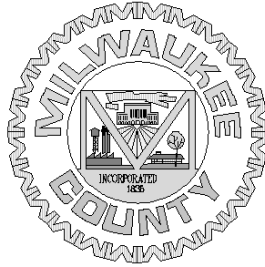


MILWAUKEE COUNTY



Department of Administrative Services

**AE&ES
Environmental Services
633 W. Wisconsin Ave 10th Floor
Milwaukee, Wisconsin 53203**

**REQUEST FOR PROPOSAL
FOR**

Lake Michigan Bluff Repairs

PROJECT NO. WY062509

November 2023

To All Interested Consultants

Project: Lake Michigan Bluff Repairs
Project No.: WY062509
Subject: REQUEST FOR PROPOSAL (RFP)

The Milwaukee County Department of Administrative Services is requesting proposals for professional consulting services to develop a strategic plan to address bluff erosion on Milwaukee County parkland along the shores of Lake Michigan. The plan shall include conceptual and preliminary designs and cost estimates for remedies intended to stabilize bluffs to prevent further erosion, enhance public safety, protect natural habitats, and protect against soil erosion and loss of parkland. The remedies are intended to address coastal erosion at the following Milwaukee County Parks: Bay View Park, Bender Park, Big Bay Park, Bradford Beach and McKinley Park, Cupertino Park, Doctors Park, Grant Park, Lake Park/Linnwood Revetment, Sheridan Park, South Shore Park, Veteran’s Park and Warnimont Park. See Figures.

I. BACKGROUND

The Milwaukee County Department of Parks, Recreation and Culture owns and maintains 13 parks on the coastline of Lake Michigan. Many of these parks contain coastal bluffs that have experienced erosion due to fluctuating lake levels and strong storms. These forces have accelerated the deterioration of conditions along the coastline, thus increasing the need for stabilization measures.

In 2020, these conditions caused wide-spread damage along the Milwaukee County coastline. Although Federal Emergency Management Agency (FEMA) funds were made available for repairs to infrastructure, damaged coastal bluffs were determined to be ineligible for FEMA funding. The parks that sustained damage in the 2020 storm include Bay View Park, Big Bay Park, Lake Park/Linnwood Revetment, Sheridan Park and Warnimont Park.

II. GENERAL PROJECT DESCRIPTION

The purpose of this project is to develop a strategic plan addressing how to stabilize bluffs and make repairs to the five bluffs listed above. The strategic plan should also include an evaluation of the bluffs at other Milwaukee County Parks including Bradford Beach and McKinley Park, Bender Park, Cupertino Park, Doctors Park, Grant Park, South Shore Park, and Veterans Park.

The development of a strategic plan shall define project areas and include options for stabilizing bluffs and making repairs to each site. The plan should include options for gray and green infrastructure (nature-based shorelines). The plan also should include high-level cost estimates for each option per site. Once the project team has selected a stabilization/repair approach, the consultant will complete pre-engineering for each site including, but not limited to geotechnical work, bathymetric surveys (if needed), determining design conditions, surveying, and the

development of a wave model for each site. Sites shall be prioritized for subsequent design efforts. The final deliverable will be a report with information needed to complete designs including refined cost estimates for design completion and planning level construction costs. The final deliverable will also include a ranked priority of bluffs for stabilization.

The County intends to secure additional capital funding and/or grant funding for the completion of the design and construction to address the bluffs.

III. **SCOPE OF CONSULTANT SERVICES:** The successful consultant shall provide all services as specified per the standard terms and conditions of the Milwaukee County Department of Administrative Services Consultant Agreement for Professional Services Type C (copy will be emailed upon request).

a. *GENERAL REQUIREMENTS*

Consultant shall develop a strategic plan for bluff stabilization along Milwaukee County's Lake Michigan coastline. The consultant shall determine effective options for bluff stabilization/repair at Bay View Park, Big Bay Park, the Linnwood Revetment, Sheridan Park and Warnimont Park and should evaluate the need for mitigation at Bender Park, Bradford Beach, Cupertino Park, Doctors Park, Grant Park, South Shore Park and Veterans Park. The consultant shall present options for each site and make recommendations for mitigation in a Mitigation Options Report. The report shall include high-level cost estimates for design and construction. The report shall inform the selection of alternatives and prioritize sites and will become the basis of a strategic plan to mitigate coastal erosion.

The consultant shall conduct pre-engineering at each site to inform the subsequent design efforts.

The County may, but will not be obligated to, extend the consultant agreement to include additional work to further or complete design efforts at any of the sites. The County reserves the right to pursue the process of hiring a different consultant for completion of design at its discretion. The scopes and fees will be reviewed and renegotiated at the time consideration is given to adding the next phases of work to the consultant's contract.

b. *BASIC SERVICES*

- i. Review Milwaukee County Coastal Resources Inventory and Milwaukee County Coastal Management Guidelines.
- ii. Attend project meetings. At a minimum, meetings will consist of the following:
 1. Kickoff/concept meeting
 2. Site visits
 3. Alternatives review meeting
 4. Progress meeting (up to 4)
 5. Final deliverable/draft discussion
- iii. Define project areas and provide mitigation options and high-level design and construction estimates for each site.
- iv. Perform pre-engineering tasks for design development as needed (geotechnical

analysis, topographic field survey, bathymetric survey, wave analysis, etc.) for future design development.

- v. Prepare refined design cost estimates and planning level construction costs for each site as needed.
- vi. Managing Project Risk:
 - 1. The Consultant shall identify, track, and work with the project team to mitigate project risk.
 - 2. The Consultant shall use the risk register provided by Milwaukee County, or approved similar tool, to track risk. The Consultant shall modify the register as appropriate for the needs of the project.
 - 3. The Consultant shall work with project stakeholders to identify the frequency that the risk register is reviewed, updated, and distributed. At a minimum the Consultant shall present the risk register to stakeholders for review and comment at the project kick off meeting and the pre-construction meeting.
 - 4. Refer to Milwaukee County AMOP 14.80.33 (Design) for additional guidance.

c. **DELIVERABLES**

- i. Mitigation Options Report/Memo
- ii. Final Report-Predesign Memo

IV. **QUALITY CONTROL**

- a. Milwaukee County reserves the right to request partial or full reimbursement from consultants for change orders resulting from errors and omissions in the services they are contracted to provide.

V. **PROJECT SCHEDULE**

- a. **11/22/23** Issue Request for Proposal
- b. **12/13/23** RFP Due
- c. **1/3/24** Selection Committee selects consultant.
- d. **1/17/24** Consultant award (will occur no sooner than this date).
- e. **12/31/24** **Completion date**

VI. **PRE-PROPOSAL MEETING**

- a. There will be an optional pre-proposal meeting via Microsoft Teams on November 29, 2023 at 9:00 AM.

Please contact Tim Detzer at timothy.detzer@milwaukeecountywi.gov or (414)278-2988 for an invitation to the meeting. Please contact us by November 28th to attend the meeting. You will need to provide an e-mail address.

VII. **RELATED WORK BY OTHERS**

- VIII. **SUBMISSION REQUIREMENTS:** The proposal shall conform to Milwaukee County's Proposal Preparation, Submission and Evaluation Guidelines (see Attachment 2). The proposal shall include the Consultant Proposal Form (Attachment 3) and the following information:

- a. Cover Page: Include project number and name, project location, consultant's name, address, telephone number, FAX number, e-mail address, proposal date, etc.
- b. Table of Contents: Include an identification of the material by section and page number.
- c. Letter of Transmittal: The name and description of the organization submitting the proposal briefly stating the proposer's understanding of the service to be provided.
- d. Description of the Organization: A description of the organization submitting the proposal. Include the name, size, legal status (corporation, partnership, etc.), professional registration/certification, major type of activity or areas of consulting.

Description of the Organization's Experience: Include a list of similar projects that the consultant has participated with during the past five years. Attach a separate sheet for each project, up to five maximum, giving a brief description of each project, the consultant's participation, and a client contact reference and phone number. Provide a list of three (3) references that can be contacted with questions regarding your past work.

- e. Description of Project Team/Resumes: Provide an organizational structure of the consultant's project team, including any subconsultants to be used for this project. Include the name of the Principal in Charge of this project along with the name, occupation and title of the Project Manager who will be in charge of this project.

Provide a one-page resume for each individual involved in the project, and include their name, title, address, telephone number, e-mail address, fax number, duties for the project, professional registration, a brief description of related experience including time contribution in this capacity to past projects, and Proposals. Provide a description of your staff's experience with sustainable design or related work. Include names of project team that are LEED-AP (accredited professionals).

- f. Sub-Consultants: Indicate the names and addresses of any sub-consultants and/or associates proposed to be used in this project. State the capacity they would be used in and the approximate percentage of the total services they would provide. Also state their past experience in the field.
- g. Project Approach: Provide a description of challenges you anticipate in this project and how you propose to overcome them. Discuss how you plan to staff the project to efficiently complete the work effort.
- h. Project Schedule to Completion: Provide a timetable and relationship of tasks which are necessary to complete this project as noted in the "Project Schedule" section of this RFP.
- i. Constant Effort: Include a spreadsheet/matrix listing the names, classifications, hourly rates and hours to be spent by each required task to complete the project as described in this RFP.

- j. TBE Firm Goals : The Targeted Business Enterprise participation goal for this project/contract is 17%
 - i. Community Business Development Partners (CBDP) is responsible for monitoring and enforcing Milwaukee County's Targeted Business Enterprise (TBE) Program for inclusion of small business. Targeted firms include DBE firms certified under the Unified Certification Program following Federal regulations and WBE and MBE certifications from the State of Wisconsin DOA.

For a non-certified firm bidding or proposing as Prime, participation may be obtained utilizing a TBE firm, whether DBE, MBE, or WBE. This allows for increased participation by providing opportunities for multiple certifications to be included in the project.

For a TBE firm bidding or proposing as Prime, the goal must be satisfied using DBE subcontractors or sub-consultants. MBE and WBE certifications count as additional participation once the goal is achieved through DBE participation. Any work a TBE Prime self-performs would be counted as additional participation in excess of the participation provided by subcontractors or sub-consultants.

Compliance reporting is accomplished from collection of data in the Diversity Management and Compliance System, utilizing B2GNow software. Prime contractors are required to report payments received from the County and amounts paid to subcontractors in the system. Subcontractors will receive an automated email requesting them to confirm the amounts and whether the terms of the prompt payments policy were followed. There is no cost to the Prime or any subcontractor, the only requirement is to become a registered user and complete the one hour webinar training.

- ii. Contact the Community Business Development Partners Office at 414-278-4747 or cbdp@milwaukeecountywi.gov for questions related to TBE and DBE requirements.

- k. **Quality Control:** Submit a contract document quality control plan. Quality control is to be performed by individuals not assigned to the project on an ongoing basis.
- l. **Fee Proposal:** The fee for this project shall be clearly stated as an actual cost not-to-exceed fee for these services. A dollar amount for reimbursable items as described in the proposal should also be clearly stated.

IX. **CONSULTANT SELECTION**

- a. Proposers must recognize this is not a bid procedure, and a Professional Services agreement will not be awarded solely on the basis of the low fee proposal. Milwaukee County reserves the right to accept or reject any and all proposals, issue addenda, request clarification, waive technicalities, alter the nature and/or scope of the proposed

project, request additional submittals, and/or discontinue this process.

The proposal evaluation team will be made up of three to five individuals with technical knowledge of the requirements and familiarity with the project. Depending on the number and quality of the proposals, Milwaukee County may decide to conduct interviews of a short-list of consultants. The evaluation team may select up to three consultants to attend an interview, which, if required, will be scheduled. The interview will be evaluated based on project team, experience and qualifications, project understanding, and the overall presentation.

The project manager will post this RFP, as well as any pre proposal meeting minutes, sign in sheets, addendums and other information related to this project to the Milwaukee County Construction RFP website:

<http://county.milwaukee.gov/ConstructionBidsandR23075.htm>

The consultant should consider information on this website to be part of the official RFP. Please check the site frequently. To allow time for proposal preparation, Milwaukee County will not post anything new within two days of the proposal due date.

X. GENERAL REQUIREMENTS

- a. The selected consultant and/or any contractor affiliated with the prime consultant shall be prohibited from submitting bids in the construction bidding process for this project.
- b. Selected consultant shall follow Milwaukee County Code of Ethics as follows: No person(s) with a personal financial interest in the approval or denial of a Contract being considered by a County department or with an agency funded and regulated by a County department, may make a campaign contribution to any County official who has approval authority over that Contract during its consideration. Contract consideration shall begin when a Contract is submitted directly to a County department or to an agency until the Contract has reached final disposition, including adoption, County Executive action, proceeding on veto (if necessary) or departmental approval.
- c. The selected consultant must be an Equal Opportunity Employer.
- d. The proposal shall conform with all attached documents. All proposals should use this RFP and its attachments as the sole basis for the proposal. The issuance of a written addendum are the only official method through which interpretation, clarification or additional information will be given.
- e. All costs for preparing a proposal, attending the selection interview if required, or supplying additional information requested by Milwaukee County, is the sole responsibility of the submitting party. Material submitted will not be returned.
- f. The proposal must be submitted in a single bound 8-1/2" x 11" document.

- g. With the signing and submission of a statement or proposal the submitting consultant certifies that the standard terms and conditions of the Agreement for Professional Services (that will be used to contract with the selected consultant) has been read and understood and that the submitting consultant is ready, willing and able to sign the agreement when requested without making any substantive changes.

Submit electronic copies of the proposal (PDF), no later than 12/13/23 by 5 p.m.

The proposals shall be addressed and submitted to:

Tim Detzer
Principal Environmental Engineer
timothy.detzer@milwaukeecountywi.gov

Please direct any questions about this RFP to Tim Detzer at 414-278-2988 or
timothy.detzer@milwaukeecountywi.gov

Sincerely,

Project Manager

Attachments: **(at a minimum)**

1. Project Location Maps (Figures1-12)
2. Proposal Preparation, Submission and Evaluation
3. Consultant Proposal Form
4. DBE / TBE Forms
5. Sample Consulting Contract

cc: A&E Director, DAS-FM
CBO Contact, DAS-FM

Owner Dept. Representative
Project Manager, DAS-FM

CBDP Contact, CBDP

ATTACHMENT 1
PROJECT LOCATION MAP

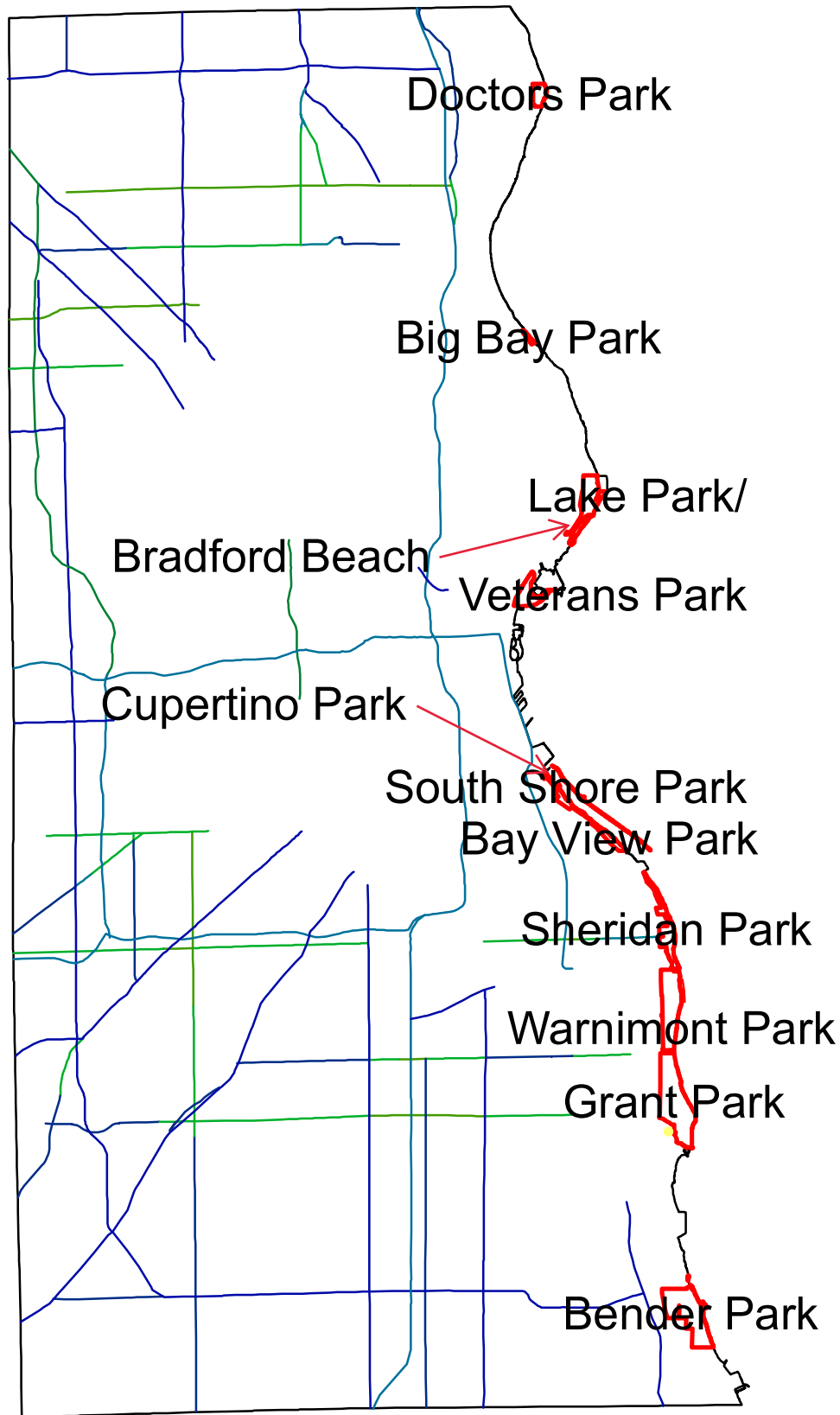
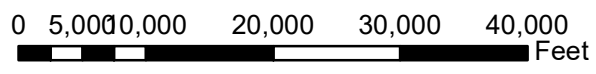


Figure 1 Lake Michigan Bluff Repairs Project Locations



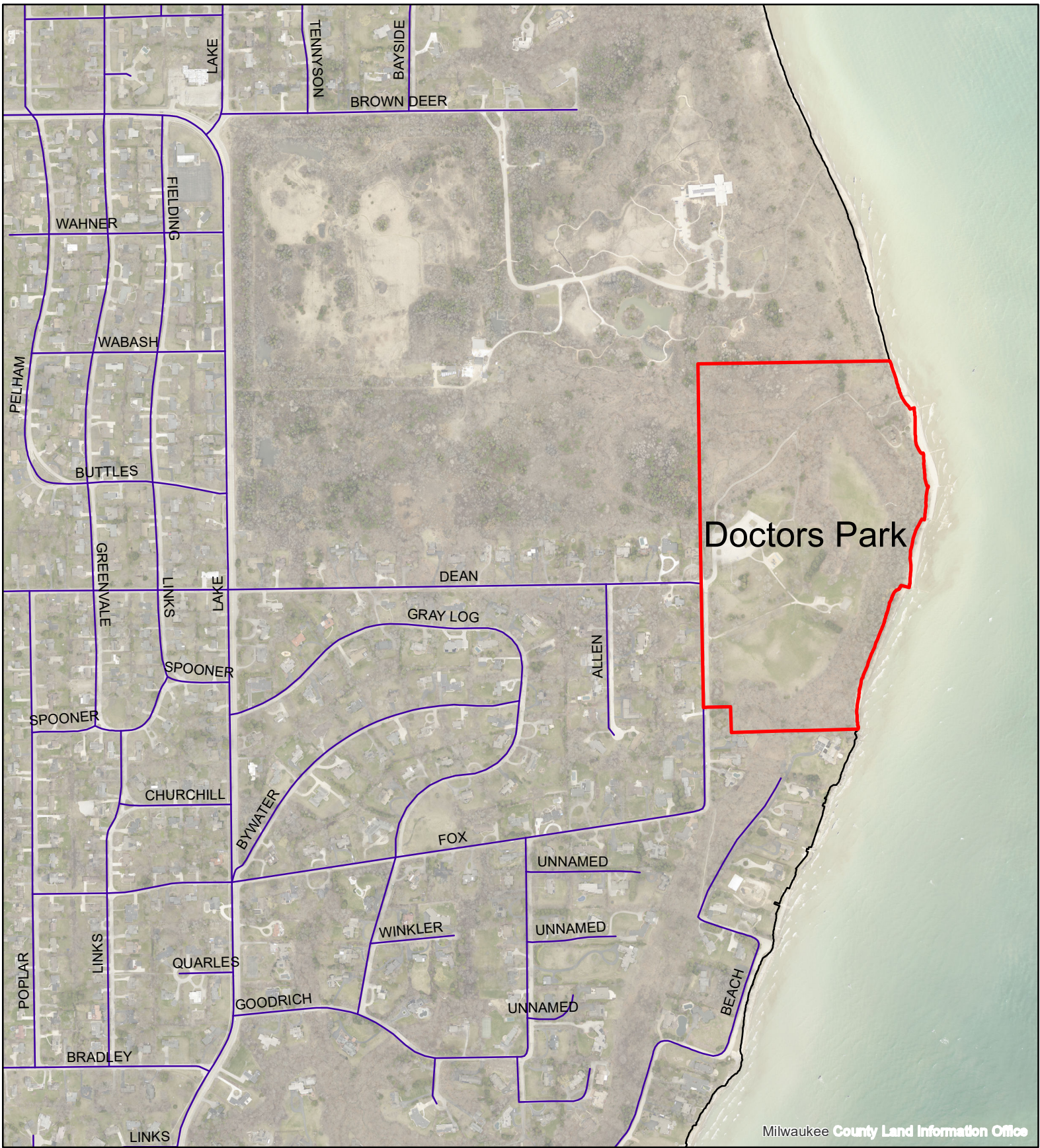


Figure 2 Lake Michigan Bluff Repairs
Doctors Park

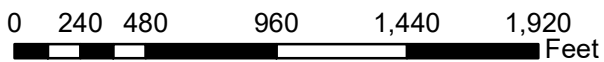




Figure 3 Lake Michigan Bluff Repairs
Big Bay Park

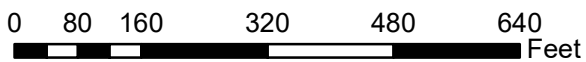




Figure 4 Lake Michigan Bluff Repairs
Linnwood Revetment

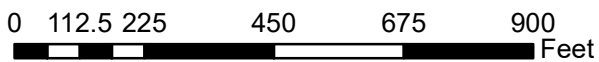




Figure 5 Lake Michigan Bluff Repairs
Bradford Beach

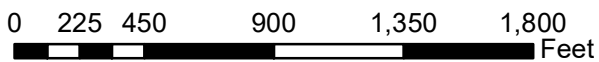




Figure 6 Lake Michigan Bluff Repairs
Veterans Park

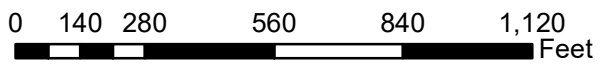




Figure 7 Lake Michigan Bluff Repairs
Cupertino Park

0 80 160 320 480 640 Feet





Figure 8 Lake Michigan Bluff Repairs
 South Shore and Bay View Parks

0 445 890 1,780 2,670 3,560 Feet



Milwaukee County Land Information Office

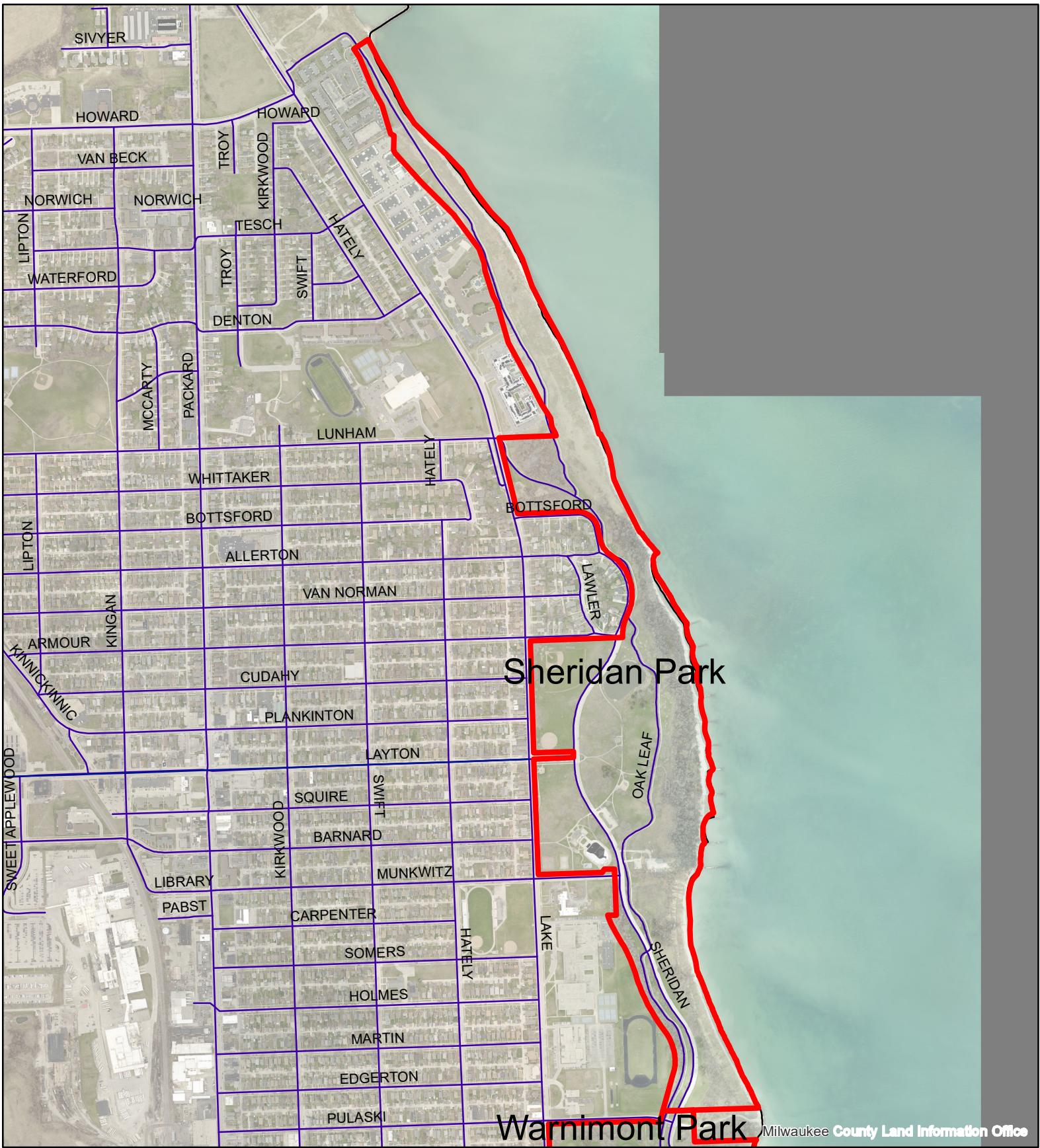
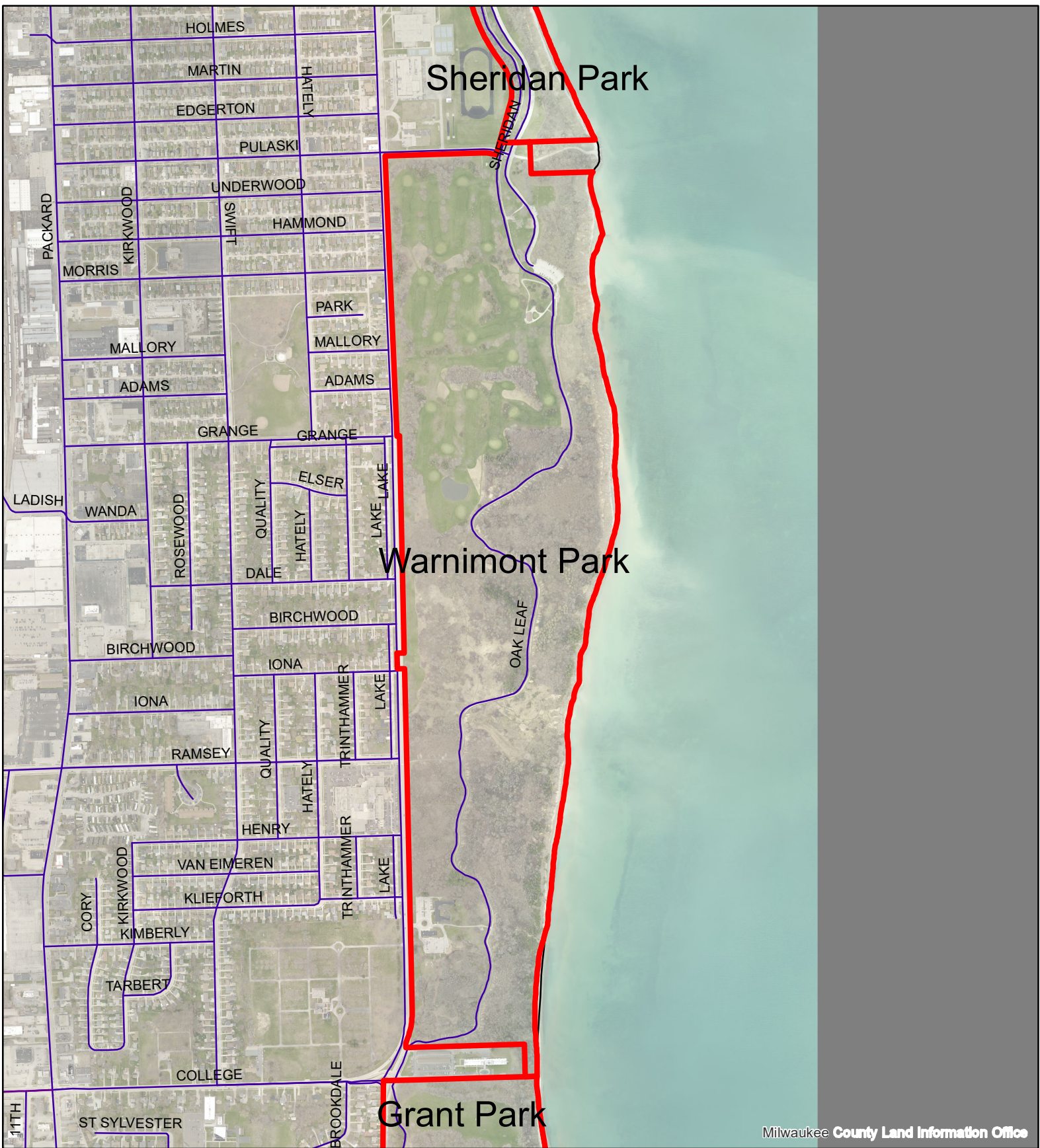


Figure 9 Lake Michigan Bluff Repairs
Sheridan Park

0 355 710 1,420 2,130 2,840 Feet





Milwaukee County Land Information Office

Figure 10 Lake Michigan Bluff Repairs
Wornimont Park

0 355 710 1,420 2,130 2,840 Feet



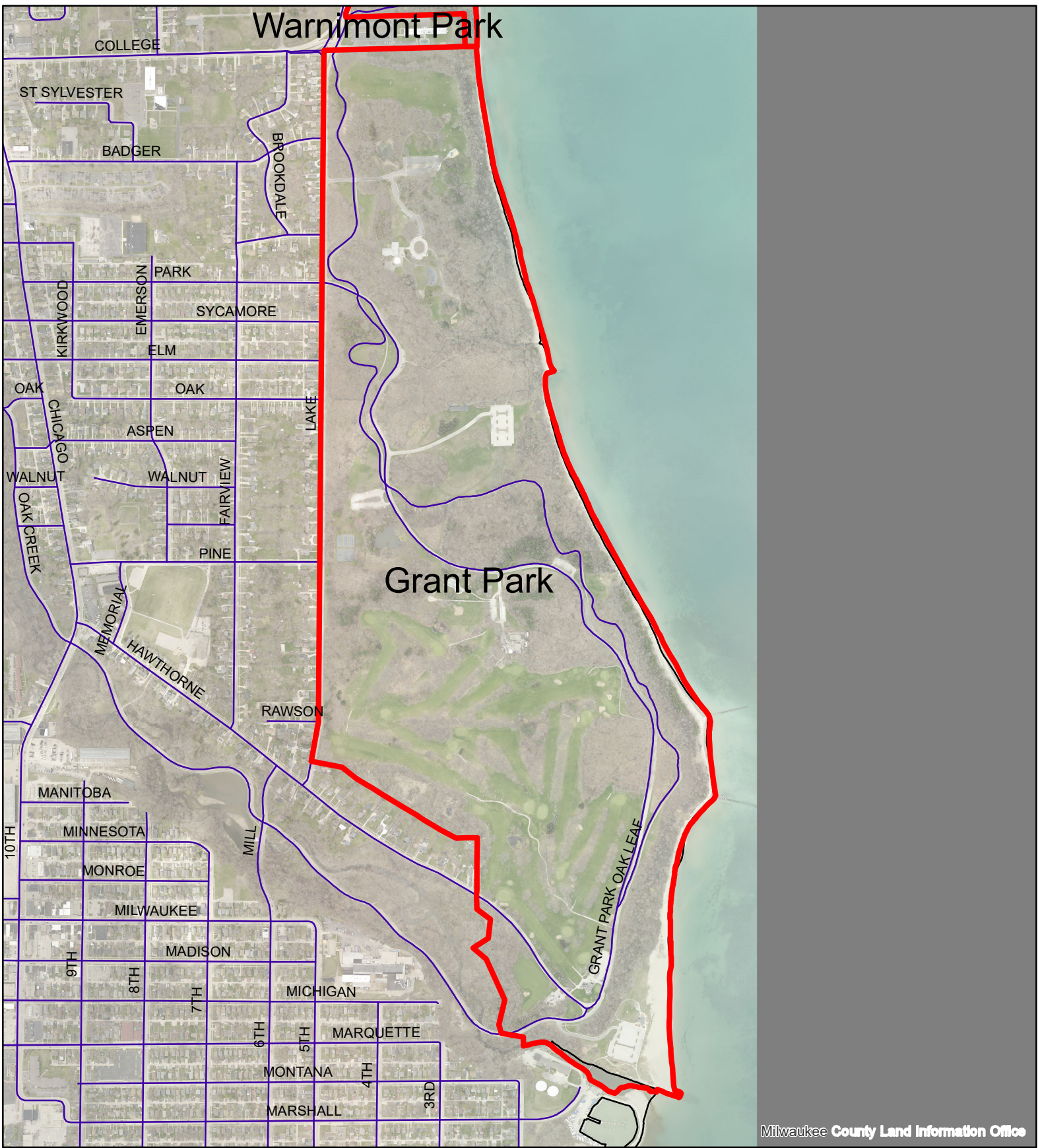


Figure 11 Lake Michigan Bluff Repairs
Grant Park

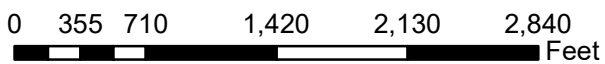
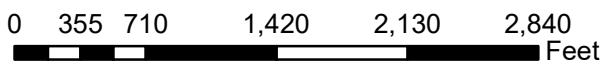




Figure 12 Lake Michigan Bluff Repairs
Bender Park



ATTACHMENT 2

PROPOSAL PREPARATION, SUBMISSION AND
EVALUATION GUIDELINES

PROPOSAL PREPARATION, SUBMISSION & EVALUATION

I. Explanation to Prospective Offerors

Any prospective offeror desiring an explanation or interpretation of this RFP must request it in writing no later than seven business days before the last date for submission of proposals. Requests should be directed to the individual in charge at the address listed in the RFP. Any information given to a prospective offeror concerning a solicitation will be furnished promptly to all other prospective offerors as an amendment to the RFP, if that information is necessary in submitting offers or if the lack of it would be prejudicial to any other prospective offerors.

II. Complete Proposals

Proposals shall represent the best efforts of the offerors and will be evaluated as such. Proposals must set forth full, accurate, and complete information as required by this section and other sections of this RFP.

III. Unnecessarily Elaborate Proposals

Brochures or other presentations beyond those sufficient to present a complete and effective response to this solicitation are not desired and may be construed as unnecessarily elaborate and an indication of the offeror's lack of cost consciousness. Elaborate art work, expensive paper and binding, and expensive visual and other presentation aids are neither necessary nor desired. Concise and clear proposals are sought.

IV. Retention of Proposals

All proposal documents shall be retained by the County and therefore, will not be returned to the offerors. The County will not pay for preparation of proposals or for proposals that are retained by the County.

V. Examination of Proposals

Offerors are expected to examine the Site, Statement of Work and all instructions and attachments in this RFP. Failure to do so will be at the offeror's risk.

VI. Legal Status of Offeror

Each offeror must provide the following information in its proposal:

- A. Name of the offeror;
- B. Whether offeror is a corporation, joint venture, partnership (including type of partnership), or individual;

- C. Copy of any current license, registration, or certification to transact business in the State of Wisconsin if required by law to obtain such license, registration, or certification. If the offeror is a corporation or limited partnership and does not provide a copy of its license registration, or certification to transact business in the State of Wisconsin, the offeror shall certify its intent to obtain the necessary license, registration or certification prior to contract award or its exemption from such requirements; and
- D. Copies of any current license, registration or certification required in RFP;
- E. If the offeror is a partnership of joint venture, names of general partners or joint venturers.

VII. Organization of Offeror

Each proposal must further contain a chart showing the internal organization of the offeror and the numbers of regular personnel in each organizational unit.

VIII. Offerors Authorized Agent

Each proposal shall set forth the name, title, telephone number, and address of the person authorized to negotiate in behalf of the offeror and contractually bind the offeror, if other than the person signing the proposal.

IX. Price Schedule Submission

Offerors are to submit prices for each item identified in the Proposal. Offers for services other than those specified will not be considered. The prices set forth in the schedule will be used for evaluation purposes and for establishing a contract price. Milwaukee County reserves the right to accept or reject any and all Proposals.

X. Certification and Representations

Offerors shall return with their proposal resumes and any other documents as may be requested in the RFP.

XI. Signing of Offers

The offeror shall sign the proposal and print or type its name on the form. Erasures or other changes must be initialed by the person signing the offer. Offers signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the County.

XII. Proposal Guarantee

By submitting a proposal the offeror guarantees that it will keep its initial offer open for at least 60 days.

XIII. Acknowledgement of Amendments

Offerors shall acknowledge receipt of any amendment to this solicitation by signing and returning the amendment or by letter or telegram including mailgrams. The County must receive the acknowledgment by the date and time specified for receipt of offers. Offeror's failure to acknowledge an amendment may result in rejection of the offer.

XIV. Late Proposals and Modifications and Withdrawals of Proposals

Any proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered.

XV. Proposal Evaluation Criteria

Following a list of general criteria which will be used to evaluate the proposals:

- a. Quality and responsiveness to the RFP. Weight: 20%
- b. Project approach and understanding, including strategy to perform requested work and time schedule. Weight: 30%.
- c. Qualifications and experience. Weight: 35%
- d. Fee and hourly rates. Weight: 15%.

XVI. Staffing

Consultant shall provide, at its own expense, all personnel required in performing the services under this agreement. Such personnel shall not be employees of Owner.

The offeror must describe his or her qualifications and experience to perform the work described in this RFP. Information about experience should include direct experience with the specific matter and similar facilities. Areas of expertise of each proposed staff member shall be provided (i.e., engineering, economics, architecture, planning). Specific examples of similar or related projects previously conducted shall cite:

- Name of client organization
- Name, address, and current telephone number of client contact person
- Contract number and inclusive dates
- Contract amount

Offeror shall provide the following information for every resume:

- Full name
- Title and areas of specialty

- Affiliation (that is, staff of offeror or subconsultant)
- Experience directly related to the proposed project
- Education/training
- Individual personnel hours and percentage of total project time which will be devoted to the proposed project in total and broken down by task. (See suggested matrix below)
- Resumes shall be included for all personnel expected to work on the project. Only resumes of staff or subconsultant staff employed by or under contract with the firm as of the date of proposal submission are to be included.

TASK	NAME OF EMPLOYEE 1	NAME OF EMPLOYEE 2	ETC.....	EXPENSES	SUB TASK	TASK TOTAL
	HOURLY RATE W/OH	HOURLY RATE W/OH	ETC.....		TOTAL	
DESCRIPTION						
1. TASK 1	Number of Hrs/Task	Number of Hrs/Task				
2. TASK 2						
3. TASK 3						
4. TASK 4						
5. TASK 5						
6. TASK 6						
TOTAL HOURS						
TOTAL COST						
% OF TIME						

TOTAL FEE

ATTACHMENT 3
CONSULTANT PROPOSAL

MILWAUKEE COUNTY
DEPARTMENT OF ADMINISTRATIVE SERVICES
ARCHITECTURE AND ENGINEERING DIVISION

**PROJECT: Lake Michigan Bluff Repairs
WY062509**

CONSULTANT PROPOSAL

I. BASIC SERVICES (Include services of all needed subconsultants)

"ACTUAL COST – NOT TO EXCEED" fee: \$
(_____)

II. REIMBURSEABLE EXPENSES

"ACTUAL COST -NOT TO EXCEED" ____\$
(_____)

III. TOTAL

\$
(_____)

IV. PRINCIPAL IN CHARGE

Name of Principal

Engineer's Registration No. in Wisconsin

Flat hourly rate for principal

Participation of tARGETED Business Enterprises at the rate of 17% will be required.

Firm Name

Authorized Signature

Title

Date

ATTACHMENT 4

TARGETED BUSINESS ENTERPRISE (TBE)
INSTRUCTIONS & FORMS



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

TARGETED BUSINESS ENTERPRISE (TBE) UTILIZATION SPECIFICATIONS for PROFESSIONAL SERVICES

1. The award of the contract is conditioned upon achieving the project's Targeted Business Enterprise (TBE) participation goal of 17%. Firms that qualify as a TBE include DBE firms certified by and listed in the Wisconsin Unified Certification Program (UCP) directory, MBE and WBE firms certified by the State of Wisconsin DOA and listed in the directory, SBE firms certified by Milwaukee County and listed in the Milwaukee County directory, and SBE firms that meet the SBA size standards and are listed in the SAM directory. All firms must be certified prior to the proposal submission deadline. A firm certified in another state must be certified by the Wisconsin UCP or State of Wisconsin DOA prior to submission of bid.
2. **TBE Participation:** The participation goal is based upon the total dollar value of your proposal less reimbursable items. Participation must be maintained throughout the contract, including any fee increases. TBE Prime self-performance may be counted to achieve the goal.

PROPOSAL CONSIDERATIONS

3. The County may reject your proposal if it does not include the **Commitment to Contract with TBE (TBE-14)** form(s), one completed for each of the firms you are including for participation. The Prime must indicate the dollar amount of work to be provided to the sub-consultant, sign the form, and have the TBE firm sign the form in the affirmation section prior to acceptance of your proposal by the County.
4. If awarded the contract, you will enter into a contractual agreement, directly or through sub-consultant, according to the **Commitment to Contract with TBE (TBE-14)** form(s) provided with your proposal. Copies of the executed agreements(s) will be submitted to the County.
5. TBE participation credit is calculated as follows:
 - a. All of the identified scope(s) of work must have a commercially useful function in the actual performance of the contract and work must be performed directly by the TBE with their own employees.
 - b. One hundred percent (100%) for the work performed by a TBE firm. If a TBE subcontracts a portion of work to another firm, the value of the subcontracted work will not be counted towards the TBE participation unless the work is performed by another TBE.
 - c. You must notify the County if any TBE contractor(s) sublet any portion of their work.
6. The County reserves the right to request supporting documentation from both you and any listed TBE. If you fail to respond within the time specified, the County may determine you to be non-responsive and remove you from further consideration for contract award.



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

FOLLOWING CONTRACT AWARD

7. The County reserves the right to conduct compliance reviews and request, both from you and your subs, supporting documentation to verify TBE participation, in addition to the information entered monthly into the County's online reporting system. The County will notify you if you are not in compliance with contract terms. If you fail to take corrective action as directed, the County may take one or more of the following actions:
 - a. Terminate or cancel your contract, in whole or in part;
 - b. Remove you from the list of qualified consultants, and refuse to accept future proposals from you for a period not to exceed three (3) years;
 - c. Withhold contract payments to cover shortfall; and/or
 - d. Bring suit to recover damages up to the amount of the shortfall, including interest at the rate of 12% annually, plus the County's costs, expenses and actual attorney's fees incurred in the collection action.
8. You must submit copies of the executed subcontract agreement(s) for each of the sub-consultants listed on the contract. REQUESTS FOR PAYMENT WILL BE DELAYED IF NOT SUBMITTED.
9. If the TBE sub(s) are unable to perform, or any other issues arise, you must immediately contact CBDP Compliance at (414) 278-4851. You must submit written notification of your desire for substitution to the TBE affected, and copy the County. This notice must state the reason for the request. The TBE has five (5) business days to provide written objection/acceptance to you. Approval must be obtained from County prior to making any substitutions. TBE consultants are also required to notify and obtain approval from the County prior to subletting work.
10. The Prime will record payments received from the County and payments made to sub-consultants directly into the County's online reporting system on a monthly basis. These entries will cover payments during the preceding month and will include zero dollar (\$0) entries where no payment has occurred. You must also indicate on the invoice work being performed by TBEs. Either a) place the word "TBE" behind the work item or b) break out the work done by TBEs at the end of the report. Failure to comply may result in withholding of payments, or enforcement of other sanctions including those listed in Section 7, above.
11. The County has a revolving loan program for DBE firms. If you have contracted with a DBE that is using these County funds, you must assist the County for repayment of these funds. This may include, but is not limited to, providing written information regarding the sub's contract balance, prior payment (two or three party) agreements, and the issuance of two-party checks payable in the name of Milwaukee County and the DBE indebted to the County under this program.
12. The County reserves the right to waive any of these specifications when it is in our best interest.



COMMUNITY BUSINESS DEVELOPMENT PARTNERS MILWAUKEE COUNTY

COMMITMENT TO CONTRACT WITH TBE

ADDITIONAL INFORMATION & REQUIREMENTS:

Links to Directories for firms eligible for credit:

DBE <http://wisconsin.gov/Pages/doing-business/civil-rights/dbe/certified-firms.aspx>

MBE and WBE <http://www.doa.state.wi.us/Divisions/Enterprise-Operations/Supplier-Diversity-Program>

Milwaukee County SBE <https://mke.diversitycompliance.com/Default.aspx>

SAM Directory for Federal SBE <https://www.sam.gov/portal/SAM/#1>

- 1. CONTRACT ADJUSTMENTS:** The successful Bidder/Proposer will maintain the approved TBE participation level during the term of the contract with the County, including any additional work on the contract, e.g., change orders, addendums, scope changes, or fee increases.
- 2. WRITTEN CONTRACTS WITH TBE:** The County requires that the successful Bidder/Proposer enter into contract, directly or through subs, as stated in this form. Agreements must be submitted to the County within 7 days of receipt of the Notice-To-Proceed. By executing this commitment, you are certifying that you have had contact with the named TBE firm and that they will be hired if you are awarded the contract by the County.
- 3. SUBSTITUTIONS, TBE SUBCONTRACTING WORK, TRUCKING FIRMS:** The successful Bidder/Proposer must submit written notification of desire for substitution to the TBE affected, and send a copy to the County, stating the reason(s) for the request. The TBE will have five (5) business days to provide written objection/acceptance of the substitution. The “right to correct” must be afforded any TBE objecting to substitution/termination for less than good cause as determined by the County. Approval must be obtained from the County prior to making any substitutions. TBE firms are required to notify and obtain approval from the County prior to seeking to subcontract out work on this project. In the case of TBE trucking firms, credit will be given for trucks leased from other TBE firms; however, if the TBE leases trucks from non-TBE firms, the commission or fee will be counted for crediting.
- 4. REQUESTS FOR PAYMENT:** The successful Bidder/Proposer must indicate on the Continuation Sheet (AIA form G703, or equivalent) or invoice for consulting the work being performed by TBE by either a) placing the word “TBE” behind the work item or b) breaking out the work done by TBES at the end of the report. The successful Bidder/Proposer shall notify TBE firms of the date on which they must submit their invoices for payment.
- 5. TBE UTILIZATION REPORTS:** The successful Bidder/Proposer will enter payments to subs and suppliers directly into the County’s online reporting system on a monthly basis. These entries will cover payments made during the preceding month and will include zero dollar (\$0) entries where no payment has occurred.

If you have any questions related to the Milwaukee County Target Enterprise Program, please contact:

414.278.4851 or cbdpcompliance@milwaukeecountywi.gov