

City of Portsmouth
Portsmouth, New Hampshire
Public Works Department

REQUEST FOR PROPOSAL

Sealed Request for Proposals, **plainly marked “RFP # 10-18 Flagging Services” on the outside of the mailing envelope as well as the sealed envelope**, shall be addressed to: Finance/Purchasing Department, Portsmouth City Hall, 1 Junkins Avenue, Portsmouth, NH, 03801. Proposals will be accepted until 2:00 p.m. August 10, 2017.

This Request for Proposals may be obtained from the Finance/Purchasing Department on the third floor at the above address, by calling the Purchasing Coordinator at 603-610-7227 or from our website <http://www.cityofportsmouth.com/finance/purchasing.htm>.

Addenda to this document, if any, including written answers to questions, will be posted on the City of Portsmouth website under the appropriate heading at least two days prior to the due date.

The City of Portsmouth reserves the right to reject any or all proposals, to waive technical or legal deficiencies, and to accept any proposal that it may deem to be in the best interest of the City.

Questions should be directed to the Purchasing Coordinator at (603) 610-7227.

**PORTSMOUTH, NEW HAMPSHIRE
PUBLIC WORKS DEPARTMENT
FLAGGING SERVICES**

The City of Portsmouth is soliciting proposals from Vendors to provide flagging services within the City of Portsmouth. In addition, the City anticipates that some companies seeking to do work in the City of Portsmouth may not already have an established relationship with a qualified flagging company. In order to assist such contractors, the City seeks to enter into an agreement with a vendor that is properly qualified to provide flagging services to third parties at the municipal rate, when requested.

Scope of Services and Requirements:

The City will implement a two tier system for flagging services. Each tier will have separate fees corresponding to their skill level and supervisory capacity.

All flaggers will be drug tested prior to their first City of Portsmouth assignment.

Tier I Flaggers will be randomly tested up to four times a year and will be assigned to more intense, heavy traffic jobs. These flaggers would also have superior skills regarding leadership and supervision of any other onsite flagging staff, knowledge of proper traffic control patterns, knowledge of proper traffic safety, excellent Public Relations skills, Sign Placement and set up duties and other ancillary tasks. These flaggers will also need to be ATSSA Traffic Control Technician (TCT) certified. Flaggers proposed at this rate can be interviewed and approved for appropriateness by the City.

Tier II Flaggers will be randomly tested up to twice a year, and will be assigned to less intense projects. These flaggers will need to have the standard ATSSA Flagger Certification.

These services are to include the following:

- 1) Providing flagging services upon request of the City of Portsmouth to the City of Portsmouth.
- 2) Providing flagging services upon request of private companies working within the City at the municipal rate.
- 3) Flagging services must be available seven days per week, twenty-four (24) hours per day and 365 days per year.
- 4) Flagging services may be required on holidays and off hours in the event of an emergency.
- 5) All flaggers must be certified appropriately. Flagging certificates must be current and on file with the Department of Public Works.
- 6) All flaggers must be drug and alcohol free while on duty.

The City cannot guarantee or predict flagging needs.

Further details as to the Scope of Services and Requirements can be found in the attached draft contract.

PROPOSAL REQUIREMENTS

The applicant shall submit a proposal to include the following:

- 1. Current staff listing and certificate type for each employee.
- 2. Statement to the City of Portsmouth that all flaggers have been tested and are drug free.
- 3. Description of the drug testing program.
- 4. Price proposal page.
- 5. Three (3) municipal references.
- 6. Such other information as the vendor may deem helpful to the selection process.
Vendor may propose alternative method for classifying and qualifying flaggers for the City’s consideration.

SELECTION CRITERIA

The City shall select a Vendor based on the following point system:

Qualifications of Vendor/Key Staff	25%
Service Approach (training, program for ensuring Flaggers are drug and alcohol free, supervision, reliability, etc.)	45%
Cost	30%

Upon receipt of all Proposals, the City’s review committee may then interview Vendors. The City intends to then enter into an agreement with the top rated Vendor. If the City cannot negotiate an agreement with that Vendor, the City will entertain a proposal from the second rated Vendor, and so on, until an agreement is reached.

Selection shall be subject to a thorough check of references.

The City also reserves the right to make such inquiries regarding the Vendor’s qualifications and reputation as it deems necessary to evaluate the Vendor. The Vendor may be requested to execute releases to obtain information from third parties. Failure to execute a release upon request may result in disqualification.

The City of Portsmouth reserves the right to reject any or all proposals, to waive technical or legal deficiencies, and to accept any proposal that it may deem to be in the best interest of the City.

In the event that an award is made and the selected Vendor fails to perform all duties as outlined in this request for proposal, another vendor shall be selected. An award is not an exclusive contract with the Vendor and the City of Portsmouth if the Vendor is unable to meet the service requirements.

**PORTSMOUTH, NEW HAMPSHIRE
DEPARTMENT OF PUBLIC WORKS
FLAGGING SERVICE
PRICE PROPOSAL IN ACCORDANCE WITH
RFP #10-18**

Company Name: _____

Date: _____

Tier I Flaggers:

Flagging services cost per hour \$ _____

Written words _____

Overtime: Flagging services cost per hour after 8 hours on an individual day, for an individual flagger, on a City of Portsmouth project or City of Portsmouth contracted project or City combined projects: \$ _____

Written words _____

(Overtime rates will not be paid if the flagger has not been on the site or on another City approved site for the 8 hour shift)

Tier II Flaggers:

Flagging services cost per hour \$ _____

Written words _____

Overtime: Flagging services cost per hour after 8 hours on an individual day, for an individual flagger, on a City of Portsmouth project or City of Portsmouth contracted project or City combined projects: \$ _____

Written words _____

(Overtime rates will not be paid if the flagger has not been on the site or on another City approved site for the 8 hour shift)

If there is an additional rate or charge, please specify criteria and cost associated

Criteria/Cost _____

Authorized Signature

Name (Print)

Title

Company

Address

City, State, Zip Code

Email Address

Telephone Number

Fax Number

INSURANCE REQUIREMENTS

Insurance shall be in such form as will protect the Vendor from all claims and liabilities for damages for bodily injury, including accidental death, and for property damage, which may arise from operations under this contract by himself or by anyone directly or indirectly employed or engaged by the Vendor.

Amount and Type of Insurance

- A) Comprehensive General Liability:
Bodily injury or Property Damage - \$1,000,000/\$2,000,000
Per occurrence/general aggregate
- B) Automobile and Truck Liability:
Bodily Injury or Property Damage - \$1,000,000/\$2,000,000
Per occurrence/general aggregate
- C) Workers' Comprehensive Insurance coverage for all people employed by Vendor to meet statutory requirements.

Additional Insured

The City of Portsmouth shall be identified as an additional insured.

City of Portsmouth
Attn: Legal Department
1 Junkins Avenue
Portsmouth, NH 03801

Evidence of Insurance

As evidence of insurance coverage, the Owner may, in lieu of actual policies, accept official written statements from the insurance company certifying that all the insurance policies specified are in force for the specified period. The Vendor shall submit evidence of insurance to the Owner at the time of execution of the Agreement and shall provide renewal information as necessary to prove uninterrupted coverage. Written notice shall be given to the City of Portsmouth, New Hampshire at least thirty (30) days prior to cancellation or non-renewal of such insurance coverage.

**FLAGGING AND TRAFFIC CONTROL
SERVICES AGREEMENT**

DRAFT

This AGREEMENT is entered into this _____ day of _____ 2017, by and between the City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire (hereinafter referred to as "City") and _____ Corporation with a principal place of business located at _____ (hereinafter referred to as "Contractor").

Contractor shall provide drug testing for all hired flaggers. Drug test results will be made available to the Department of Public Works before the contract can be executed. Random drug tests will be provided when requested by the City of Portsmouth.

1. **Scope of Services:** Contractor shall provide traffic control service and flagging personnel as needed at various locations including bridge rehabilitation projects, paving projects, and other construction and utility projects as may from time to time be requested. Services shall be available seven days per week, twenty-four (24) hours per day and 365 days per year. Flagging services will be made available on holidays and during non-business hours in the event of an emergency.
 - A. Contractor shall provide such traffic control and flagging services upon request of the City of Portsmouth for municipal projects. Contractor invoices for such municipal work shall be submitted monthly for the City to make payment within 30 days.
 - B. Contractor shall provide such traffic control and flagging services upon request of private companies performing work within the City of Portsmouth limits upon the same rates, terms and conditions as stated herein. Contractor invoices for such private work shall be submitted and made payable as the private company and the Contractor may agree (i.e., private parties may agree to weekly invoices). The City assumes no liability for the payment of Contractor's services provided to private companies.

The City cannot guarantee or predict flagging needs. This Agreement does not require the use of Contractor's services if the City has its own employees able and qualified to do the work.

Private companies are free to retain the services of other flagging companies that have been approved by the City of Portsmouth.

2. **Requirements:** The Contractor shall meet all requirements set forth in Attachment A including without limitation those related to drug testing, training, certification, qualifications, appearance and equipment.
3. **Removal of a Flagger:** If a flagger fails to provide the services described in paragraph 1 or to adhere or to meet the requirements as described in paragraph 2, or the flagger shows signs of being under the influence of drugs or alcohol, the flagger may be asked to leave the site. Contractor shall be responsible for providing a replacement flagger within two (2) hours of a flagger being removed from the site.
4. **Coordination and Scheduling:** Contractor requires adequate notice when requesting service. Daily request for flaggers must be confirmed with Contractor by 4:00 p.m. for the following day. The City agrees to abide by State and Federal labor requirements and that each traffic controller received a 20-minute lunch break and a 15-minute break in the AM and PM for basic human needs or other times as described by law. Should the City refuse or is unable to provide adequate breaks, Contractor will provide extra personnel to provide breaks at the City's expense.

A four-hour minimum charge will be invoiced if work is not cancelled 8 hours before its scheduled start time. This charge will be applied for each employee assigned to the cancelled job.

5. **Rates.**

Tier I Rates:

A. Unless another rate applies as described in paragraph B, services will be provided at the rate of _____ per man-hour requested with a two-hour minimum, per employee for a period up to 8 hours per day. Overtime services shall be billed at the rate of _____ for hours worked over 8 hours per day, per individual flagger, on projects that extend longer than 8 hours. **Overtime: Flagging services cost per hour after 8 hours on an individual day, for an individual flagger, on a City of Portsmouth project or City of Portsmouth contracted project or City combined projects.**

Tier II Rates:

A. Unless another rate applies as described in paragraph B, services will be provided at the rate of _____ per man-hour requested with a two-hour minimum, per employee for a period up to 8 hours per day. Overtime services shall be billed at the rate of _____ for hours worked over 8 hours per day, per individual flagger, on projects that extend longer than 8 hours. **Overtime: Flagging services cost per hour after 8 hours on an individual day, for an individual flagger, on a City of Portsmouth project or City of Portsmouth contracted project or City combined projects.**

B. The City agrees to advise Contractor of any and all applicable Federal, Municipal or State Prevailing wage determinations for the designated projects and to pay such rates as may be required for particular projects.

6. **Contract Period:** Contractor shall commence providing services on _____. This Agreement shall continue until _____, unless earlier terminated due to breach. The City commitment to this contract after June 30, 2018 is contingent upon funding by the City Council for the next fiscal year. The City and Contractor shall have the option to renew this contract by mutual agreement for an additional one or two-year term, with a total contract period not to exceed three years. Any agreement for renewal shall be finalized and reduced to writing no later than 30 days prior to the expiration of this Agreement.
7. **Indemnification and Proof of Insurance:** The Contractor agrees to hold the City and any of its officers, agents and employees harmless from any and all claims arising out of or in any way connected with the performance by the Contractor, its officers, agents, or employees of the services referenced above. The Contractor agrees to maintain the level and types of coverage in the attached certificate of liability throughout the duration of the contract and provide the City with proof of insurance in an amount acceptable to the City.
8. **Independent Contractor:** Contractor is an independent contractor; all salaries and expenses relating to its employees are the sole responsibility of Contractor.
9. **Governing Law:** The validity and interpretation of this Agreement shall be governed by the laws of the State of New Hampshire.
10. **Contract Amendments:** The parties agree that this written Agreement is the total agreement between the parties and that no other document, subsequent modification, or oral agreements exist other than the terms, references, specifications and rates as stated herein. Any subsequent modification to this contract shall be in writing, signed by both parties and attached hereto.
11. **Termination:** The City may terminate this Agreement with five days written notice if the Contractor fails to fulfill its obligations under this Agreement. The City may terminate this Agreement for its convenience with thirty (30) days written notice.

IN WITNESS WHEREOF, the City and Contractor have caused this Agreement to be executed and delivered in its name and its behalf by its authorized officer as of the day and year first written above.

City of Portsmouth, New Hampshire

By: _____
John P. Bohenko, City Manager

Contractor

By: _____
Title: _____

ATTACHMENT A
FLAGGING & TRAFFIC CONTROL SERVICES
REQUIREMENTS

Page 1 of 2

1) DRUG TESTING:

- All flaggers must be drug and alcohol free

2) CERTIFICATION AND TRAINING:

- All flaggers must be certified to the appropriate level for their tier. Flagging certificates must be current and on file with the Department of Public Works. All flaggers must carry a copy of their certificate of certification on their person while flagging.
- All flaggers must be trained to current NHDOT and MUTCD standards. Certificates are to be kept current and on file with the Department of Public Works.
- Flaggers must face traffic at all times and be aware of their traffic control responsibilities. Flaggers must be knowledgeable of traffic control procedures and exhibit sound judgment in directing traffic.

3) QUALIFICATIONS FOR ALL FLAGGERS:

Flaggers must demonstrate the following abilities:

- a) Ability to receive and communicate specific instructions clearly, firmly and courteously;
- b) Ability to move and maneuver quickly in order to avoid danger from errant vehicles;
- c) Ability to control signaling devices (such as paddles and flags) in order to provide clear and positive guidance to drivers approaching a construction zone;
- d) Ability to understand and apply safe traffic control practices, sometimes in stressful or emergency situations; and
- e) Ability to recognize dangerous traffic situations and warn workers in sufficient time to avoid injury.

4) APPEARANCE AND SAFETY EQUIPMENT:

Flaggers must be dressed in a neat and presentable manner. No shorts or tank tops are to be worn. All flaggers must wear high visibility safety apparel that meets the Performance Class 2 or 3 risk exposure, per MUTCD and ANSI/ISEA 107-2004 apparel standards. A person designated by the Contractor to be responsible for worker safety shall make the selection of the appropriate class of garment. All flaggers must wear hard hats and steel-toed safety footwear. No music radios, CD, MP3 players or any other sound device, umbrellas or chairs will be allowed at the flagging site.

5) FLAGGING EQUIPMENT:

STOP/SLOW paddles as specified in the MUTCD and two-way radios must be provided by Contractor.

ATTACHMENT A

**FLAGGING & TRAFFIC CONTROL SERVICES
REQUIREMENTS**

Page 2 of 2

6) TRANSPORTATION:

Flaggers must have their own, or company supplied, transportation which shall be available all day should there be a need to change job locations.

7) PROFESSIONALISM:

Flaggers shall be courteous but firm in their mannerisms and professional in their activities. Flaggers must be able to clearly and effectively communicate with fellow workers, the traveling public and City or State representatives.