

**City of North Las Vegas
Request for Proposal
For
APEX Water and Wastewater Infrastructure**

RFP No. 2016-01

June 8, 2016

City of North Las Vegas
Request for Proposal
For
APEX Water and Wastewater Infrastructure

1. INTRODUCTION

1.1. GENERAL

The City of North Las Vegas is requesting proposals from qualified entities to enter into a Public/Private Partnership (“P3”) with the City to find a long-term solution for water and wastewater infrastructure needs in the APEX Industrial Park located in the City and ensure securing the least expensive financing available.

The intent of this Request for Proposal (RFP) is to solicit detailed technical and cost proposals from qualified entities that have the resources and means to obtain private financing for the construction of the APEX Water and Sewer Infrastructure. The selected entity will enter into a P3 agreement with the City of North Las Vegas for the expressed intent of financing, designing and constructing all of the proposed water and sewer improvements.

This RFP invites Respondents to submit a Technical and Cost Proposal describing the means and approach to financing, designing and constructing the proposed improvements. Proposal must outline in detail the method of repayment from the City, which could include, among other methods, creation of Special Improvement Districts, Tax Increment Areas, water and sewer rates, connection fees and surcharges for services. Once complete, the City will operate and maintain the system, and provide customer billing, revenue collection, and related services.

Proposals can be retrieved at www.demandstar beginning June 13, 2016.

Proposals must be submitted and received by the City no later than **2:00 pm on Thursday, June 30, 2016** at the following location:

City Clerk’s Office
City of North Las Vegas
2250 Las Vegas Blvd. North
Suite 800
North Las Vegas, NV 89030
Attention: Catherine A. Raynor, MMC
City Clerk
RaynorC@cityofnorthlasvegas.com

All proposals shall be submitted in sealed packages and in accordance with the requirements of Section 4 of this RFP.

1.2. OBJECTIVES AND REQUIREMENTS

The objectives of the proposal are to seek alternative financing options to provide reliable water and wastewater infrastructure to support the development of the entire APEX Industrial Park located within the City of North Las Vegas (“Apex Industrial Park.”) While groundwater is available, it will only supplement surface water required to fully develop the industrial park. Similarly, constructing a wastewater system in the APEX Industrial Park will enable developers to fully develop the industrial park in a manner that is safe for the environment.

2. GENERAL BACKGROUND INFORMATION

2.1. OVERVIEW

APEX Industrial Park is a 20 square mile area annexed into the City approximately eight years ago with approximately 7,500 developable acres. It is located along I-15 and State Route 93, has access to Union Pacific Railroad and dry utilities including electric transmission and distribution service and natural gas pipelines. The area is currently zoned M2 throughout the industrial park under the APEX Overlay allowing most industrial and ancillary uses. APEX Industrial Park will be the home of the production facilities for Faraday Future’s electric car assembly plant, employing up to 4,500 skilled workers. Production is scheduled for the first quarter of 2018. APEX Industrial Park is also the home of the Hyperloop One’s Propulsion Open Air Test Track to develop a new high speed, intercity transportation system which uses passenger and cargo capsules inside a reduced-pressure tube system that would reach a top speed of 760 miles per hour. Other businesses committing to the APEX Industrial Park include medical marijuana grow facilities and UNEV Pipeline, LLC’s North Las Vegas terminal for their \$300,000,000 petroleum pipeline with an initial capacity of 62,000 barrels of product per day and maximum capacity of 118,000 barrels of product per day.

APEX Industrial Park is currently underserved by an inadequate groundwater system and septic tanks. The APEX Master Water and Sewer Plan approved by the City Council in 2012 indicates a need for an average day water demand of 3.36 million gallons per day (MGD), maximum day demand of 4.57 MGD and peak hour demand of 7.02 MGD. The master plan for water calls for a 12.4 mile water line and series of water reservoirs and pump stations connecting an existing 24 inch water line in Hollywood Blvd. to a groundwater system currently under design and shown on Exhibit 1. The groundwater system will be capable of producing up to 1.5 MGD and consist of 3 wells, ground storage reservoir and water pipelines as shown on Exhibit 2.

Wastewater services will be provided based on a pre-design report prepared in April 2016 by Poggemeyer Design Group. The proposed wastewater treatment plant will be a 600,000 gallon per day sequential batch reactor with capabilities to be expanded to 1.2 MGD and ultimately to 1.8 MGD. The sanitary sewer system will be all gravity and consist of 61,000 feet of gravity sewer ranging in size from 8 inch to 24 inch, as shown in Exhibit 1.

The selected Respondent will be expected to enter into a Project Labor Agreement, similar to others that have been executed in southern Nevada, with the various trades required to construct the APEX Water and Wastewater Infrastructure.

2.2. BACKGROUND

The APEX Industrial Park, as defined above, was annexed into the City approximately eight years ago. As part of the annexation process, all property owners agreed to a restrictive covenant in their deeds that gave the City of North Las Vegas the ability to establish a Special Improvement District for public infrastructure, including water and wastewater.

In 2010, the City took over operation of a private water system serving the existing customers located in the APEX Industrial Park. This system remains in operation and will continue to remain in operation until the final water system improvements are completed.

The APEX Master Water and Sewer Plan was approved by City Council in 2012. The goal of the plan was to map out needed water and sewer facilities to make APEX Industrial Park the premier industrial park in Nevada.

A water line validation study was completed in 2015 that demonstrated constructing a 16 mile water line and associated pump stations and storage reservoirs was feasible. The City has secured all rights-of-way and easements needed for the water line.

In December 2015, a special legislative session approved Senate Bills 1, 2 and 3 to permit the City to create a Tax Increment Area and Special Improvement District to support development projects, such as the Faraday Future electric car assembly plant in the APEX Industrial Park.

Southern Nevada Water Authority (the "SNWA") is designing a groundwater system to support the Faraday Future plant. Their system includes constructing 3 groundwater wells capable of producing 1,700 acre feet annually, a ground storage tank and a 65,000 linear feet looped trunk water system generally following the City's approved master plan. The surface water pipeline will be designed to connect directly to the groundwater system being constructed by SNWA and will expand the service area to make surface water available to all 7,500 developable acres in the APEX.

In order to realize the full benefits of the APEX Industrial Park and secure the least expensive financing available, the City is soliciting proposals from potential investors to fund and construct the water and wastewater infrastructure in the APEX Industrial Park.

3. RFP PROCESS

3.1. SUBMITTAL SCHEDULE

RFP's are due no later than June 29, 2016. Respondents are encouraged to submit early as the City will begin reviewing proposals as soon as they are submitted. Should the City decide a proposal meets all of the requirements in this RFP and

determines it is in the best interest of the City; a contract will be negotiated and submitted to City Council for approval.

3.2. REQUESTS FOR CLARIFICATION

Requests for Clarification of any topics in this RFP shall be directed to:

Randall E. DeVaul, P.E., Director of Utilities, devaulr@cityofnorthlasvegas.com

Requests for Clarification must be received **in writing via email**. Interpretation or modification of this RFP document will be done by Addenda only. Oral responses and interpretations or modification given by other methods are not binding. Responses to requests for clarification will be in writing and shall be distributed to all Respondents in the form of an Addendum and without identification of the source of any inquiry.

3.3. PROPOSAL EVALUATION PROCESS

3.3.1 OVERVIEW

In the evaluation of the proposals, the City will utilize the evaluation criteria (factors) set forth in this RFP. The result of the evaluation will be a recommendation to City Council by the Utilities Department to enter into one or more contracts with a Respondent to fund, design and construct the APEX water and wastewater infrastructure, or to defer any further action on any of the proposals or any portion of the proposals.

City staff will evaluate the responses to this RFP. City staff may utilize technical, legal, and financial consultants in completing its evaluation.

3.3.2. PROPOSAL EVALUATION CRITERIA

The City will review the Respondent's conceptual approach to ascertain whether Respondent's proposal adequately documents the technical and financial viability of their proposed solution. That includes evaluating the ownership nature of the water and wastewater systems that are the subject of the Respondent's proposal. In addition, the City will carefully consider the financial impacts to the City and ratepayers associated with the proposed improvements.

Respondents are encouraged to provide a complete, detailed explanation for all costs related to their concept. Particular attention should be paid to detailing the Respondent's financing plan and how the return on investment is expected.

Respondents will be evaluated based on their exhibited understanding and familiarity of the RFP as demonstrated by the Respondent's unique perspective and presentation on the proposed approach, the technical feasibility of the proposed solution, financial capacity of the proposing organization to fully develop and deliver the water and wastewater infrastructure and proposed schedule for delivery and costs. The City will consider all criteria in performing a comprehensive evaluation of the proposals. The City will evaluate the proposals based on the following criteria:

A. Project Concept to Deliver APEX Water and Wastewater Infrastructure

Each proposal will be evaluated on the total project approach. Information that may be necessary to evaluate the project approach is listed below:

- Project schedule showing how the respondent will meet the project milestones-
Description of resources available to dedicate to the project
- Proposed delivery method to meet project milestones
- Completeness of water and wastewater infrastructure to serve entire Apex Industrial Park
- Thorough, detailed plan to enable City staff and consultants to evaluate and compare proposals
- Previous project examples to show previous experience and ability to perform proposal
- Analysis of how the financing costs are less expensive than the option of securing financing through the Nevada Treasurer's Office

B. Project Financing Plan

Each proposal must contain a project financing plan outlining the total project cost, funding mechanism, timeline, and expected return on investment for the Respondent. The plan must outline in detail the anticipated reimbursement mechanisms including, but not limited to, projected development absorption rates, proposed property assessments, connection fees, and water and sewer use surcharges.

Funding terms and conditions must be outlined in detail, clearly showing expectations of the City in the financing plan.

C. Financial Capacity

Proposals will be evaluated on the Respondent entity's demonstrated financial capacity and resources to secure and deliver the proposed APEX water and wastewater infrastructure. It is recommended that the proposals include a copy of latest Dunn & Bradstreet Business Information Report and/or Standard & Poor's credit report for the primary supplying entity that includes an analysis of the entity's financial position, business overview, products and services, history, executives and any other relevant information.

D. Permitting and Environmental

Respondent shall be responsible for any and all construction permits. City will assist in obtaining NPDES permit for the wastewater plant.

E. Schedule

Respondents shall submit a project schedule showing the timing and interdependencies of major tasks envisioned to deliver the proposed infrastructure. Respondents are encouraged to present a realistic depiction of the time requirements to accomplish various critical steps in their proposed delivery process and to carefully

consider the interdependencies of related activities. The schedule shall indicate the timing of any capital contributions or payments expected to be made by the City.

Key milestones on the project schedule are as follows:

Task	Completion Date
Completion of Wastewater Plant	December 31, 2017
Begin operation of Wastewater Plant	March 31, 2018
FF connection to WWTP	March 31, 2018
Trunk sewer to commercial center north	March 31, 2018
Construction of remaining sewer system	December 31, 2018
Construction of surface water system	December 31, 2017

F. Responsiveness to RFP

The City will consider responsiveness to the RFP requirements in evaluating the submittals. The degree of completeness of Respondent’s proposal will also be considered. The City reserves the right to reject any proposal that is deemed by City staff, in their sole discretion, to be incomplete or non-responsive.

3.3.3. REFERENCE CHECKS

The City reserves the right to verify experience and qualifications, including verification of quality on past projects, through interviews and, possibly, site visits to proposed reference facilities at any point in the evaluation process. The City may choose to conduct any portion of the reference checks and site visits during the RFP process. Qualifications of firms and individuals may also be verified in this manner. In addition, the City retains the right to interview and/or visit facilities where Respondent team members have worked.

3.3.4. REQUESTS FOR CLARIFICATION OR RESUBMISSIONS

At its sole discretion, the City may ask written questions of Respondents, seek written clarifications, conduct in-person or telephone discussions on proposals with Respondents, and solicit updated proposals during the evaluation and selection process.

4. ADMINISTRATIVE REQUIREMENTS

4.1. OTHER PROCUREMENT REQUIREMENTS

4.1.1. RESPONDENT RESPONSIBILITY FOR PROPOSAL PREPARATION COSTS

The City is not liable for any costs incurred by any Respondent associated with the preparation of a proposal.

Selected Respondents may be asked to present their proposals and/or to demonstrate ability to provide products or services to the City in a personal presentation in North Las Vegas. The Respondent shall bear all costs for such presentations.

4.1.2. SUBSTANTIVE PROPOSALS

By submitting a proposal, Respondent certifies that (a) Respondent's proposal is accurate and is not made in the interest of, or on behalf of, an undisclosed person, contractor (defined here as any entity capable of contracting with the City for provision of products or services), or entity; (b) Respondent has not directly or indirectly induced or solicited any other contractors to put in a false or sham proposal; (c) Respondent has not solicited or induced any other person, contractor, or entity to refrain or abstain from proposing; (d) Respondent has not sought by collusion to obtain for themselves any advantage over any other Respondent or over the City.

4.1.3. INFORMATION DISCLOSURE TO THIRD PARTIES

All material provided to the City during the procurement process and any subsequent agreement negotiation and administration would be expected to be used without restriction by the City in the future. Respondents shall clearly mark any portions of their proposal submittals that they are proprietary and confidential information by including the following language preceding that section of the proposal:

"The following section contains confidential and proprietary information that may not be disclosed to any party outside the City of North Las Vegas staff without prior written authorization by [insert name of Respondent here]"

4.1.4. CITY'S RIGHTS

This RFP constitutes an invitation to Respondents to submit proposals to the City. The City reserves, holds without limitation, and may exercise, at its sole discretion, the following rights and conditions with regard to this RFP process, to which by responding to this RFP, Respondents acknowledge and consent to the following:

- To terminate the procurement process or decide not to award the project or enter into an agreement as a result thereof by written notice to the Respondents for any reason or no reason whatsoever.
- To waive any defect, technicality, or any other minor informality or irregularity in any proposal, or any other response from Respondents, as determined by the City in its sole discretion.
- To make major changes or alterations to the RFP schedule for any events associated with this procurement process upon notice to the Respondent. Minor modifications may be made without notice to Respondents.
- To eliminate any Respondent that submits an incomplete or inadequate response, or is not responsive to the requirements of this RFP, or is otherwise deemed by the City, in its sole discretion, to be unqualified during any stage of the procurement process.
- Without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- In the event the City receives questions concerning this RFP from Respondents prior to the deadline for response, the City reserves the right to provide such questions, and the City's responses, if any, to all prospective Respondents.
- Neither the City, nor its elected officials, staff, agents, employees, representatives or Respondents will be liable for any claims or damages resulting from any aspect of this RFP process.

- To visit and examine any of the facilities referenced in the proposals and to observe and investigate the operations of such facilities, as well as other facilities not referenced in the proposals as may be deemed necessary by the City.
- To conduct investigations with respect to the qualifications and experience of each Respondent included in its proposal and to request additional evidence to support any such information.
- To take any action affecting the RFP process or the project that is determined to be in the City's best interests.
- To request clarifications, information, and/or revised proposals from Respondents.
- To discontinue negotiations with the selected Respondent and commence negotiations with another Respondent or any other party.
- To select and enter into an agreement with one Respondent whose proposal best satisfies the interests of the City and is most responsive in the judgment of the City to the requirements of this RFP.

4.1.5. CONFLICTS OF INTEREST

No officer, employee, or agent of the City, nor any member of the immediate family of any such officer, employee, or agent as defined by City ordinance, shall have any personal financial interest, direct or indirect, in any agreement resulting from this procurement process, either in fact or in appearance. The Respondent must comply with all federal, state, and City conflict of interest laws, statutes, and regulations.

The Respondent represents that it presently has no interest and shall not acquire any interest, direct or indirect, in any agreement resulting from this procurement process that would conflict in any manner or degree with the performance of the services and obligations there under.

4.2. SELECT AGREEMENT REQUIREMENTS

4.2.1. GENERAL

Respondent must submit a complete response to the RFP, which will be retained by the City. Proposals shall provide complete details of the Respondent's approach to meet the requirements of this RFP. The proposal submittal requirements are presented in Section 5 of this RFP.

4.2.2. AMENDMENTS TO THE RFP

The City of North Las Vegas reserves the right to amend this RFP by an Addendum at any time prior to the date set for receipt of proposals. Responses to requests for clarification will be in writing and shall be distributed to all Respondents in the form of an Addendum and without identification of the source of any inquiry. If revisions are of such a magnitude to warrant, in the City's opinion, the postponement of the date for receipt of proposals, an addendum will be issued announcing the new date.

5. SUBMITTAL REQUIREMENTS

5.1. GENERAL REQUIREMENTS

Submit six (6) written copies and one (1) digital copy of the proposal on or before the stated submittal deadline to:

City Clerk's Office
City of North Las Vegas
2250 Las Vegas Blvd. North
Suite 800
North Las Vegas, NV 89030
Attention: Catherine A. Raynor, MMC
City Clerk
RaynorC@cityofnorthlasvegas.com

Proposals must be received by the date and time stated herein. The envelope shall be labeled as Proposal–APEX Water and Wastewater Infrastructure, and the name and address of the interested Respondent on the front of the envelope.

Interested Respondents are responsible for the timely and accurate delivery of their proposals. Only those proposals received at the above address on or before the date and hour set for receipt of proposals will be eligible for consideration. Any proposal received after the closing time, regardless of the method of delivery, may be returned to the Respondent unopened. Proposals may not be withdrawn after the closing time.

The City reserves the right to reject any or all proposals, including without limitation the rights to reject any or all nonconforming, nonresponsive, or conditional proposals and to reject the proposal of any Respondent if the City believes that it would not be in the best interest of the City to consider a project proposal from that Respondent, whether because the proposal is not responsive or the Respondent is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the City.

5.2. FORMAT REQUIREMENTS AND ORGANIZATION

The City desires to allow Respondents maximum flexibility to be efficient in preparing proposals. As such, no specific format restrictions or page limitations are required. However, Respondents are strongly encouraged to submit a concise proposal that provides the detailed explanation of Respondent's approach focusing on the requirements previously stated and categories of information that address stated.

Additional clarifying details related to Respondent's financial capacity to deliver the proposed project should be included along with more detailed information regarding the specific elements of the technical approach to deliver to the City the APEX water and wastewater infrastructure proposed.

6. AVAILABLE INFORMATION INCLUDED FOR RESPONDENTS USE

Exhibit 1 – Water Line, Wastewater System Site Plan

Exhibit 2 – Groundwater and trunk main system

APEX Water and Sewer Master Plan

Wastewater Treatment Plant Pre-Design Report

APEX Water Line Validation Study

Preliminary Cost Estimates for:

- SNWA Groundwater system
- APEX Surface Water System
- APEX Sanitary Sewer System
- APEX Wastewater Treatment Plant