department of Labor and Industry annually publishes competitive bid requirements for political subdivisions and other entities where open and competitive bidding is required by law. In September of each year, the base amounts are recalculated and published in the Pennsylvania Bulletin by December of that year. The adjusted base amounts become effective January 1 of the following year. **It is the responsibility of the Grantee, in consultation with their Municipal Solicitor/Attorney, to follow the established bid requirements.**
- D. **It is expected that the award will be made to the lowest qualified and responsible Contractor or Bidder.**
- E. **Non-Bid Contracts – Total Project Costs under \$11,600**, that do not require bidding, must be competitively secured and documented with **two or more price quotations**. The Grantee must provide the Bureau with a copy of the awarded price quotation, to include a description of the construction work to be performed, for review and approval.

The Grantee shall retain accurate records of all quotations. Copies of these written quotations shall be made available to the Bureau for review and approval.

- F. **Non-Bid Contracts – Total Project Costs between \$11,600 and \$20,600** must be competitively secured by written or documented telephonic price quotations from **at least three qualified and responsible vendors/contractors** in accordance with the appropriate municipal code and state laws.

In lieu of three price quotations, a memorandum shall be kept on file showing that fewer than three qualified vendors/contractors exist in the market area within which it is practicable to obtain price quotations.

The Grantee shall retain accurate records of all quotations. Copies of these written quotations shall be made available to the Bureau for review and approval.

Upon approval of the price quotation(s) and/or awarded contracts by the Grantee, awarded contracts must be documented with the following data and must be retained by the Municipal Grantee:

1. Tabulation Sheet of the Quotation(s)/Bid Proposal(s)
2. Copy of the low Quotation(s)/Bid(s)
3. Executed Contract Agreement(s)
4. **Performance Bonds** or other acceptable forms of financial security approved by the Municipal Grantee in accordance with the appropriate municipal code and the Public Works Contractors' Bond Law of 1967.

- G. **Bid Purchases and Contracts – Total Project Costs exceeding \$20,600** must be publicly bid and awarded according to the appropriate municipal code and state laws.

Upon approval of the bids by the Grantee, awarded contracts must be documented with the following data and must be retained by the Grantee:

It is expected that the award will be made to the lowest qualified and responsible Bidder.

1. Tabulation Sheet of the Bid Proposal(s)
2. Copy of the low bid(s) to be awarded.
3. Executed Contract Agreements.
2. **Performance, Labor & Materials, Payment and Maintenance Bonds** or other acceptable forms of financial security approved by the Municipal Grantee in accordance with the appropriate municipal code and the Public Works Contractors' Bond Law of 1967.

A written agreement between the successful bidder and the Grantee must be fully executed and forwarded to the Bureau for review and approval prior to starting construction.

If the Grantee is a political sub-division or other entity for which open and competitive bidding procedures have been established by law, the Grantee shall comply with those procedures, if they are applicable to the project being funded with grant funds.

- H. **Negotiated construction contracts for materials, supplies and/or equipment purchases, contract labor and/or rental of equipment in excess of \$20,600 are not permitted unless a minimum of two valid attempts at public advertising results in the receipt of no bid proposals.** The Bureau must review the validity of the two attempts and provide written permission to proceed with negotiation in such cases.
- I. **A written approval/Opinion Letter from the Grantee's Solicitor/Attorney will be required in those cases when:**
 - 1. Only one bid is received and awarded
 - 2. The bid is awarded to other than the lowest bidder
 - 3. No bids are received on two separate attempts and contracts are negotiated
 - 4. When any other irregularities take place during the bidding and awarding process
- J. **The PA Recreational Trails (PRT) and the Snowmobile/All-Terrain Vehicle (S/ATV) projects are the only DCNR funded projects that permit the purchase of Maintenance Equipment. These projects may purchase such items as, but are not limited to, Trail Groomers, Tractors, Trail Maintenance Vehicles, etc.** These equipment purchases must follow the competitive bidding/purchasing procedures, as outlined in this Section.
- K. **If other state or federal funds are being used by the Organization as a match for the DCNR project and competitive purchasing procedures are to be used, please provide this documentation to the Bureau.**

VIII. ADDENDUMS/BULLETINS – Shall be issued to document and incorporate changes to the construction drawings and specifications during the advertising and bidding period. The Addendum or Project Bulletin shall be issued to all bidding contractors so that each will receive the same information. Addendums/Bulletins become a legal part of the bidding documents. **Signed copies shall accompany all bid proposals. *Oral information shall not be given to bidders on matters of such changes.***