



REQUEST FOR PROPOSALS

CITY OF NORTH KANSAS CITY, MISSOURI

Proposals will be received at the office of City Clerk, City Hall, 2010 Howell Street, North Kansas City, Missouri, until **2:00 p.m., Wednesday, December 7, 2016** for the following:

Environmental Services – Modification or Termination of Restrictive Covenant on City-Owned Property Slated For Development

All proposals shall be submitted in a sealed envelope marked as follows:

**Office of the City Clerk
City of North Kansas City, Missouri
2010 Howell St.
North Kansas City, Missouri, 64116**

**Sealed Proposals For:
Environmental Services for the City of North Kansas City, Missouri**

Sealed proposals may be mailed or delivered by the above stated time and date.

The City reserves the right to reject any and all proposals and waive informalities in selection of the best proposal.

For a copy of the specifications, go to www.nkc.org, or you may pick up a copy at the Office of the City Clerk, Crystal Doss, at the address noted above. For questions, contact Shirley Land, Finance Manager at (816) 412-7813.

I. PURPOSE OF RFP

The City of North Kansas City is seeking proposals for environmental services related to modifying or terminating a Restrictive Covenant on property it owns and is seeking to develop in order to release the property from all or certain of its restrictions.

II. BACKGROUND INFORMATION

The City is presently the owner of certain real property in North Kansas City it acquired by condemnation from Northtown Devco several years ago for the purpose of developing the property. The property is immediately east of combined Interstates 29/35 and immediately north of 16th Avenue in North Kansas City, Missouri. The City is progressing with its development plans for the former Northtown Devco site and has entered into a development agreement with a developer.

A portion of the former Northtown Devco property known as the Leo Eisenberg Site has received a Certificate of Completion and is subject to a Declaration of Restrictive Covenant and Grant of Easement (“Restrictive Covenant”). The Restrictive Covenant is the result of the presence of polycyclic aromatic hydrocarbons (PAHs) and metals (barium and arsenic) contamination in the soil on the property. The Restrictive Covenant precludes the use of the property from any use other than industrial or certain permitted commercial uses. Additionally, certain areas of the property are subject to soil disturbance limitations. Any amendment to or termination of the Restrictive Covenant must be agreed to by the Missouri Department of Natural Resources (MDNR) in writing.

The developer would like to use a portion of the property for multi-family residences. The City seeks to modify or terminate the Restrictive Covenant in order to release the property from all or certain of its restrictions.

Terracon Consultants, Inc. (“Terracon”) performed a technical review of the existing sampling and monitoring data from the property and potential remediation options. Terracon reviewed historical documents concerning previous investigations completed at the Leo Eisenberg site. Based on Terracon’s review of the documents, the historical fill (primarily gravel, concrete, brick, and rebar) deposited at the site over time (upwards of 14 feet thick) has impacted soil and groundwater quality on site. The primary contaminants are metals (arsenic and barium) and PAHs, specifically benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene. These compounds were detected in the soil and groundwater samples above MDNR cleanup levels. Historical data did not indicate impacts above MDNR levels for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, herbicides, petroleum hydrocarbons, or polychlorinated biphenyls (PCBs).

Based on proposed development plans for the area, which include buildings and paved parking areas, the impacted soil can be capped or covered to prevent exposure and direct contact. The City believes MDNR is likely to approve such remedial actions as part of the site redevelopment and modification of the Restrictive Covenant on the property since these contaminants are not volatile. Therefore, large remediation or excavation efforts for off-site disposal of soil, or treatment of impacted soil, or the need for vapor mitigation systems will likely not be necessary.

The City believes a close relationship between the City and the development company and contractors will be key to satisfying MDNR's requirements. It is imperative that contractors understand the hazards associated with the site contaminants, how to handle impacted soil, and where the impacted soils are to be transported and reused on site to satisfy the remedial requirements for MDNR approval.

III. SCOPE OF SERVICES

This project calls for Proposers to outline a path forward for modifying or terminating the Restrictive Covenant on the Leo Eisenberg site based upon the following scope elements:

A. Phase I Environmental Site Assessment (ESA)

A Phase I ESA was completed for the Leo Eisenberg site, and the remaining seven non-adjointing properties that are planned for possible development by Roth Environmental Consultants (Roth) in a Phase I ESA report dated April 25, 2011. Proposers are requested to complete a Phase I ESA for the Leo Eisenberg site only. The Phase I ESA will document whether new development or construction or possible recognized environmental conditions (RECs) have emerged since the Roth 2011 Phase I ESA.

B. Enrollment into the MDNR's Brownfields/Voluntary Cleanup Program (B/VCP)

IV. INFORMATION REQUIRED IN THE RESPONSE

A. The response should include a letter of transmittal that will summarize, in a brief and concise manner, the respondent's proposal. The letter must name all of the persons authorized to make representations for the respondent, including titles, addresses, and telephone numbers of such persons. An individual authorized to bind the respondent to the provisions of the RFP must sign the Letter of Transmittal indicating the individual's title and authority.

- B. The response must provide an estimated timeline for completion of the scope elements.
- C. The response must include estimated costs for accomplishing each of the following scope elements:
 - 1. Phase I ESA for the Leo Eisenberg site only. The Phase I ESA will document whether new development or construction or possible recognized environmental conditions (RECs) have emerged since the Roth 2011 Phase I ESA.
 - 2. Enrollment into the MDNR's Brownfields/Voluntary Cleanup Program (B/VCP).
- D. Proposers are requested to provide unit rates based upon time and materials for personnel that will be necessary to accomplish the project, along with estimated costs for each element.
- E. Proposers are also requested to estimate the amount of MDNR Client Fees that will be associated with this project.
- F. Please list any assumptions upon which cost estimates are based.

V. TIMING

Time is of the essence in this project. Proposers will be expected to commence work on this project within five days following receipt of a signed Agreement for Services.

VI. EVALUATION CRITERIA AND SELECTION PROCESS

The City will evaluate proposals and will select the proposal which meets the best interests of the City. The City shall be the sole judge of its own best interests.

The City's evaluation criterion may include but shall not be limited to the following:

- 1. Overall responsiveness to the RFP,
- 2. Qualifications and experience of the respondent,
- 3. Unique strengths or capabilities of the respondent,
- 4. Cost, and/or
- 5. Such other factors as the City may deem relevant.

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The City may also request additional information from respondents at any time prior to final approval of a consultant. The City reserves the right to select one or none of the respondents. The City will select the consultant which, in its sole judgment, it determines will be in the best interest of the City. The City may waive any nonconformity with this RFP. The City's decisions will be final.

VII. RESPONSE INSTRUCTIONS/TERMS

- A. Contact With the City: If any respondent has questions relating to the RFP such questions must be directed to the following City contact:

Pat Hawver
Director of Public Works
City of North Kansas City, Missouri
816-274-6004
E-Mail: pahawver@nkc.org

- B. Questions: All questions must be submitted in writing by e-mail. Telephone conversations must be confirmed in writing by the interested party.
- C. Responses to Questions: Depending upon the nature of the question, the City may choose to share the response with other *registered respondents* (see below) if it feels the information would either correct or clarify or elaborate on information contained within the RFP. In addition, the City will issue an addendum to the RFP when a submittal instruction needs to be added or changed. Respondents may request any information the City may have on-hand, and the City will determine if the request or the information found will be shared with other *registered respondents*.
- D. Registration of RFP: Additional information, amendments and addendums will be made to respondents known to have the RFP. In order to receive the latest information regarding this solicitation, you must register as an interested respondent to the RFP by submitting your contact information with *Eric Berlin* at the above e-mail contact address and the City will send any updates by e-mail to each respondent.
- E. Confidentiality of Communications: Except as set forth above, all respondent communications with the City will be considered confidential prior to the public disclosure of the RFP's.

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- F. Time for Questions: Questions concerning the RFP will be taken on or prior to Friday, December 2, 2016. After this date no further questions will be answered by the City.

VIII. SUBMISSION OF PROPOSALS

- A. Time Line:

Issue RFP:	November 22, 2016
Last day for Questions:	December 2, 2016
Proposals Due:	December 7, 2016, at 2:00 p.m. CDT

- B. Submission of Proposal: All respondents to the RFP shall submit **three (3)** sealed copies of their proposals to the City Clerk. In addition, **one electronic copy** will be provided on electronic media. The proposal must be sent or delivered to and marked as follows:

Office of the City Clerk
City of North Kansas City, Missouri
2010 Howell St.
North Kansas City, Missouri, 64116

Sealed Proposals For:
Environmental Services for the City of North Kansas City, Missouri

The entire proposal shall be packaged and sealed in one package. If the proposal is sent by mail or overnight delivery service, the vendor shall be responsible for actual delivery of the response to the proper address above.

The City will receive and consider all proposals submitted according to this request for proposals until **2:00 p.m., Wednesday, December 7, 2016.**

IX. OTHER TERMS

- A. Proposal a Part of Contract: The proposal document shall become an integral part of any such contract fully executed between the City of North Kansas City and the successful consultant.
- B. Use of Ideas Presented: The City retains the right to use any or all ideas presented in any proposal. Selection or rejection of the proposal does not affect this right.
- C. Supplemental Materials: Supplemental materials will not be accepted after the

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proposals have been opened, unless requested by the City.

- D. Amendments: The City reserves the right to amend, modify or withdraw this RFP for any reason, or no reason whatsoever, and at the City's sole and absolute discretion.
- E. Obligations: This RFP does not commit the City to select any respondent or enter into an agreement with any respondent.
- F. Contract Negotiation: The City reserves the right to negotiate with any respondent. As part of the negotiation process leading to the selection of a Consultant, the City may request additions or modifications to any proposal. It is the present intent of the City not to negotiate substantive portions of an applicant's proposal and to rely on the information submitted in these proposals in awarding a contract. The City reserves the right to award the contract without further discussion on the proposals submitted.
- G. Rejection of Proposals: The City reserves the right to reject any or all proposals if deemed to be in the best interest of the City. The City reserves the right to waive informalities in the RFP.
- H. Confidentiality of Proposals: All responses to this RFP and documents and meetings relating thereto may remain closed records or meetings under the Missouri Sunshine Act until a contract is executed or until RFP responses are rejected. All responses to this RFP, proposals and supplementary material will become the property of the City when submitted. Thereafter, all responses to the RFP and all proposals will become public information.
- I. Approval By City Council: The selection of a consultant is subject to the approval of the City by its City Council, at its sole discretion.
- J. No Liability For Expenses: The City will not be liable for any expenses incurred by respondent in replying to this RFP or for expenses incurred by the successful respondent during the negotiation of an agreement between the respondent and the City.