



CITY OF DUNDEE REQUEST FOR PROPOSALS WATER RIGHTS SERVICES

GENERAL INFORMATION

INTRODUCTION

The City of Dundee is seeking proposals from qualified individuals, partnerships or firms to provide services to certify and/or extend the city's existing water rights through the State of Oregon's Water Resources Department.

BACKGROUND

The City of Dundee is located approximately 30 miles west of Portland in the heart of Oregon Wine Country. The City holds three water right certificates (29157, 61759, and 87588) and four permits (G-6017, G-12685, G-17484, and G-17485) authorizing groundwater appropriations. The City holds four water right certificates (8781, 8817, 14654, and 17145) and one permit (S-44462) authorizing surface water diversions. The City operates and/or leases thirteen wells, of which three wells are certified, two wells are test wells, one well is out of service for turbidity issues, and one well is out of service for PFAS issues. The remaining wells are operational.

On October 6, 2009, the Oregon Water Resources Department ("OWRD") issued Final Orders on the City's applications for extension of time to complete construction and to fully apply water to beneficial use to October 1, 2025 with respect to the four permits for groundwater rights. The City has completed its Water Management and Conservation Plan, a requirement under the above referenced Final Orders.

The City believes it needs to prepare and file a claim of beneficial use with OWRD for Permit G-17484, and prepare and file applications of extensions for the remaining permitted water rights with OWRD to provide the city an opportunity to evaluate options and costs/benefits for developing these water rights and, where applicable, to provide time to complete plans and construct infrastructure needed to develop the water rights.

SOLICITATION SCHEDULE

The City anticipates the following general timeline for receiving and evaluating proposals and selecting a contractor.

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| • RFP Posted and Advertised | October 11, 2024 |
| • Deadline for Clarifications | October 29, 2024, at 5:00 p.m. |
| • Deadline for Protests | October 29, 2024, at 5:00 p.m. |
| • Deadline for Addenda | November 4, 2024 |
| • Proposal Due Date | November 8, 2024, at 2:00 p.m. |
| • Proposal Opening | November 8, 2024, at 2:30 p.m. |
| • Evaluation of Proposals | November 8, 2024 – November 15, 2024 (approx.) |
| • Council Approval | November 19, 2024 |
| • Notice of Intent to Award | November 20, 2024 (approx.) |
| • Protest Period | 7 calendar days after issuance of NOI |
| • Contract Negotiation | Following expiration of Protest Period |
| • Commencement of contract | December 1, 2024 (approx.) |



ADDENDA

The City reserves the right to change the RFP by written addenda. Proposers shall notify the City of their interest in the RFP to obtain addenda and other pertinent notifications. Any addenda will have the same binding effect as though contained in the RFP. Verbal instructions or information concerning the scope of work of the RFP shall not bind the City. No addenda will be issued later than the date in the Solicitation Schedule, except an addendum modifying the Proposal Due Date. Each proposer is responsible for obtaining all addenda prior to submitting a Proposal and must acknowledge receipt of all addenda as part of the Proposal. Failure to acknowledge receipt of all addenda as part of the Proposal may result in rejection of the Proposal.

CLARIFICATIONS

A prospective proposer may request a change or clarification to the RFP by submitting a written request to steve.dahl@dundeecity.org with the subject line of "RFP Request – Water Rights" no later than the date set forth in the Solicitation Schedule. The request must specify the provision of the RFP in question, contain an explanation for the requested change, and any proposed modification. If the city determines a change is necessary, the City will modify the RFP through the issuance of an Addenda to all prospective proposers known to the City to have expressed interest in the RFP.

SOLICITATION PROTESTS

A prospective proposer may protest the procurement process or the RFP by submitting a written protest to steve.dahl@dundeecity.org with the subject line of "RFP Protest – Water Rights" no later than the date set forth in the Solicitation Schedule. A timely filed written protest must include sufficient information to identify the solicitation that is the subject of the protest; the grounds that demonstrate how the procurement process is contrary to law or how the RFP is unnecessarily restrictive, is legally flawed or improperly specifies a brand name; evidence or supporting documentation that supports the grounds on which the protest is based; and the relief sought. The City will consider the protest and issue a decision in writing or will promptly notify the prospective proposer that the protest is untimely or that the protest failed to meet the requirements of this section and give the reasons for the failure.

CANCELLATION

ORS 279B.100 provides for cancellation, rejection, or delay of proposals when the cancellation or rejection is in the best interest of the City as determined by the City. The City reserves the right to cancel the award of this contract at any time before execution of the contract by both parties if cancellation is deemed to be in the City's best interest.

LATE PROPOSALS, LATE WITHDRAWALS, AND LATE MODIFICATIONS

Proposals must be submitted by the Proposal Due Date as set forth in the Solicitation Schedule. Any proposals submitted after the Proposal Due Date will be considered late and determined nonresponsive. A proposer's request for modification of a proposal, or withdrawal of a proposal received after the specified date and time for submission is late. The City will not consider late proposals, late requests for modifications, or late withdrawals.

SCOPE OF SERVICES

The City is seeking a qualified individual, partnership, or firm to provide the following scope of services.

- Review and analyze the use of groundwater under all four permits and identify which are eligible for claims of beneficial use and which require an extension.
- Communicate with OWRD, as may be necessary and appropriate.



- Prepare and file claim(s) of beneficial use for fully developed permit(s), including the provision of all required data, measurements, calculations, test results, and the required map.
- Prepare and file application(s) for extension of time for non-fully developed permits

The selected Proposer shall provide information and/or reports to the City Administrator and City that may include:

- Attend council meeting(s)
- Written monthly status reports

PROPOSAL SUBMITTAL AND DUE DATE

All proposals must be submitted to the City by the Proposal Due Date as set forth in the Solicitation Schedule. Proposers can email proposals to the City Administrator at the email address listed below with the subject line of "RFP – Water Rights". Proposers may also deliver proposals to Dundee City Hall in care of the City Administrator at the address listed below.

Steve Dahl, City Administrator
City of Dundee
520 SW 5th Street
P.O. Box 220
Dundee, Oregon 97115
steve.dahl@dundeecity.org
503-538-3922

The City assumes no responsibility for delayed or undelivered mail or express packages. Proposals which are not received by the City by the Proposal Due Date will not be considered. Faxed proposals will be rejected.

RESERVATION OF RIGHTS

The City reserves the right to: 1) seek clarification of each proposal; 2) negotiate a final contract that is in the best interest of the City; 3) reject any or all proposals; 4) cancel this RFP at any time if doing so would be in the City's interest, as determined by City in its sole discretion; 5) award the contract to any proposer based on the evaluation criteria set forth in this RFP; 6) waive minor informalities contained in any proposal, when, in the City's sole judgement, it is in the City's best interest to do so; and 7) request any additional information city deems reasonably necessary to allow City to evaluate, rank and select the most qualified proposer to perform the services described in this RFP.

PUBLIC RECORDS

All proposals submitted are the property of the City and, as such, are considered public records and are subject to disclosure pursuant to Oregon Public Records Law. Accordingly, proposals received and opened shall not be available for public inspection until after the City's Notice of Intent to Award is issued. Thereafter, except for information marked "Trade Secret," all documents received by the City shall be available for public disclosure. The City will attempt to maintain the confidentiality of materials marked "Trade Secret" to the extent permitted under the Oregon Public Records Law. Any proposal marked as a trade secret in its entirety will be considered nonresponsive.

COSTS

The City will not be responsible under any circumstances for the costs incurred by Proposers or others for the preparation or submission of any proposal. The City is not liable for any cost incurred by the Proposer in protesting the City's selection decision and contract award.



PROPOSAL CONTENTS

Proposals shall include, at a minimum, the following items. Proposals that fail to meet these requirements may be deemed non-responsive:

1. Cover Letter.
 - a. A one- or two-page cover letter signed by an officer of the firm authorized to bind the firm to all statements made in the Proposal.
 - b. Acknowledge the Proposer accepts all terms and conditions contained in the RFP and supporting documents or specifically identifies any and all exceptions.
 - c. Contact information including address, phone number, website, and email address.
 - d. State certification number, if any, as a minority-owned, women-owned, disadvantaged, or emerging small business.
2. Qualifications. This section should identify the capabilities and resources of the Proposer to furnish the desired services. Proposers must demonstrate:
 - a. Knowledge of water rights and certification requirements.
 - b. At least 5 years' experience applying for water right certifications and permit extensions with the OWRD, including experience with municipal water rights
 - c. Current certification as an Oregon Certified Water Right Examiner
3. Proposer's Team. Name and qualifications of the individuals who will provide the requested services and a current résumé for each, including a description of qualifications, skills, licenses, certifications, and responsibilities. The City is interested in professionals with experience serving small governmental entities and especially serving cities comparable in size to Dundee.
4. Approach/Work Plan. Describe how the Proposer intends to address the tasks listed in the scope of services, including Proposer's understanding of the goals and objectives and the approach the Proposer will use to perform the task listed in the scope of services.
5. Prior Experience. The Proposal should include at least four (4) samples of previous work, including at least one example involving the certification of municipal groundwater rights in Oregon.
6. Capacity. Explain Proposer's workload capacity with the level of service required by the City.
7. Fee Proposal, including billable rates for any person proposed to work on the project, along with any additional charges that might be incurred.
8. Nondiscrimination. Written affirmation that the firm has a policy of nondiscrimination in employment because of race, age, color, sex, religion, national origin, mental or physical handicap, political affiliation, marital status, or other protected class, and has a drug-free workplace policy.

PROPOSAL EVALUATION

Each Proposal will be evaluated on its completeness and quality of content based on evaluation criteria identified below. All Proposals deemed responsive will be reviewed by the City Administrator based on the following evaluation criteria and scoring:

Cover letter	5 points
Proposer's Qualifications/Team	25 points
Proposer's Experience/Demonstrated Results	25 points
Proposer's Approach/Work Plan	25 points
Fee Proposal	20 points

Interviews with proposers may be part of the review process if deemed necessary by the City Administrator. The City reserves the right to contact references as part of the decision-making process and prior to making a final



selection. Upon completion of the evaluation process, the City intends to negotiate a final Professional Services Agreement with the selected Proposer.

NOTICE OF INTENT TO AWARD

Responsive proposers to this RFP will be notified of the City's intent to award a contract not less than seven (7) days prior to the award of the contract.

PROTEST OF AWARD

A Proposer may protest the award of a contract if the proposer is adversely affected because the proposer would be eligible to be awarded the contract in the event that the protest were successful and the reason for the protest is that all lower bids or higher ranked proposals are nonresponsive, the City failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the RFP, the City abused its discretion in rejecting the protestor's proposal as nonresponsive, or the City's evaluation of proposals or the City's subsequent determination of award is otherwise in violation of ORS Chapter 279A or ORS Chapter 279B.

Award protests must be delivered in writing to Steve Dahl at steve.dahl@dundeecity.org with the subject line of "RFP Award Protest – Water Rights" no later than seven (7) days after the issuance of the notice of intent to award. The written protest must specify the grounds for the protest to be considered by the City.

CONTRACT NEGOTIATION

If the City and the highest ranked Proposer are unable for any reason to negotiate a contract, the City reserves the right to negotiate with the next highest ranked Proposer. The negotiation process may continue in this manner until an agreement is reached or the City terminates this RFP.

The City of Dundee is an Equal Opportunity/Affirmative Action Employer. Women, Minorities and Disabled Persons are encouraged to apply.