



American Samoa Power Authority

P.O. Box PPB, AS 96799

Email: procurement@aspower.com; Website: www.aspower.com

Tel. (684) 699-3057



**REQUEST FOR PROPOSAL (RFP)
A&E DESIGN**

**FOR THE DESIGN OF
“THE HDPE PIPE UPGRADE & REPLACEMENT PROJECT – PHASE II TUALAUTA”**

December 23, 2020

RFP NO.: ASPA21.016.ESD- WTR

APPROVED FOR ISSUANCE BY:

**WALLON YOUNG
EXECUTIVE DIRECTOR**

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NOTICE TO OFFERORS

REQUEST FOR PROPOSAL (RFP)

ISSUANCE DATE: December 23, 2020
RFP No.: ASPA21.016.ESD-WTR
PROJECT: HDPE Pipe Upgrade & Replacement Project – Phase II Tualauta
CLOSING DATE/TIME: January 24, 2021, @ 2:00 p.m. American Samoa time

The American Samoa Power Authority including its successors and assigns (collectively referred to as “ASPA”) invites you to submit a proposal for the construction of the HDPE Pipe Upgrade & Replacement Project – Phase II in the Villages of Tafuna, Iliili, Malaeimi, Vaitogi & Pava’ia’i, Tualauta County, American Samoa. This project is part of ASPA's effort to improve its service to the people of American Samoa. This project is fully funded by the US-EPA. The selected Offeror must provide a proposal that specifically and completely addresses a plan for the completion of the tasks which are detailed in the Request for Proposal (RFP) Packet Attachment B, Scope of Work (SOW).

A complete RFP package may be picked up from the ASPA Procurement Office located inside the New Operations Building at the Tafuna ASPA compound. You may also view this RFP online at ASPA’s website, www.aspower.com. For more information about this RFP, please contact the following person(s):

Renee Mata’utia
Procurement Manager
Procurement Office
PH: 684-699-3057
bids@aspower.com

The American Samoa Power Authority reserves the right to:

1. Reject all proposals and reissue a new or amended RFP;
2. Request additional information from any Offeror;
3. Select a firm for award based on other criteria than “least cost” (e.g. capability to complete work in a timely fashion or proven technical capabilities);
4. Negotiate a contract with the Offeror that is selected for award;
5. Waive any non-material violations of rules set up in this RFP at its sole discretion;
6. Require the Offeror to provide payment and performance bonds; and
7. Assign all of its rights and obligations, including the assignment of the RFP or any contracts awarded pursuant to this RFP and assignment of its ownership and/or management of the project.

Wallon Young, Executive Director

Date

PROPOSAL INVITATION

RENEE MATAUTIA, PROCUREMENT MANAGER
AMERICAN SAMOA POWER AUTHORITY
Procurement Office
P.O. BOX PPB
PAGO PAGO, AS 96799
(684) 699-3057
bids@aspower.com

DATED ISSUED: December 23, 2020

PROPOSAL INVITATION NO: RFP No.ASPA21.016-ESD-WTR

INSTRUCTIONS:

- 1) This REQUEST FOR PROPOSAL shall require a **Cost Proposal** to be submitted in a separate sealed envelope, box, or other enclosure
- 2) All required submittals, including the Cost Proposal must be addressed to the ASPA Procurement Manager at the above listed address.
- 3) **Five (5)** original copies and one (1) PDF of the complete proposal must be received at the ASPA Procurement Office no later than **January 24, 2021 @ 2:00pm American Samoa Time.**
- 4) The envelope or box must be labeled **“RFP No. ASPA21.016.ESD-WTR “HDPE Pipes Upgrade & Replacement Project – Phase II Tualauta”**
- 5) **Late submittals will not be opened or considered and will be determined as non-responsive.**
- 6) A pre-proposal meeting will be held on **Wednesday, December 31, 2020, at 10:00 a.m.** at ASPA Materials Management Conference Room.
- 7) Any and all **pre-proposal questions** and/or clarifications shall be submitted to RENEE MATAUTIA by email at bids@aspower.com or by hard copy no later than **January 8, 2021 at 2:00 pm.**
- 8) ASPA shall issue addenda to address questions and/or clarifications as necessary on **January 15, 2021 or soonest available.**

NOTE TO OFFERORS:

This proposal is subject to the attached General Terms and Conditions of **“RFP No. ASPA21.016.ESD-WTR “HDPE Pipes Upgrade & Replacement Project – Phase II Tualauta”**.

The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective terms listed on the schedule of the cost proposal. In consideration of the expense to the American Samoa Power Authority in opening, tabulating, and evaluating this and other proposals, and other considerations such as the schedule, the undersigned agrees that this proposal shall remain firm and irrevocable within **Sixty (60)** calendar days from the closing date to supply any or all of the items for which prices are quoted.

Signed: _____

Date: _____

American Samoa Power Authority

SPECIAL REMINDER TO PROSPECTIVE OFFERORS

OFFERORS are reminded to read the Proposal Invitation Instructions and General Terms and Conditions attached to the RFP and to verify that each submittal requirement (see boxes to be checked below) of the RFP is enclosed in the submittal envelope prior to the date and time of proposal opening.

[X] 1. PROPOSAL FORMS

- a. Proposal Invitation Form (Page 4)
- b. Proposal Transmittal Form (Attachment A)
- c. OFFERORS Qualification Sheet (Attachment C)
- d. Disclosure Statement (Attachment D)
- e. Non-Collusion Statement (Attachment E)
- f. Bid Bond Security Instructions (Attachment F)

[X] 2. BOND FORMS

- a. Bid Bond Security Instructions (Attachment F)
- b. Bid Bond Form (Attachment G) or cashier's check for 10% of the total bid amount
 - i. All Bid Bonds must be in the form included in the contract Documents. The Bid Bond and all other surety bonds required by ASPA, to be valid, must be accompanied by:
 - a) Current certificate of Authority issued by the insurance commissioner of the State where the surety has its primary place of business together with evidence acceptable to ASPA that applicable bonds will be valid in American Samoa.
 - b) Power of Attorney issued by the Surety to the Resident General Agent.
 - c) Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.

NOTICE TO ALL INSURANCE AND BONDING INSTITUTIONS:

All bonds must be accompanied by or include, as applicable, the signatures of the Offeror, two (2) Major Officers of the Surety and the Resident General Agent, if the Surety is a foreign or alien surety.

When the form is submitted to the **American Samoa Power Authority**, it should be accompanied with copies of the following:

- A. Current Certificate of Authority to do business in American Samoa issued by the Department of Treasury-Revenue and Taxation.
- B. Power of Attorney issued by the Surety to the Resident General Agent.
- C. Power of Attorney issued by two (2) Major Officers of the Surety to whoever is signing on their behalf.

The Bid Bond must be effective no later than the bid opening date.

[X] 3. BUSINESS LICENSE

Per **Section XV** of this document, the Offeror shall submit a current American Samoa business license, or must be able to obtain an American Samoa business license prior to the execution of a contract under this RFP.

[X] 4. TECHNICAL PROPOSAL

The Technical Proposal shall follow the Scope of Work as outlined in Attachment B of this document.

[X] 5. CONTRACT COST PROPOSAL

The Offeror shall submit a separately sealed cost proposal for the proposal.

[X] 6. SPECIAL REMINDER FORM

This form must be completed and submitted.

All required forms must be signed and returned with the proposal envelope. Failure to comply with these requirements may result in disqualification or rejection of the proposal.

I, _____ the duly authorized representative

of _____, acknowledge receipt of this special reminder to prospective offerors together with **“RFP No. ASPA21.016.ESD-WTR “HDPE Pipes Upgrade & Replacement Project – Phase II Tualauta”** as of this date, _____ 20__.

Signature of Offeror’s Representative

SIGNIFICANT DATES

The following are significant anticipated Scheduling and Contract Dates for this RFP:

| | |
|---------------------------------|---|
| <u>December 23, 2020</u> | Proposal advertisement |
| <u>December 31, 2020</u> | Pre-proposal meeting (10am at the MM Conference Room) |
| <u>January 8, 2021</u> | Deadline for submitting questions and or clarifications |
| <u>January 15, 2021</u> | Issue addenda to address questions and or clarifications as necessary. |
| <u>January 24, 2021</u> | Proposal submittal closing date (2:00 pm American Samoa Time) |

DATES ARE SUBJECT TO CHANGE AT ASPA’S DISCRETION

AMERICAN SAMOA POWER AUTHORITY

GENERAL TERMS AND CONDITIONS

FOR

HDPE Pipes Upgrade & Replacement Project – Phase II Tualauta

I. INTRODUCTION

This project will serve and benefit all residents of American Sāmoa. The 2010 and 2013 US-EPA/AS-EPA Sanitary Survey of the ASPA Public Water System identified several significant deficiencies in the system with the high Non-Revenue Water being a major one. The majority of leaks detected on the water mains were found at the ACP joints and HDPE pipes.

The total length of HDPE pipes in the Tualauta area system is more than 80,000 LF. This project will upgrade and replace approximately 16,000 LF of existing 2” and 1” HDPE with 6”Ø PVC-O water lines. All proposed work will occur within the footprint of existing ASPA facilities or existing road right-of-way.

II. PROJECT BACKGROUND INFORMATION

This project will benefit residents in the Villages of Pavaiai, Iliili, Malaeimi and Tafuna on the Island of Tutuila in the Territory of American Samoa. The project will focus on the improvements to the ASPA- owned water supply, water quality improvement as stipulated by the United States Environmental Protection Agency.

- A. The intent of this RFP is to have an agreement based on the successful completion of the SOW (Attachment B).

III. AUTHORITY

- A. ASPA was formally established through legislative action by the American Samoa Government (ASG) in 1981.
- B. ASPA generates and distributes electrical power and provides water, wastewater, and solid waste services for the islands of American Samoa:
 - 1. As a separate and semi-autonomous authority, ASPA was established to afford better accountability for the utilities’ operations and cost of service.
 - 2. ASPA is governed by a five-member Board of Directors which are appointed by the Governor of American Samoa and confirmed by the legislature.
 - 3. ASPA’s utility rates are developed and promulgated in accordance with ASG Administrative Procedures Act (ASCA § 4.1001 et. seq.) and specific guidelines within the Public Utility Regulatory Policies Act (“PURPA”) for electricity.
 - 4. ASPA has authority to contract for the procurement of supplies, equipment, materials, personal services, and construction with any public or private entity upon terms and conditions it finds necessary to the full and convenient exercise of its purposes and powers (ASCA § 15.0102).

IV. DATE/TIME/PLACE OF PROPOSAL SUBMITTAL

- A. Each Offeror must submit its proposal in a sealed envelope addressed to:

Renee Mata’utia

Procurement Manager
P.O. Box PPB
Pago Pago, AS 96799

- B. **Five (5) original hard copies** and one (1) PDF copy of the proposal must be received in the Office of Procurement on or before **January 24, 2021 at 2:00 p.m. American Samoa time.**
- C. Late submittals will not be opened or considered and will be determined as non-responsive.
- D. All Offerors shall provide sufficient written and verifiable information that responds to the requirements of the RFP and in accordance with the SOW.

V. PRE-PROPOSAL MEETING

- A. A non-mandatory Pre-Proposal Meeting will be held on **Thursday, December 31, 2020 at 10:00 AM** at Material Management conference room. All Offerors are encourage to attend this meeting.

VI. PRE-PROPOSAL QUESTIONS

- A. Any pre-proposal questions and/or clarifications shall be submitted in writing to Renee Mata'utia by email at bids@aspower.com or in hard copy to the address listed above in **Section IV** of this document.
- B. Pre-proposal questions must be received no later than **Friday, January 8, 2021 @ 2pm** American Samoa Time. ASPA will then issue addenda to address any questions and/or clarifications as may be necessary.

VII. ADDENDA

- 1. ASPA reserves the right to issue addenda for any changes to this RFP.
- 2. OFFERORS will be requested to send a signed "Receipt of Addenda" to ASPA for each addendum that may be issued.

VIII. PROPOSAL PREPARATION INSTRUCTIONS

The response to this RFP shall include, but need not be limited to, the information described below. All information submitted shall pertain to the legal entity, subsidiary, or affiliate which will execute the ultimate construction contract.

A. Contractor Qualifications and Experience:

The Offeror shall describe the qualifications of the Contractor and each principal subcontractor, including examples of ongoing or recent construction contracts that are similar in scope, size and complexity to the one described herein.

B. Confirmation of Subcontractors:

The Offeror shall provide letters of intent from each of the nominated sub-contractors including and a clear description of the services proposed including any limitations. All sub-contractors shall agree, that upon request by ASPA they will sign any forms, documents or agreements reasonably requested by ASPA relating to the assignment of this RFP or any contracts awarded pursuant to this RFP.

C. Work plan and Schedule

The Offeror shall provide a brief summary of a construction program and shall nominate any further documentation that is deemed necessary prior to providing final pricing.

D. Price

The Offeror's price submittal shall be presented in a breakdown format.

The proposed price breakdown should identify all SOW costs including:

- 1. Professional services;
- 2. All required and applicable materials, labor, and equipment for design;
- 3. Incident materials,

4. Miscellaneous/Incidental items.

Offerors shall prepare their proposals in detail accordingly.

ASPA reserves the right to reject any proposal when, in its opinion, the Offeror has insufficient experience, responsibility, skill, financial standing or business standing to perform the proposed service in strict compliance with the specifications, or when the information provided by the Offeror is deemed by the SEB (as defined in Section XI below) as insufficient for making a judgment.

ASPA also reserves the right to check on references and to request additional information from any Offeror to assist ASPA in its considerations of the proposals.

IX. CONTRACT AND PAYMENT TERM

- A. The term for this contract is **60** calendar days.
- B. The contract term shall be initiated by the issuance of a Notice to Proceed by ASPA at which time a contract completion date will be established.
- C. ASPA will retain the sole option to renew or extend the contract after its initial term.
- D. Successful Offeror shall either (i) agree to have ASPA retain 20% of the Contract amount, which will be retained by ASPA from each monthly invoice/pay application submitted by the contractor for approval of payment, for a period of 30 days after the successful completion of the project or (ii) provide payment and performance bonds in the event that the requirement set forth in (i) hereunder is unable to be satisfied and/or if the financial condition of the Offeror is deemed by the SEB or ASPA as insufficient.

X. TYPE OF CONTRACT

- A. The successful Offeror will provide services to ASPA under a firm fixed-price, itemized contract agreement.
- B. The successful Offeror shall be an independent contractor and not an agent or employee of the American Samoa Power Authority.
- C. The successful Offeror shall furnish the necessary personnel, materials, insurance, licenses, permits, equipment, ground transportation to and from work areas, and otherwise do all things necessary to perform the work and services specified in the SOW and to the satisfaction of ASPA's Project Engineer.
 - 1. The Contractor must at all times comply with all applicable workman's compensation, occupational disease, occupational health and safety laws, statutes, and regulations to the full extent applicable.
 - 2. ASPA will not be held responsible in any way for claims filed by the successful Offeror or its employees for services employed under the terms of this RFP or the contract.
- D. Payment will be made in percentages commensurate with 10%, 30%, 60%, 90% draft and Final Submittals for each deliverable.

| DESCRIPTION | PERCENTAGE (%) |
|--------------------------|----------------|
| Mobilization | 10 |
| Conceptual Design | 30 |
| Preliminary Design | 60 |
| Pre-Final Design & specs | 90 |
| Final Design & specs | 100 |

XI. BASIS FOR SELECTION

Proposals will be evaluated by a Source Evaluation Board (“SEB”). SEB members shall be appointed by the Procurement Manager approved by the Executive Director. Submission of a proposal shall constitute a waiver of any challenge or dispute of the SEB members, as well as the choice of methodology set forth on the SEB score sheets. The award will be made by ASPA in accordance with the evaluation criteria set forth herein and with ASPA’s Procurement Rules.

A determination shall be made by the SEB of those responsible Offerors whose proposals are susceptible of being selected for award. The determination shall be included in the contract file. Discussions may be conducted by the SEB with those responsible Offerors whose proposals are determined to be responsive and responsible to the RFP. These discussions shall only be conducted for the purpose of obtaining clarification from the Offeror on its proposal to ensure full understanding of and responsiveness to the RFP requirements. Discussions shall be conducted individually with each offeror and care shall be exercised to ensure that no information derived from competing offeror’s proposals is disclosed. All Offerors with whom discussions are conducted shall be accorded an opportunity to revise their proposals in response to specific clarifications based on the discussions. Unless the Materials/Procurement Manager determines that satisfactory evidence exists that a “mistake” has been made, as set forth in Procurement Rules §3-114, Offerors will not be permitted to revise their proposals after proposal opening.

The results of the evaluation will be documented, and written recommendation by the SEB will be sent to the Materials/Procurement Manager. Recommendation for award is sent to the Executive Director for approval.

ASPA reserves the right to make the award to the Offeror that submits the proposal, which meets the requirements set forth herein and is in the best interests of ASPA after taking into consideration the aforementioned factors. ASPA also reserves the right to select portions of a proposal, or to reject any and all proposals.

XII. EVALUATION CRITERIA

A. The proposal must contain responses to Proposal Requirements. Points indicated are the number that can be achieved for each respective component:

| | |
|---------------------------------------|-------------------|
| 1. Firm experience and qualifications | 0 - 35 points |
| 2. Work plan/Schedule | 0 - 25 points |
| 4. Price | 0 - 40 points |
| Total points: | 100 points |

Individual SEB member evaluations will remain confidential.

B. ASPA reserves the right to make the contract award to the Offeror that submits the proposal which best meets the requirements set forth herein and which is in the best interest of ASPA after taking into consideration the aforementioned factors. ASPA recognizes that an Offeror’s price may change if payment and performance bonds are required; accordingly, Offerors may provide pricing under which such bonds are and are not required.

XIII. ATTACHMENTS

- A. Attachment A is the Proposal Transmittal Form
- B. Attachment B is the Scope of Work
- C. Attachment C is the Offeror’s Qualifications Form
- D. Attachment D is the Disclosure Statements
- E. Attachment E is the Non-Collusion Affidavit of Prime Offeror

- F. Attachment F is the Bid Bond Security Instructions
- G. Attachment G is the Bid Bond Security Form
- H. Performance and Payment Bond Requirements
- I. Bid Form
- J. Technical Specifications
- K. Drawings

XIV. QUALIFICATION OF OFFERORS

- A. At minimum, the Offeror shall submit the information required by the Offeror's Qualification Form (Attachment C) and section XXIV.
- B. ASPA may make such investigations as it deems necessary to determine the ability of the Offeror to perform the work.
- C. The Offeror shall furnish to ASPA such additional information and data for this purpose as ASPA may request, or the proposal may be deemed non-responsive.

XV. MULTIPLE PROPOSALS—COLLUSION

- A. If more than one Proposal is submitted by any one party or in the name of its clerk, partner, or other person, all Proposals submitted by said party may be rejected by ASPA.
- B. If requested by ASPA to do so, an Offeror may submit an alternate Proposal.
- C. If ASPA believes that collusions exists amongst any Offerors, the participants in such collusion will be disqualified from contract award consideration.
- D. Proposals in which the proposed costs and fees are unreasonably high or unrealistically low may be rejected at ASPA's sole discretion.

XVI. BUSINESS LICENSE

- A. An Offeror from elsewhere other than American Samoa shall be appropriately licensed in accordance with the state and/or country of the Offeror's origin and shall be skilled and regularly engaged in the general type and size of work called for under this RFP.
- B. The successful Offeror shall possess a currently valid American Samoa Business License prior to the execution of this contract.

XVII. CONTRACT DOCUMENTS

- A. The Contract Documents which govern all work set forth by this RFP consist of the following:
 - 1. This RFP;
 - 2. All addenda to this RFP;
 - 3. Any submissions pursuant to any issued addenda;
 - 4. Any clarifications as may result from Proposal evaluations;
 - 5. The Contract (or the Agreement) and any assignment of the same.

XVIII. OFFEROR'S UNDERSTANDING

- A. Each Offeror must inform itself of the conditions relating to the execution of the work.
- B. The Offeror will make itself thoroughly familiar with all the Contract Documents prior to execution of the Agreement.
- C. The Offeror agrees to execute all necessary documents, forms, and agreements reasonably requested by ASPA relating to the assignment of the RFP or any contracts awarded pursuant to this RFP.
- D. Each Offeror shall inform itself of, and the Offeror awarded the Contract shall comply with, federal and territorial statutes and ordinances relative to the execution of the work, including but not limited to, applicable regulations which concern the following:
 - 1. Wage rates;
 - 2. Non-discrimination in the employment of labor;
 - 3. Protection of public and employee safety and health;
 - 4. Environmental protection;
 - 5. Historic preservation;
 - 6. Protection of natural resources;
 - 7. Fire protection;
 - 8. Burning and non-burning requirements;
 - 9. Permits and fees;
 - 10. Similar subjects.
- E. The Offeror agrees to a proposal by the requirements under Executive Order No. 11246, as amended, including specifically the provisions of the equal opportunity clause.

XIX. USE OF SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS.

All bidders must commit to taking affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps include:

- A. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- B. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; and
- E. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

XX. COMPLIANCE WITH FEDERAL REGULATIONS

All bidders must agree to comply with applicable federal laws and regulations, including, but not limited to (i) Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor Regulations (41 CFR chapter 60); (ii) the Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3); (iii) the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5); (iv) Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5); and (v) applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency Regulations (40 CFR part 15).

XXI. WITHDRAWAL OF PROPOSAL

- A. Any proposal may be withdrawn prior to the scheduled time for the opening of Proposals by notifying ASPA in a written request.
- B. No Proposal may be withdrawn after the time scheduled for opening of Proposals.

XXII. OPENING AND EVALUATION OF PROPOSALS

- A. In accordance with Procurement Rule § 3-110, Proposals will be opened and recorded as part of the RFP record on the date and at the time indicated in **Section IV, Part B** of this document.
- B. All Proposals will be opened at the ASPA Procurement Conference Room in Tafuna, American Samoa or in another location as designated by the ASPA Procurement Manager in Writing.

XXIII. EXECUTION OF CONTRACT

Upon receiving ASPA’s Notice of Award, the successful Offeror must sign and deliver the Contract to ASPA, together with any other documents as may be required by ASPA.

XXIV. RFP CONDITIONS

- A. This RFP does not commit ASPA to award a contract or to pay any cost incurred in the preparation of this proposal.
- B. The American Samoa Power Authority reserves the right to do the following:
 - 1. Reject any Offeror for being non-responsive to the Proposal requirements which are contained in this RFP;
 - 2. Reject all proposals and reissue an amended RFP;
 - 3. Request additional information from any Offeror submitting a proposal;
 - 4. Select an Offeror for award based on other than “least cost” criteria (e.g. capability to complete work in a timely fashion or substantive and relevant work experience);
 - 5. Negotiate a contract with the Offeror selected for award;
 - 6. Freely assign its rights under the RFP or award contract to any affiliate; and
 - 7. Waive any non-material violations of rules in this RFP.
- C. ASPA reserves the right to issue any addendum to this RFP, after which the following steps will be followed:
 - 1. OFFERORS shall send ASPA a signed Receipt of Addenda from confirming the receipt of any Addendum;
 - 2. OFFERORS shall submit any additional information as is required by any Addendum;

3. If any Offeror fails to acknowledge the receipt of any such Addendum, the Offeror's proposal shall be considered irregular and will be accepted by ASPA only if it is in ASPA's best interest;
4. If any Addenda are not received prior to submittal of the Offeror's Proposal, a Supplementary Proposal may be submitted in order to revise the original Proposal;
5. Supplementary Proposals must be received by ASPA prior to the scheduled time for the opening of Proposals.

XXV. OFFEROR'S QUALIFICATION DATA

- A. It is the intention of ASPA to award the contract only to an Offeror who is able to furnish satisfactory evidence that the Offeror has the requisite experience and ability, including sufficient capital, facilities, and employees, which are necessary to prosecute the work successfully and promptly and to complete it within the term set forth in the contract.
 1. Please provide past project experience on similar projects to the RFP HDPE Pipe Upgrade & Replacement Project Phase II – Tualauta laid out in this RFP.
 2. Please list experience in American Samoa and/or in similar remote locations with limited infrastructure.
 3. Please list any sources/suppliers/manufacturers of materials and prefab elements.
 4. Please provide recommendations that might help improve the project overall in terms of maintenance and operations.
- B. The Offeror shall complete and submit the Offeror's Qualification Form (Attachment C), as part of the total proposal package.

ATTACHMENT “A”- PROPOSAL TRANSMITTAL FORM

Date: _____

AMERICAN SAMOA POWER AUTHORITY

American Samoa Government

To Whom It Concerns:

The undersigned (hereafter referred to as the Offeror) hereby proposes and agrees to furnish all of the requested submittal and proposal information pertaining to

**RFP NO. ASPA21.016.ESD-WTR
HDPE Pipe Upgrade & Replacement Project Phase II - Tualauta**

In accordance with the Scope of Work (Attachment B), General Terms and Conditions, and other procurement requirements specified in this document for the prices stated in the itemized proposal form(s) attached hereto, plus any and all sums to be added and/or deducted resulting from all extra and/or omitted work in accordance with the unit and/or lump sum prices stated in the itemized proposal form attached hereto.

The undersigned has read and understands the proposal requirements, and is familiar with and knowledgeable of the local conditions at location(s) where the work is to be performed. The Offeror has read the Request for Proposal Instructions and General Terms and Conditions attached to ascertain that all of the requirements (see check boxes) of the cost proposal are submitted in the proposal envelope, with five copies, at the date and time for proposal opening. (See Page Five of this document, “SPECIAL REMINDERS TO PROSPECTIVE OFFERORS” to verify that all four submittal requirement boxes have been checked.)

Signed Seal

Date

ATTACHMENT “B”- SCOPE OF WORK

HDPE Pipe Upgrade & Replacement Project Phase II - Tualauta

I. Scope

In accordance with the terms and conditions of the Contract, the A&E Design Contractor (DC) shall perform the work of this Request for Proposal (RFP) for the American Samoa Power Authority its successors or assigns as described below.

This work shall be designed by a single DC. The DC may be a single firm or a team of firms that includes registered Architects and Engineers either employed by or subcontracted to the DC. Licensing jurisdiction of Architects and Engineers of record shall be verifiable. The DC shall be the Architect/Engineer-of-Record, whether the DC utilizes services of licensed architects and engineers employed by its firm or subcontracts with independent architectural and/or engineering firm(s). The DC shall be solely liable for design errors and/or omissions and should be insured as the A-E firm against design errors and omissions.

All Architect-Engineer (A-E) Services required in this RFP shall be performed by licensed Architects and Engineers registered in any state of the United States of America.

The work of this RFP shall be performed in accordance with the most recent edition of the AWWA Standards, the 10 States Standards for Water Projects, and the American Samoa Power Authority Water Specifications.

II. Location

Pava'ia'i, Iliili, Malaeimi, Vaitogi and Tafuna areas.

III. Background

This project will serve and benefit all residents of American Sāmoa. The 2010 and 2013 US-EPA/AS-EPA Sanitary Survey of the ASPA Public Water System identified several significant deficiencies in the system with the high Non-Revenue Water being a major one. The majority of leaks detected on the water mains were found at the ACP joints and HDPE pipes.

The total length of HDPE pipes in the Tualauta area system is more than 80,000 LF. This project will upgrade and replace approximately 16,000 LF of existing 2" and 1" HDPE with 6"Ø PVC-O water lines. All proposed work will occur within the footprint of existing ASPA facilities or existing road right-of-way

This project will serve and benefit all residents of Pavaiai, Iliili, Malaeimi, Vaitogi and Tafuna and surrounding villages that are within this District Metered Area (DMA). The 2010 and 2013 US-EPA/AS-EPA Sanitary Survey of the ASPA Public Water System identified several significant deficiencies in the system with the major one being the high Non-Revenue Water in the system. The majority of leaks detected on the water mains are found at the AC pipe joints and HDPE pipes.

IV. Schedule

The work in this

Design (D) RFP shall be completed in accordance with the following schedule:

A. Preliminary Design Documents:

Design Development Documents submitted no later than **30** calendar days after project Notice To Proceed (NTP).

ASPA Review completed no later than **15** calendar days after submission of Preliminary Design Documents.

B. Complete Stamped and Signed Design Documents:

Complete Stamped and Signed Design Documents and written responses to the ASPA 100% Design Document review comments submitted no later than **15** calendar days after receipt of ASPA 100% Design Document review comments.

All Design Development Drawings shall be submitted to the ASPA Project Manager and assigned upon request of ASPA.

V. Data and materials to be provided by the ASPA

The following data and materials will be provided to the DC and are included in Section 5 of this RFP:

- Project Program
- Existing Drawings if available
- ASPA Water Specifications
- Other available data and materials as requested by Contractor if available

VI. Project Requirements

The project will include, but not be limited to, the following:

- The D Contractor shall furnish or arrange for the architectural and engineering services set forth herein and required for completion of the Project.
- The D Contractor shall be responsible for the quality, completeness, accuracy, and coordination of Design Documents.
- The D Contractor shall provide Design Services that meet all environmental and regulatory requirements.
- The D Contractor shall provide ASPA with a preliminary overall Project schedule covering the planning and design of the Project.
- The D Contractor shall participate in, and cooperate with, design-phase and post-operation commissioning, validation, and other third party quality assurance and quality control processes that ASPA implements, if any.
- The D Contractor shall provide technical specifications for all items to be constructed under this scope that are not already covered under the ASPA Water Specifications for approval by ASPA. Specifications shall be prepared according to the most recent Construction Standards Institute (CSI) format.
- The D Contractor shall furnish an Engineer's Cost Estimate which shall be prepared for all facilities proposed to be built under this scope. RS Means Estimating Manuals and Guidelines or equal industry standards shall be utilized.
- The D Contractor shall provide ASPA a project schedule to include all task under this scope and to be presented in Gantt Chart format.
- All work provided in this scope shall be first approved by ASPA.
- All designs, drawings, specifications, notes, and other works developed in the performance of this contract shall become the sole property of ASPA and its successors or assigns and may be used on any other design without additional compensation to the Contractor.

Permits: The D Contractor shall be responsible for obtaining all necessary permits and other governmental approvals necessary for the development of the Project and shall obtain the same at the times necessary to meet the Project Schedule. ASPA can assist with this process if required.

Archaeological Monitoring: The Contractor and ASPA will coordinate with ASHPO to insure that compliance with applicable laws are adhered to.

VII. Deliverables

The following deliverables are required (refer to Section IV for schedule):

Design Development

Draft Preliminary Design Documents:

- Documents for ASPA Review:
 - Submit 3 paper copies of the Preliminary Design Documents for review
 - Submit one electronic copy of the Preliminary Design Drawings

Complete Stamped and Signed Design Documents

Address and incorporate 100% Draft Design Documents comments into the Complete Stamped and Signed Design Documents and submit, for approval, per the following table, the record set of Complete Stamped and Signed Design Documents, ASPA archiving and general use.

| COMPLETE STAMPED AND SIGNED DB CONSTRUCTION DOCUMENTS | ELECTRONIC FORMATS * | HARDCOPY FORMATs |
|---|---------------------------------|-----------------------------|
| Design-Construction Drawings | AutoCAD & PDF | Full-Size Paper (ANSI D) |
| Construction Specifications | PDF & MS-Word | N/A |
| Product File | PDF & MS-Word | N/A |
| Design Calculations | PDF & MS-Excel | N/A |
| Written responses to the 100% Draft Design Construction Documents review comments | PDF & MS-Excel | N/A |
| | | |
| | | |

* The recipient of the electronic files is ASPA-ESD Engineering.

ATTACHMENT “C”- OFFEROR QUALIFICATION FORM

1. Name of Organization: _____
2. Business Address: _____

3. Telephone: (Home Office) _____
Business Telephone: _____
Email Address: _____
Fax Number: _____
Tax Identification Number: _____
4. Contact Person: _____
5. Type of Business (please check one):
Corporation _____ Partnership _____ Proprietorship _____ Joint Venture _____

Note: For Corporations – Articles of Incorporation Certification must be on record with the Treasurer of American Samoa. Copies of partnership agreements and articles of incorporation must be submitted to the revenue branch with application form and relevant documents. Aliens cannot operate sole ownership enterprises and partnerships with aliens are subject to immigration board review.

6. Place of Organization or State of Incorporation: _____
7. Owner’s Names and Addresses (if not a Corporation):

8. For Corporations: Names and Addresses of Directors, Officers, and Stockholders with 20% or greater interest in the company.

9. List US States and Territories where company is registered as a foreign corporation.

10. List all projects of similar scope and extent which the Offeror has conducted within the past five-years; provide the dollar value contract amount for each project. And list project owner contact information for reference inquiries.
Location and Date of Project: _____
Nature and scope of contract (provide a brief project description): _____

Name and address of awarding agency or owner for which work was performed:

Name, address, and phone number of Contact Person for the agency

Contract Amount_____ Date of Completion_____

If not completed, why?_____

Was contract performed under joint venture, if so with whom and under what arrangement?

Location and Date of Project:_____

Nature and scope of contract (provide a brief project description): _____

Name and address of awarding agency or owner for which work was performed:

Name, address, and phone number of Contact Person for the agency

Contract Amount_____ Date of Completion_____

If not completed, why?_____

Was contract performed under joint venture, if so with whom and under what arrangement?

11. List the name or names of supervisory personnel proposed to be employed on the work under this Contract, including the qualifications and experience record for each. Personnel resumes may be included within the Offeror's proposal submittal.

Name

Qualifications/Experience

-
12. List the names and addresses of at least three (3) references, one of which should be a bank or other lending institution, governmental agency, or bonding company.

Name of Reference

Address and Contact Information

| | |
|-------|-------|
| <hr/> | <hr/> |
| | <hr/> |
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ATTACHMENT “D”- DISCLOSURE STATEMENTS

This form must be completed by all offerors and submitted with the proposal.

I _____,
(Name of owner or partner- all partners must complete a form)

of _____ the Offeror, that has submitted
(Name of Company)

the attached proposal:

(Complete one of the two following statements)

1. I **have no** immediate relatives (parents, children or siblings) who are currently employed by the American Samoa Power Authority (ASPA) or the American Samoa Government (ASG)

(Signed) (Title)

2. I **have** immediate relatives (parents, children or siblings) who are currently employed by ASPA or the ASG.

Their names and positions in are as follows.

| Name | Relationship to Offeror | Position in ASPA |
|------|-------------------------|------------------|
|------|-------------------------|------------------|

| | | |
|--|--|--|
| | | |
| | | |
| | | |
| | | |

(Signed) (Title)

Note: It is not against ASPA procurement rules for the relatives of government employees to bid on and receive government contracts provided they disclose such relationships at the time of bidding.

ATTACHMENT "E"- NON-COLLUSION AFFIDAVIT OF PRIME OFFEROR

I, _____, being first duly sworn deposes and says that:

1. He/She is _____
(Owner, Partner, Representative or Agent)
of _____
(Company Name)

of Offeror that has submitted the attached bid.

2. He is fully informed regarding the preparation and contents of the attached bid and of all pertinent circumstances regarding such bid.

3. Such bid is genuine and is not a collusive or false bid.

4. Neither the said Offeror nor any of its officers, partners, owner, agents, representatives, employees or parties in interest, including this affiant, has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Offeror, firm or person to submit a collusive or false bid in connection with the Contract for which the attached bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Offeror, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against American Samoa Power Authority or any person interested in the proposed Contract; and

5. The price or prices quoted in the attached bid are fair and proper, and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Offeror or any of its agent's representatives, owners, employees, or parties in interest, including this affiant.

(Signed)

(Title)

Subscribed and sworn to before me this ____ day of _____, 20__

(Signed) _____
(Title)

My Commission expires _____, 202__

ATTACHMENT “F”- BID BOND SECURITY INSTRUCTIONS

The Bid Bond Security in the sum of 10% of the total bid amount must accompany each Bid and shall be furnished to the American Samoa Power Authority as a guarantee and will be retained until the written contract between the Contractor and ASPA is executed and the performance and labor and materials payment bonds are furnished by the Contractor. If the Contractor fails to enter into a written contract, ASPA will retain the Contractor's Bid bond as liquidated damages, but not as a penalty.

ATTACHMENT “G”- BID BOND SECURITY FORM

KNOW ALL PERSONS BY THOSE PRESENT that _____, as Principal, hereafter called the “Principal,” and _____, a duly admitted insurer under the laws of the Territory of American Samoa, as Surety, hereinafter called the “Surety”, are held firmly bound unto the American Samoa Power Authority (ASPA) for the sum of

_____ dollars (\$ _____), for payment of which in lawful money of the United States, will and truly to be made, the said Principal and the said Surety binds themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of the above obligation such that, whereas the Principal has submitted a proposal for:

RFP No. ASPA21.016.ESD-WTR “HDPE Pipe Upgrade & Replacement Project Phase II - Tualauta”

The proposed project will improve the ocean diffuser performance, longevity and general water quality in the area of the diffuser system.

Offerors must provide a document that specifically and completely addresses work tasks as specified in the Scope of Work (“SOW”)

[Signature Page Follows]

IN WITNESS WHEREOF, we have hereunto set our hands on this bid bond this _____ day of _____, 20__.

Principal: _____ Surety: _____
(Name of Firm) (Name of Firm)

By: _____ By: _____
Name: _____ Name: _____
Title: _____ Title: _____

By: _____ By: _____
Name: _____ Name: _____
Title: _____ Title: _____

Resident Agent:

By: _____
Name: _____
Title: _____

Address for Notices:

Address for Notices:

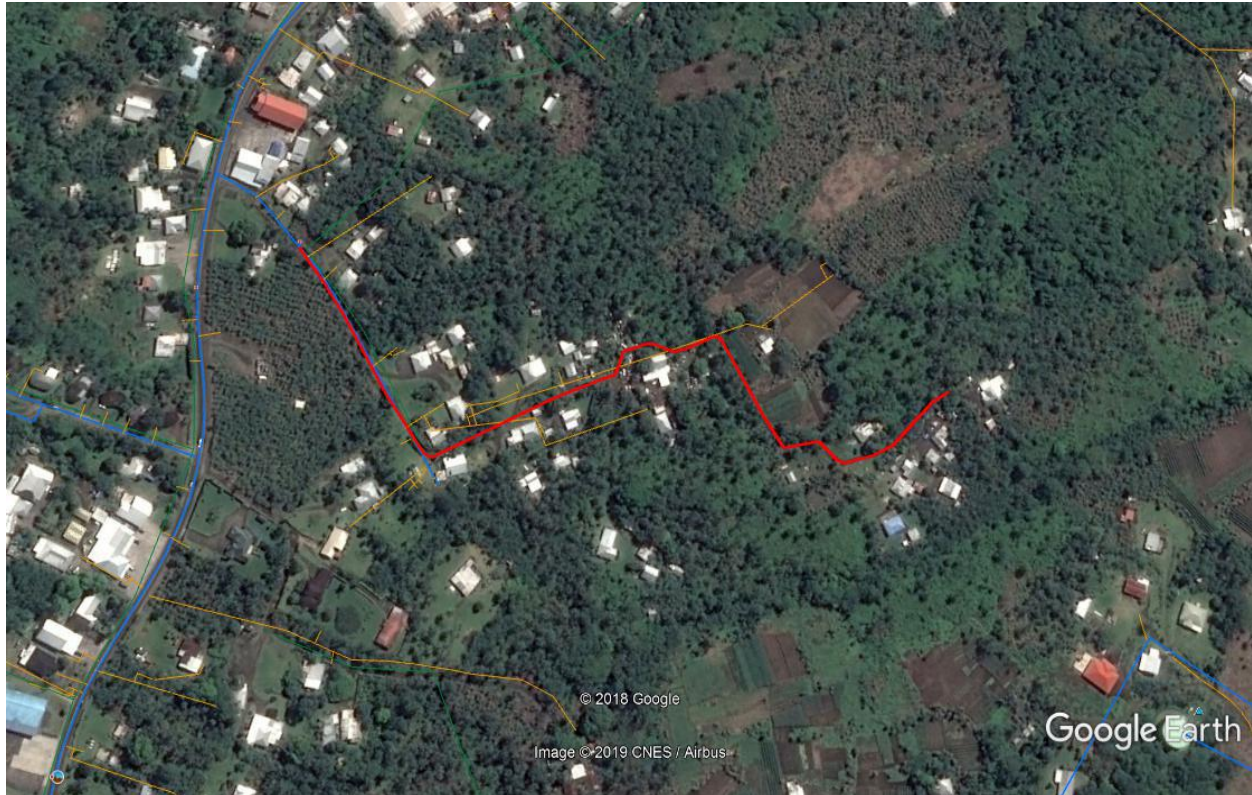
NOTE: The signature of the person executing this Bid Bond must be notarized. If an attorney-in-fact executes the bid bond on behalf of the surety, a copy of the current power of attorney bearing the notarized signature of the appropriate corporate officer must also be included with the bid bond.

ATTACHMENT “H” – SITE LOCATIONS

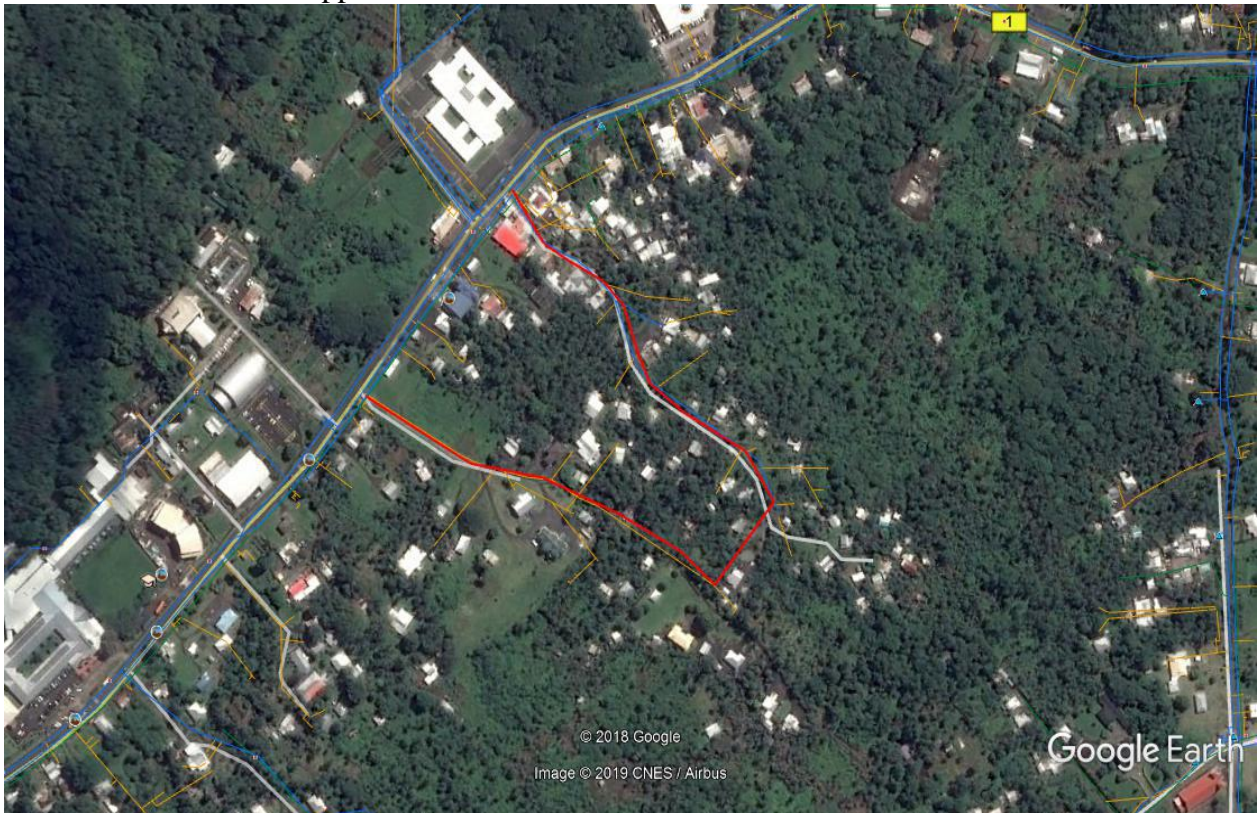
1. Tafuna: Cost-U-Less to Happy Valley: Approx. 2950LF.



2. Pava'ia'i: Catholic Church: Approx. 2250LF



3. Malaeimi: Ma Store: Approx. 3000LF.

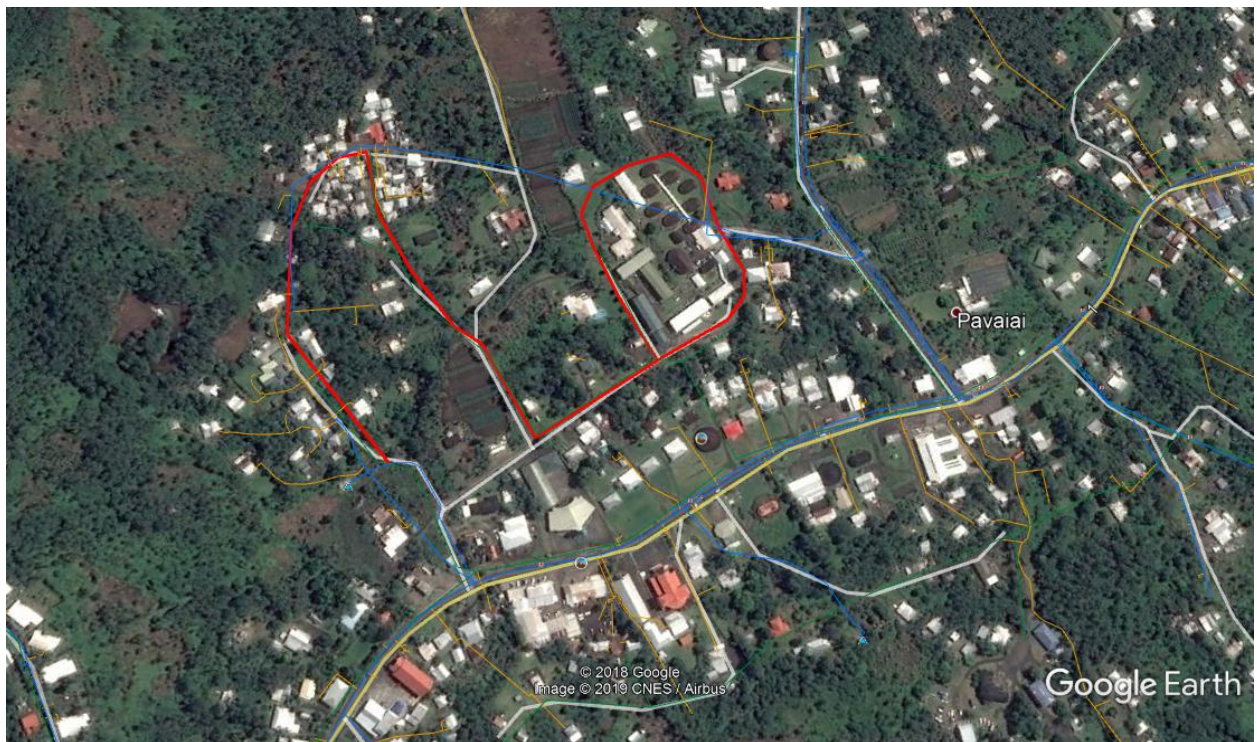


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4. Iiili: Talelei Church: Approx. 2450LF



5. Pava'ia'i: Pava'ia'i Elementary-Tongan Community: Approx. 4900LF



6. Vaitogi: Logotala (approx.. 2000lf)

