

REQUEST FOR PROPOSALS
FOR
PUBLIC-PRIVATE PARTNERSHIP (P3)
FINANCIAL AND TRANSACTIONAL ADVISOR
SERVICES



February 2, 2022

PUBLIC NOTICE

February 2, 2022

The County of Currituck, North Carolina (“County”) requests proposals from interested and qualified firms (“Proposer”) for public-private partnership (P3) financial and transactional advisor services associated with Currituck County’s Moyock Regional Wastewater Treatment Plant.

The Request for Proposals (RFP) package in digital Portable Document Format (PDF) shall be requested from Crystal Owens, Contract Purchasing Agent by email at Crystal.Owens@CurrituckCountyNC.Gov. The County is not responsible for full or partial sets of RFP documents, including addendum, obtained from any other source.

Proposer shall submit an electronic copy of its proposal in PDF format to Crystal Owens by email at Crystal.Owens@CurrituckCountyNC.Gov no later than 4:00 p.m. Eastern Standard Time (EST) on Wednesday, March 2, 2022. Submittals received after the due date and time will not be considered. The Proposer’s name and project title should be clearly displayed in the email subject line and attachment title. It is the sole responsibility of the Proposer to ensure receipt of its proposal to the County. Confirmation of receipt by telephone can be made directly to Crystal Owens at 252-232-2381.

The County reserves the right to negotiate with any and all individuals or firms that submit proposals. The County further reserves the right to reject all offers or award a contract which, in its judgment, is in the best interest of Currituck County. The County reserves the right to waive any informality. Small Business Entities, Women Owned Businesses and Minority Owned Businesses are encouraged to submit proposals.

INSTRUCTIONS TO PROPOSERS

Proposal Submission

Proposer shall submit one (1) digital copy of its proposal in PDF format to Crystal Owens, Contract Purchasing Agent, by email to Crystal.Owens@CurrituckCountyNC.Gov no later than 4:00 p.m. EST on Wednesday, March 2, 2022. Submittals received after the due date and time will not be considered. The responding firm's name and the project name should be clearly displayed in the email subject line and attachment.

It is the sole responsibility of the Proposer to ensure receipt of its proposal to the County. Confirmation of receipt by telephone can be made directly to Crystal Owens at 252-232-2381.

Proposal Format

Proposals should be formatted on 8-1/2" by 11" paper. Pages with organizational charts matrices, or diagrams may be formatted on larger sheets. Type size should be no smaller than 11 points for narrative sections, but may be reduced for captions, footnotes, etc., while maintaining legible. Non-conforming submissions may be removed from consideration.

Addenda and Questions & Answers

Written questions and requests for clarification shall be submitted via email to Crystal.Owens@CurrituckCountyNC.Gov no later than 4:00 p.m. EST on Thursday, February 17, 2022. To the extent Currituck County determines to respond to questions and requests for clarification, responses and any supplemental instructions will be in the form of a final written addendum, which if issued, will be emailed to all firms holding this RFP no later than 4:00 p.m. EST on Thursday, February 24, 2022. All addenda shall become part of the RFP.

Communications

All communication of any nature with respect to this RFP shall be addressed to the Contract Purchasing Agent by email. Violation of this provision may lead to the removal of a proposal from consideration.

Anticipated Schedule

Request for Proposals advertisement	February 2, 2022
Deadline for submittal of questions	February 17, 2022
Proposals due	March 2, 2022
Selection	March 16, 2022
Notice to Proceed	April 20, 2022

SCOPE OF SERVICES

Background

Currituck County owns and operates the Moyock Regional Wastewater Treatment Plant (“WWTP”) serving portions of the Moyock area in northern Currituck County. The existing WWTP came online in 2013 and consists of a 99,000 gallon per day (gpd) treatment system.

The WWTP struggled to meet state parameter limits, and as a result, the County entered into a Special Order by Consent (SOC) with the North Carolina Department of Environmental Quality (NCDEQ) in August 2017. The SOC included a restoration of the WWTP to ensure the plant was configured back to original design standards.

In August 2018, the County elected to remedy the existing plant issues and expand the WWTP, and retained Anlauf Engineering, PLLC to design a 200,000 gpd expansion. In December 2018, the County entered into an agreement with Envirolink, Inc. for the operations, management, and maintenance of the WWTP.

Efforts to restore the plant to its original configuration proved unsuccessful. The SOC was amended in July 2019 and required the County undertake the following activities:

- On or before September 2019, install and operate a temporary, mobile 60,000 gpd wastewater treatment system during which time the existing plant would be temporarily shut down.
- On or before October 1, 2019, submit a permit modification application to upgrade the existing wastewater treatment system and/or to construct a new 200,000 gpd wastewater treatment and disposal system. Also, complete repairs to existing infiltration disposal system.
- On or before March 1, 2020, begin upgrades to the existing wastewater treatment system and/or construction of a new 200,000 gpd wastewater treatment and disposal system.
- On or before September 1, 2020, complete upgrades to the existing wastewater treatment system and put the existing wastewater treatment system back in operation while maintaining operation of the temporary mobile wastewater treatment system.
- On or before January 1, 2021, achieve compliance with all permit conditions with the existing wastewater treatment system and remove the temporary, mobile 60,000 gpd wastewater treatment system.
- On or before March 1, 2021, complete construction and begin operation of the new 200,000 gpd wastewater treatment and disposal system.

In August 2019, the County entered into an agreement with Envirolink, Inc. for the lease of two (2) 60,000 gallon per day mobile wastewater treatment plants to be utilized at the existing site until repairs were made.

Bids for the 200,000 gpd expansion project were received on April 22, 2020, but the project was not awarded as bids exceeded available funds.

In August 2020, the County retained Hazen and Sawyer, P.C. to complete a conceptual process assessment of the WWTP. Based on the recommendations of the study, the County decided to abandon the existing treatment system and install a new treatment technology with a treatment

capacity of 99,000 gallons per day.

Upon further consideration, the County elected to move forward with the construction of a 200,000 gpd treatment plant. The SOC was amended again in May 2021 and requires construction of the new plant to be completed by October 1, 2024. Hazen and Sawyer, P.C. was selected to design the new treatment system in June 2021.

In September 2021, following review of existing flows, allocated flows, and anticipated development, the County requested a modified proposal for the design of a 200,000 gpd plant and an alternate 300,000 gpd wastewater facility. Hazen and Sawyer, P.C. provided an updated opinion of cost of construction of the 300,000 gpd expansion of \$14.8 million.

Following receipt of the updated project cost estimate, the Board of Commissioners met to discuss financial impacts to the County and to customers. Concerns were voiced over potential tax increases and rate increases. The Board discussed sale of the system and public-private partnership opportunities. In January 2022, the Board decided to evaluate the feasibility of a public-private partnership.

To date, the mobile plants continue to operate at the existing site and the WWTP remains out of compliance with state permit limits.

Scope of Services

The County requests proposals for P3 financial and transactional advisor services associated with Currituck County's Moyock Regional Wastewater Treatment Plant.

The Proposer may provide, but is not limited to providing, the following services:

- Assist in project scoping and feasibility
- Conduct financial and cash flow analyses
- Perform valuation of system
- Develop risk assessment to inform risk allocation and financial analysis
- Evaluate market readiness
- Conduct a Value for Money (VfM) analysis
- Perform evaluation of proposed transactions
- Identify impacts to the organization
- Provide recommendations for contract structuring and financing
- Draft development contract including risk allocation, structuring of supervening events, structure of termination clauses, and payment mechanisms
- Assist in development of Request for Qualifications and review of Statements of Qualifications
- Assist with contract negotiations

PROPOSAL EVALUATION CRITERIA, SCORING, AND SELECTION

These instructions outline the guidelines governing the proposal and the approach to be used in its development and presentation. The intent of the RFP is to encourage responses that clearly communicate the Proposer's understanding of the County's requirements. Only that information which is essential to an understanding and evaluation of the proposal should be submitted. Items not specifically and explicitly related to the RFP, e.g., brochures, marketing material, etc. will not be considered in the evaluation.

Section 1: Profile of the Firm (20 Total Points)

The Proposer shall provide:

- a. Legal Name of Firm; Date of Firm Formation
- b. Legal Business Description (Individual, Partnership, Corporation, Joint Venture, etc.)
- c. Principal Office Location; Location of office that will be conducting the work if different than Principal Office
- d. Name and contact information of Authorized Representative
- e. A summary of any litigation, claim(s), or contract disputes filed by or against the firm in the past five (5) years which is related to the services that the firm provides in the regular course of business. If no litigation, claims, or contract disputes exist, state "not applicable."
- f. A statement of conflicts (if any) the proposing entity or key employees may have regarding these services. The statement should include conflicts, as well as any working relationships that may be perceived by disinterested parties as a conflict. If no potential conflicts of interests are identified, state "not applicable."
- g. A statement on the availability and commitment of the firm, its principal(s) and assigned professionals to undertake the project. Include a description of the firm's current workload.
- h. An organizational chart of project team members, including any subconsultants, to be assigned to this project.

Section 2: Experience of the Firm (40 Total Points)

The Proposer shall describe the firms' P3 project capabilities and experience in evaluating P3 projects.

Each project example provided must include the following:

- a. Project description – Include an explanation of why experience on the project will benefit the County on the proposed project. Where applicable, describe similarities in the scope of the example provided and the proposed project.
- b. Identify project team members and their role.
- c. Client Reference Contact Information.

Section 3: Project Approach (40 Total Points)

The Proposer shall:

- a. Describe the firm's methodology and approach for evaluating the feasibility of a P3 project as well as for developing a P3 project. The description shall demonstrate the Proposer's understanding of the project scope and requirements.
- b. Provide a proposed outline of tasks, deliverables and schedules based on the desired scope of services. Identify the extent of County involvement deemed necessary, including key decision points at each stage of the project. Major proposed deviations from the desired scope of services outlined above should be clearly noted and justified.

Section 4: Fee Proposal (Not included in Evaluation Score)

The Proposer shall provide:

- a. A fee proposal for the provided scope of services including fixed costs, fees, expenses, reimbursable costs, and any other anticipated costs.
- b. An hourly rate schedule and description of services performed beyond the normal scope of services that would be included in a contract. Specify any additional expenses such as travel and lodging. These should include the number of firm personnel that would be needed on each trip.

Evaluation and Selection Process

Proposals will be evaluated based on the Proposer's responses to the requirements of this RFP. Evaluations will focus on relative strengths, weaknesses, and deficiencies associated with proposals. The County reserves the right to obtain clarification or additional information with any proposer regarding its proposal.

All proposers will be notified of the selection results. Final recommendation of any selected firm is subject to the approval of County officials. The County reserves the sole right to select the most qualified firm(s) deemed to be in the best interest of the County.

The County will negotiate with the most qualified firm at a compensation which is considered to be fair and reasonable to the County. In the event a satisfactory contract with the firm considered to be most qualified cannot be reached, negotiations with that firm shall be formally terminated. Negotiations will then proceed with the remaining ranked firms in the same manner until an agreement is reached, unless it is determined that it is in the best interest of the County that the process be terminated or modified.

GENERAL TERMS AND CONDITIONS

Duties and Obligations of Proposers in the RFP Process

Interested proposers are expected to fully inform themselves as to all conditions, requirements and specifications of this RFP before submitting a proposal. Proposers must perform their own evaluation and due diligence verification of all information and data provided by the County. The County makes no representations or warranties regarding any information or data provided by the County. Proposers are expected to promptly notify the County in writing to report any ambiguity, inconsistency or error in this RFP. Failure to notify will constitute a waiver of claim of ambiguity, inconsistency or error.

No Collusion, Bribery or Conflict of Interest

By responding to this RFP, the Proposer shall be deemed to have represented and warranted that its proposal submittal is not made in connection with any competing firm submitting a separate response to this RFP and is in all respects fair and without collusion or fraud. Furthermore, the Proposer certifies that neither it, any of its affiliates or subconsultants, nor any employees of any of the foregoing has bribed, or attempted to bribe, an officer or employee of the County, or other government official at the state or federal level, in connection with this RFP.

Public Records

Upon receipt by the County, each SOQ becomes the property of the County and is considered a public record except for material that qualifies as "Trade Secret" information under N.C. Gen. Stat. § 66-152 et seq. Proposals will be reviewed by the County's evaluation committee, as well as other County staff and members of the general public who submit public record requests after a selection result has been announced to the public.

To properly designate material as a trade secret under these circumstances, each Proposer must take the following precautions: (a) any trade secrets submitted by the Proposer should be submitted in a separate, sealed envelope marked "Trade Secret – Confidential and Proprietary Information – Do Not Disclose Except for the Purpose of Evaluating this Qualification package," and (b) the same trade secret/confidentiality designation should be stamped on each page of the trade secret materials contained in the envelope.

In providing a proposal, each Proposer agrees that the County may reveal any trade secret materials contained in such response to the evaluation committee. Furthermore, each proposer agrees to indemnify and hold harmless the County and each of its officers, employees and agents from all costs, damages and expenses incurred in connection with refusing to disclose any material that the Proposer has designated as a trade secret. Any proposer that designates its entire proposal as a trade secret may be removed from consideration.

Cost of Proposal Preparation

The County accepts no liability for the costs and expenses incurred by Proposers in preparing and submitting qualifications, discussions, or negotiations. Each Proposer that enters into the procurement process shall prepare the required materials and submittals at its own expense and with the express understanding that the Proposer cannot make any claims whatsoever for reimbursement from the County for the costs and expenses associated with the procurement process. The RFP does not commit the County to pay for any costs incurred prior to the execution of a final contract.

County's Reserved Rights and Options

The County expects to select one or more Proposers but reserves the right to request substitutions of any key team member, including staff and sub-consultants. The County reserves the right to contact any Proposer

if such is deemed desirable by the County to obtain any additional information including but not limited to experience, qualifications, abilities, equipment, facilities, and financial standing. The County reserves the right to conduct investigations with respect to the qualifications and experience of any Proposer.

The County reserves the right to modify any part of this RFP by issuing one or more addenda during the RFP response period. The County reserves the right to reject any or all responses to the RFP, to advertise for new RFP responses, or to accept any RFP response, in whole or part, deemed to be in the best interest of the County. The County reserves the right to waive technicalities and informalities.

This RFP does not constitute an offer by the County. A response to this RFP shall not be construed as a contract, nor indicate a commitment of any kind. No binding contract, obligation to negotiate, or any other obligation shall be created on the part of the County unless the County and the Proposer execute a contract. The County may select the Proposer to engage in further discussions. The commencement of such discussions, however, does not signify a commitment by the County to execute a contract or to continue discussions. The County can terminate discussions at any time and for any reason. No recommendations or conclusions from this RFP process concerning the Proposer shall constitute a right (property or otherwise) under the Constitution of the United States or under the Constitution, case law, or statutory law of North Carolina.

Minimum Insurance and Bonding Requirements

Successful proposers must have the financial capacity to undertake the work and assume associated liability. The successful proposer will be required to furnish proof of insurance coverage in the minimum amounts specified below:

- a. Professional liability insurance coverage in the minimum amount of \$1,000,000;
- b. Automobile liability in the minimum amount of \$1,000,000;
- c. Commercial general liability in the minimum amount of \$2,000,000; and
- d. Workers' compensation insurance as required by North Carolina statutes.

Registration with Secretary of State for North Carolina

Any proposer wishing to be considered for the project must be properly registered with the Office of the Secretary of State at the time of submission of the proposal. The proposer(s) selected under this RFP will be responsible for providing all professional, technical, managerial, and administrative staff with the appropriate skills and qualifications to complete the project.

No Lobbying

The Proposer certifies that it has not and will not pay any person or organization to influence or attempt to influence an officer or employee of the County or the State of North Carolina in connection with obtaining a contract under this RFP.

Compliance with Anti-Discrimination and Equal Opportunity Laws and Regulations

The County will not discriminate against any proposers because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment. Proposers must comply with all applicable anti-discrimination and equal opportunity statutes, regulations, and Executive Orders.