

ST. LOUIS COUNTY PORT AUTHORITY

REQUEST FOR PROPOSALS

FOR

**REPAIR AND REPLACEMENT OF A RETAINING WALL BORDERING
THE FORMER JAMESTOWN MALL PROPERTY IN ST. LOUIS
COUNTY**

**Proposals Due:
November 4, 2022 by 3:00 PM CST
St. Louis County Port Authority
John Maupin, Chair
c/o Sandberg Phoenix & Von Gontard, P.C.
120 S. Central Ave., Suite 1600
Clayton, MO 63105
Attn: Andrew C. Ruben, Esq.**

REQUEST FOR PROPOSALS

CONTENTS

1. Introduction and Terms
2. Scope of Work
3. Contract
4. Instructions to Bidders
5. Terms and Conditions
6. Submission of Bids

FORMS & ATTACHMENTS:

Project Specifications (Appendix A)

Draft Contract (Exhibit 1)

Bid Proposal Form (Exhibit 2)

Bid Bond (Exhibit 3)

1. INTRODUCTION

The St. Louis County Port Authority (the “**Port Authority**”) was established pursuant to Chapter 68 of the Missouri Revised Statutes for the purposes of promoting the general welfare of and within the port district, which includes all of St. Louis County, advancing the economic interests of residents, fostering increased employment opportunities, and promoting trade and industry in St. Louis County, Missouri. The Port Authority is supported by staff from the St. Louis Economic Development Partnership as well as outside consultants and professional service providers.

The Port Authority is the owner of an approximately 140-acre property located at the former Jamestown Mall site in St. Louis County, Missouri 63034 (the “**Property**”). The Property is located at the intersection of N. Lindbergh Blvd (US Highway 67) and Old Jamestown Rd, one mile west of the recently expanded Missouri Route 367. Located at the Southern border of the Property, bordering 14439 Silver Fox Dr., 14449 Silver Fox Dr., and 14434 Silver Fox Dr. is a retaining wall that separates the Property from the neighboring properties. The Port Authority is in need of replacement of the retaining wall and preventative maintenance, as needed (the “**Project**”).

The Port Authority issues this Request for Proposals (the “**RFP**”) from qualified contractors to complete the Project.

2. SCOPE OF WORK

Pursuant to this RFP, the Project shall include, and the successful contractor shall provide all labor, equipment, supervision, administration, financing and insurance necessary to perform the work specified in the retaining wall specifications attached hereto as **Appendix A**. This includes but is not limited to: (1) site preparation; (2) block placement and reinforcement; (3) wall backfill; (4) wall drainage; and (5) subsequent protections of wall and fence installation.

The Contractor shall at all times observe and comply with all such laws, ordinances, regulations, orders, and decrees, and shall protect and indemnify the Port Authority, St. Louis County, and its representatives against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order, or decree, whether by itself or its employees.

3. CONTRACT

The Port Authority intends to award a lump sum contract, in substantially the form attached hereto as Exhibit 1 (the “**Contract**”), to the lowest responsible and responsive bidder. The Contract shall not be modified by exceptions noted in any proposals submitted in response to this invitation for bids. **Please note that the Scope of Work and all applicable requirements for the Project are set forth in the RFP and the Exhibits attached hereto.** Each bidder should

review and familiarize itself with all provisions and requirements of the Contract, specifically including but not limited to the Scope of Work as set forth herein.

The pricing proposals set forth in the Bid Proposal Form (attached hereto as Exhibit 2) submitted in response to this invitation for bids should cover all of the conditions as set forth in the Contract, precisely as specified and without deviation or alteration of any kind. Submission of a bid in response to this invitation for bids is a firm representation by the bidder that it is prepared to execute immediately the Contract for the Scope of Work, pricing proposal, and schedule set forth in its bid, if and to the extent selected by the Port Authority.

In addition, please note that a performance and payment bond and insurance coverage in accordance with the specifications identified in Exhibit 1 must be provided to Port Authority by the successful bidder within ten (10) calendar days of receipt of the contract award notice.

4. INSTRUCTIONS TO BIDDERS

All bids received will be required to include, and will be evaluated based upon, the following:

- a. Experience of Firm and Assigned Personnel. Indicate prior experience of the individual or firm with similar projects. Designate the individual(s) who would have primary responsibility for the Project. Indicate the name, years of service, years of service in particular capacity, and years of experience maintaining similar equipment of personnel to be assigned.
- b. Approach and Timeline. Provide a detailed description of the firm's approach to fulfil the Scope of Work identified herein. The description of the firm's approach should include a detailed timeline.
- c. Approach to Diversity, Equity, and Inclusion. It is the policy of the Port Authority that businesses owned by socially and economically disadvantaged individuals (DBE's) have the maximum opportunity to participate in the performance of contracts financed by the Port Authority. In this regard, the Port Authority has established for the Project a goal of 24% participation by MBE's and 9.5% participation by WBE's in this Project. Bidders should make (and document) their best commercially reasonable efforts to meet these goals if at all possible. A five percent (5%) bid discount shall be applied to MBE bidders during the evaluation process. The bid discount shall lower the eligible MBE bidder's bid but shall not reduce the final contract award amount. In order to qualify for the bid discount, the eligible MBE bidder shall include with its bid a copy of a current MBE certification approval letter issued by a federal, state, or local governmental entity.
- d. Insurance. Proof of proper insurance required as specified in the Contract.

- e. Guaranty. A bid guaranty in the amount of five percent (5%) of the base bid price, in the form of a certified check or Bid Bond (see Exhibit 3), must be submitted with the bid proposal in order to be considered for award.
- f. Bid Proposal Form. The Bid Proposal Form (attached as Exhibit 2).

The Port Authority actively encourages submission of proposals from disadvantaged business enterprises and companies owned by minorities, women, immigrants, and veterans. The Port Authority does not discriminate on the basis of race, color, religion, creed, sex, sexual orientation, gender identity, age, ancestry, national origin, disability, or veteran status in consideration of this award. Equal Opportunity Employer.

5. TERMS AND CONDITIONS

The following terms and conditions apply to all proposals:

1. The Port Authority reserves the right to reject any and all proposals submitted; to select one or more responding parties; to void this RFP and the review process and/or terminate negotiations at any time; to select separate responding parties for various components of the scope of services; and to select a final party/parties from among the proposals received in response to this RFP. Additionally, any and all RFP project elements, requirements and schedules are subject to change and modification. The Port Authority also reserves the unqualified right to modify, suspend, or terminate at its sole discretion any and all aspects of this RFP process, to obtain further information from any and all responding parties, and to waive any defects as to form or content of the RFP or any responses by any party.
2. This RFP does not commit the Port Authority to award a contract, defray any costs incurred in the preparation of a response to this RFP, or contract for any services. All submitted responses to this RFP become the property of the Port Authority as public records. All proposals may be subject to public review, on request, unless exempted as discussed elsewhere in this RFP.
3. By accepting this RFP and/or submitting a proposal in response thereto, each responding party agrees for itself, its successors and assigns, to hold the Port Authority, the St. Louis Economic Development Partnership and its affiliated entities, St. Louis County, and all of their various agents, commissioners, directors, consultants, attorneys, officers and employees harmless from and against any and all claims and demands of whatever nature or type, which any such responding company, its representatives, agents, contractors, successors or assigns may have against any of them as a result of issuing this RFP, revising this RFP, conducting the selection process and subsequent negotiations, making a final recommendation, selecting a responding party/parties or negotiating or executing an agreement incorporating the commitments of the selected responding party.

4. By submitting responses, each responding party acknowledges having read this RFP in its entirety and agrees to all terms and conditions set out in this RFP. Bids shall be open and valid for a period of thirty (30) days from the due date of this RFP.

6. SUBMISSION OF BIDS

To be considered, proposals must be received no later than November 4, 2022, at 3:00 PM CST, at which time said bids will be publicly opened and read via Zoom, which can be accessed by link:

<https://us06web.zoom.us/j/81041513706?pwd=Z2hsNEVXb0FueThhbGRVYWlLTnBUdz09>

and by phone at 1 (646) 931-3860, passcode: 81041513706. No award of contract will be made at the bid opening. Depending upon the status of any local, state or federal rules and regulations then in place regarding public gatherings as a result of the Covid-19 pandemic, or in the Port Authority's own judgment, the Port Authority reserves the right to conduct the public bid opening by video conference and/or provide alternate opportunities and means for bidders to review the submitted bids consistent with applicable state law.

Electronic proposals should be sent by email to aruben@sandbergphoenix.com and HBean@stlpartnership.com.

St. Louis County Port Authority
John Maupin, Chairman
c/o Sandberg Phoenix & Von Gontard, P.C.
Attn: Andrew C. Ruben, Esq.
120 S. Central Avenue, Suite 1600
Clayton, MO 63105
314-435-4909

Please direct inquiries related to this RFP to Andrew C. Ruben, Esq., at 314-425-4909 or aruben@sandbergphoenix.com.

Appendix A

[INSERT SPECIFICATION RECEIVED FROM MIDWEST TESTING]

EXHIBIT 1

[FORM OF CONTRACT]

EXHIBIT 2

Bid Proposal

ST. LOUIS COUNTY PORT AUTHORITY

**REPAIR AND REPLACEMENT OF RETAINING WALL BORDERING THE FORMER
JAMESTOWN MALL PROPERTY IN ST. LOUIS COUNTY**

Bid of _____
(Bidder's Name) (Bidder's Federal I.D. #)

a Corporation or limited liability company organized and existing under the laws of the State of _____

or a partnership or joint venture consisting of _____

or an individual, trading as _____

A. Bid Proposal Submission:

The Bidder shall complete and execute this Bid Proposal and enclose it in an envelope that is **sealed** and **clearly marked** with the Bidder's Name, Project Name, and the date of Bid Proposal submission. The Bidder must submit its sealed Bid Proposal to the Owner in accordance with the instructions set forth in the Request for Proposals and Instructions to Bidders.

B. Bidder:

All Bidders must be properly registered with and possess valid contractor or trade licenses from all applicable regulatory agencies required to perform the work at the time of submission of this bid. **Time is of the essence for completion of all projects in this package.**

C. Subcontractors:

Bidder hereby certifies that the following subcontractors will be used in the performance of the Work. All such subcontractors are subject to Port Authority's approval.

NOTE: Failure to list subcontractors for each category of work identified on the Bid Proposal or the listing of more than one Subcontractor for any category without designating the portion of work to be performed by each may result in rejection of the bid. If the Bidder intends to perform any designated sub-contract work with the use of her or his own employees, she or he shall indicate this in the space below.

Name and Address of Subcontractors

Work to be Performed

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

(Please attach additional sheets if necessary to extend Subcontractor list.)

E. Price:

1. The undersigned, as Bidder, declares:
 - That this Bid Proposal is made, without collusion with any other person, firm or corporation;
 - That the Bidder has carefully examined the form of the Contract, Request for Proposals and Instructions to Bidders, Addenda, Specifications, Plans and all other Contract Documents;
 - That the Bidder has carefully examined the location, condition and classes of material for the proposed work;
 - That the Bidder agrees that it will provide all necessary machinery, tools, apparatus and other means of construction and will do all work and furnish all the materials called for in the Contract Documents in the manner therein prescribed; and
 - That this Bid Proposal is submitted inclusive of all costs of insurance and required Bonds

2. In submitting this Bid Proposal, the Bidder agrees:
 - That the Owner has the right to reject this Bid Proposal in accordance with the Request for Proposals and Instructions to Bidders.
 - To hold the Base Bid Price set forth in this Bid Proposal open for a period of sixty (60) calendar days from the date of the public opening and reading of the Bid Proposals, unless this time period is extended by mutual agreement of the Bidder and the Owner.
 - To accomplish the work at the price bid, in accordance with the Contract Documents.

3. Base Bid Price:

- Total amount for the furnishing of all labor, materials, services, equipment and appliances required in conjunction with and properly incidental to all work, in conformance with all Contract Documents. In case of a discrepancy between the amount shown in words and the amount shown in figures, **the amount shown in words shall govern.**

BASE BID PRICE:

(In Words)

\$ _____

(In Figures)

4. Bid Bond:

The Bidder shall attach to this Bid Proposal a certified cashier's check or Bid Bond, having a value of five percent (5%) of the total base bid amount. Cashier's checks and Bid Bonds shall be returned to all unsuccessful Bidders in accordance with the Request for Proposals and Instructions to Bidders.

5. MBE/WBE Participation:

In accordance with the goals established in the RFP and Instructions to Bidders, the following is Bidder's proposed MBE and WBE participation percentage:

Aggregate MBE Participation _____ **% of Base Bid**

Aggregate WBE Participation _____ **% of Base Bid**

As a condition of any Bid Award, Bidder agrees to submit supporting documentation with respect to the above and its efforts to meet Owner's MWBE participation goals within three (3) business days of being notified that it is one of the three (3) apparent low bidders.

6. Proposed Schedule:

Bidder proposes to substantially complete the Work for the indicated Bid Price within:

_____ **Calendar Days from receipt of a Notice to Proceed (please complete)**

7. Addenda:

The Bidder acknowledges receipt and incorporated into this bid of the following Addenda:

Number: _____

Dated: _____

F. CERTIFICATION

The Bidder hereby certifies to the best of its knowledge and belief and under penalty of perjury under the laws of the United States and the State of Missouri:

1. That all information provided herein is accurate and truthful.
2. That an affirmative action program of equal employment opportunity, in accordance with the requirements of Missouri Law, has been adopted by this organization to ensure that applicants are employed and employees are treated without regard to their race, creed, color, national origin, ancestry, marital status, sex, or affectional or sexual orientation, and that the selection and utilization of contractors, subcontractors, consultants, materials suppliers and equipment lessors shall be done without regard to their race, creed, color, national origin, ancestry, marital status, sex, or affectional or sexual orientation. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeships. The Bidder agrees to post in conspicuous places, available to employees and applicants for employment, Notices to be provided by the Owner setting forth provisions of this nondiscrimination clause. Said affirmative action program addresses both the internal recruitment, employment and utilization of minorities and the external recruitment policy regarding minority contractors, subcontractors, consultants, materials suppliers and equipment lessors.
3. That Bidder has and will comply with and adhere to the provisions of the Copeland Anti-Kickback Act (18 USC 874) as Supplemented in Department of Labor regulations (29 CFR, Part 3), that the enclosed bid is genuine and not collusive or sham; that Bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any other bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement, collusion, communication, conference, or otherwise, with any person, to fix the bid price of Bidder or of any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against any person interested in the proposed contract; and that all statements in said proposal of bid are true and that the prices quoted in the enclosed bid are fair and proper and not tainted by any collusion, conspiracy and connivance and place responsibility on, in addition to the Bidder, its agents, representatives, owners, employees, or parties of interest.
4. That neither the Bidder nor its principals:
 - A. are currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from bidding or contracting by any agency of government including but not limited to federal, state, regional, county or local government agency, in this or any other state including any department, division, commission, authority, office, branch, section and political subdivision or other governmental or quasi-governmental entity;
 - B. have, within a three-year period preceding this bid, been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public federal, state or local contract; violation of federal or state antitrust statutes or commission of

embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

- C. are currently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (B) of this certification; and
 - D. have, within a three-year period preceding this bid, had one or more public contracts (federal, state or local) terminated for cause or default.
5. The Bidder has current, valid contractor or trade licenses and permits required under applicable Missouri law for any trade or specialty area in which the firm seeks to perform work.
 6. During the term of construction of the project(s) that comprise this package, the Bidder will have in place a suitable quality control and quality assurance program and an appropriate safety and health plan.
 7. **Where the Bidder is unable to certify to any of the statements in this certification, the Bidder shall explain below.**

[Signature Page on Following Page]

IN WITNESS WHEREOF, the Bidder has caused this instrument to be signed, attested to and sealed.

Bidder: _____
(Legal Firm Name)

By: _____
(Signature) _____
(Printed or Typed Name)

Title: _____

Address: _____

Telephone No.: _____

Fax No.: _____

Date: _____

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

Subscribed and sworn to before me this _____ day of _____, 2020.

Notary Public

My commission expires:

END OF BID PROPOSAL

EXHIBIT 3

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, _____
_____ as PRINCIPAL AND
_____ as SURETY are held and
firmly bound unto St. Louis County Port Authority, in the penal sum of
_____ Dollars, (\$ _____) lawful money of the
United States for the payment of which sum well and truly to be made, we bind ourselves, our
heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these
presents.

THE CONDITIONS OF THIS OBLIGATION IS SUCH that whereas the Principal has
submitted the accompanying bid dated _____, 2022, for
_____ in the _____

NOW THEREFORE, if the Principal shall not withdraw said bid within the period specified
therein after the opening of same, or, if no period be specified within thirty (30) days after said
opening, and shall within the period specified therefore, or if no period be specified within ten
(10) days after the prescribed forms are presented to him for signature, enter into the Contract set
forth in the Request for Proposals with the St. Louis County Port Authority in accordance with
the bid accepted, and give bond with good and sufficient surety or sureties, as may be required,
for the faithful performance and proper fulfillment of such contract; if in the event withdrawal of
said bid within the period specified, or the failure to enter into such contract and give such bond
within the time specified, if the Principal shall pay the St. Louis County Port Authority the
difference between the amount specified in said bid and the amount for which the St. Louis
County Port Authority may procure the required work or supplies or both, if the latter be in
excess of the former, then the above obligation shall be void and of no effect, otherwise to
remain in full force and virtue.

IN WITNESS WHEREOF, the above mentioned parties have executed this instrument under
their several seals this _____ day of _____, 2022; the name and corporate seal of each
corporate party being hereto affixed and these presents duly signed by its undersigned
representative, pursuant to authority of its governing body.

In presence of:

Attest: _____ (Seal)
Principal

Business Address

Attest: _____ (Seal)
Partnership

Address

By: _____ (Seal)

Attest: _____ (Seal)
Corporate Surety

Business Address

By: _____ (Seal)

The rate of premium of this bond is \$_____ per thousand. The total amount of premium is \$_____. The above is to be filled in by the surety company, and the power of attorney of the person signing for the surety company must be attached.

Countersigned:

By: _____

* Attorney-in-fact, State of

* Power of attorney for person signing for the surety company must be attached to bond.