



<h1>DRAFT</h1>	Contractor Evaluation Process Guidelines for the Implementation of Private Property Infiltration and Inflow (PPII) Reduction Program
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Approved by: _____ Milwaukee Metropolitan Sewerage District District PPII Program Manager	Click or tap to enter a date. Date
Approved by: _____ District Legal Services Division	Click or tap to enter a date. Date
Approved by: _____ District Procurement Department	Click or tap to enter a date. Date
Approved by: _____ Milwaukee District Executive Director	Click or tap to enter a date. Date

1.0 General Information

- 1.1 The Milwaukee Metropolitan Sewerage District (District) wishes to continue investing in infiltration and inflow (II) reduction from private property sources using contractors skilled and experienced in construction and communication methods specific to private property sewer and plumbing rehabilitation. The District seeks contractors with a reliable track record of completing private property work as defined by the District PPII Reduction Program (Program) Statement of Policy (Policy). This administrative guideline provides information to District Program, Procurement, and Legal staff as well as our municipal partners regarding how contractors submitting responses to the District’s publicly advertised Request for Qualification (RFQ) will be evaluated for inclusion on an Approved Contractor List. The Approved Contractor List will be used solely for the implementation of the PPII Program. Any prime contractors desiring to perform or contract work funded partially or fully by the District through the Program must be listed on the Approved Contractor List and must meet the appropriate project standards as set forth in 1.4 (tier, modifier, work type). Subcontractors performing one of the Work Types as outlined in 1.4.3. must be listed on the Approved Contractors List.
- 1.2 Contractors shall be equitably evaluated by a committee of Program stakeholders, which includes District staff, District consultants, and representatives from the District service area municipalities.
- 1.3 Contractors shall be proposed to the District through an Application for Evaluation of Contractors (Attachment 1) as part of the District’s RFQ process. Each application will be assessed for approval to construct work funded by the District to ensure that the District is funding work that is completed by contractors who have the required experience and accreditation for the type of work being completed. Contractors approved to complete work on Program-funded projects will be listed on the Approved Contractors List located on the Program webpage.



1.4 The Program will establish a Contractor Evaluation Committee (CEC) led by the PPII Program Manager and comprised of representatives, as appropriate, from the District's Planning, Research, and Sustainability (PRS), Technical Services, Procurement, and Legal Service Divisions, municipalities, and consulting firms. Contractors will be evaluated in three categories to perform work based on their work-type capabilities and business experience as identified in their application, as submitted to the Milwaukee Metropolitan Sewerage District (District) in response to a publicly advertised request for qualifications (RFQ). The three categories for which contractors will be evaluated and assigned levels of approval for upon completion of the CEP are as follows: Financial Capacity and Contracting Experience; Project Experience; Qualified Work Types

1.4.1 Financial Capacity and Contracting Experience - Contractors approved through the RFQ process will be assigned one of four tiers of approval based on financial capacity and contracting experience and the Modifier being applied for, Residential or Municipal.

- Tier 1 – contracting for projects up to a \$50,000 maximum project limit,
- Tier 2 – contracting for projects up to a \$150,000 maximum project limit,
- Tier 3 – contracting for projects up to a \$500,000 maximum project limit, and
- Tier 4 – contracting for projects above \$500,000.

Contractors applying for a Residential Modifier will be placed into the Tier 1 Category. Contractors who are applying for the Municipal modifier will be assigned based on their financial capacity and experience. The limit for each tier is based on the total contract value, regardless of whether the contract is funding partially or fully by the District.

A project is defined for the R program, as an individual property, and for the M program an individual contract with a municipality or the District.

1.4.2 Project Experience - Contractors approved through the RFQ process will be assigned a M or R modifier to the assigned financial Tier assignment.

- M: A "M" modifier qualifies the contractor to bid, contract, and/or perform work on projects publicly bid and funded wholly or partially through the Program AMFA component as defined by the Policy.
- R: A "R" modifier qualifies the contractor to contract and perform work on projects funded wholly or partially through the Program ARFA component as defined by the Policy.

1.4.3 Qualified Work Types - Contractors approved through the RFQ process will receive a list of work types the District determines the contractor is qualified to perform on projects funded through the District Program. The work types are outlined in Attachment 1. The District shall only review the contractor for approval of the work types the contractor applies for the District's consideration on the application. Contractors shall provide sufficient supporting information to support the determination of qualification for the work type approval being submitted for approval.

1.5 Once the contractor has received a conditional approval by the CEC, the contractor will be scheduled to attend a mandatory training workshop. This mandatory training workshop will provide information and discussion on the Program, the Program objectives, standard forms, systems, procedures, and the requirements a contractor shall meet when working on District Program funded work. Once the contractor has completed the mandatory training workshop, the contractor will be offered the opportunity to execute a Memorandum of Understanding (MOU) with the District. A MOU identifies the



expectations and requirements of Program participation and the tier levels the contractor was approved for in each of the three categories; Financial Capacity and Contracting Experience, Project Experience, and Qualified Work Types. In addition to the MOU, the project owner (municipal or private) reserves the right to include additional project-specific requirements in their contract documents as deemed necessary for any particular project.

2.0 Responsibilities

2.1 The PPII Program Manager will be responsible for the following activities:

- 2.1.1 Leads District procurement, technical, and legal staff to develop the criteria for the CEP and revises the criteria as necessary to achieve the objectives of the Program, adjust to industry trends, and comply with changes in statutes, laws, and regulations.
- 2.1.2 Assembles the RFQ and coordinates the advertising schedule with the CEC and the District's procurement office.
- 2.1.3 Responds to and assists the procurement office during the open RFQ period with answering contractor questions and creating addenda.
- 2.1.4 Recruits candidates for the CEC and facilitates all communication within the CEC and between the CEC and the procurement office.
- 2.1.5 Leads the CEC in evaluation of the applications.
- 2.1.6 Formalizes the recommendations of the CEC and forwards the recommendation forms to the procurement office.
- 2.1.7 If an appeal to a CEC determination is received by procurement, schedules appeal review sessions with the CEC.
- 2.1.8 Schedules the contractor training workshops.
- 2.1.9 Manages MOU drafting and execution with District legal staff and the contractors that have successfully completed training.
- 2.1.10 Consistent with the MOU, manages and records contractor performance information and data.
- 2.1.11 Maintains the Approved Contractor List for Program.
- 2.1.12 Receives and manages complaints against contractors and schedules complaint review sessions with the CEC as necessary.
- 2.1.13 Receives CEC decisions on complaint reviews, formalizing the decisions of the CEC and communication the decisions to the District procurement office and the contractor.
- 2.1.14 Administrates all remedial action that is outlined in the MOU with respect to complaint review decisions by the CEC up to and including removal of the contractor from the Approved Contractor List.

2.2 The CEC shall be responsible for the following activities:



- 2.2.1 Maintain a current knowledge of the District Program, industry standards, and current market trends.
- 2.2.2 Disclose any conflicts of interest and recuse themselves from the decisions of any application, appeal, or remedial decision by the CEC that presents a potential conflict of interest. Potential conflicts of interests shall include, but are not limited to, past or pending legal action, has a personal or immediate family member who has financial interest in the company being reviewed, or does business with the contractor being reviewed.
- 2.2.3 Review applications submitted by the contractors through the RFQ process.
- 2.2.4 Attend meetings of the CEC to discuss the review of applications and complete evaluation forms to indicate whether an applicant has met the detailed qualification criteria.
- 2.2.5 Make one of the following four recommendations in writing to the PPII Program Manager for each application received:
 - Recommendation for Conditional Approval – The CEC will recommend an applicant for conditional approval and invitation to the contractor training workshop. The recommendation will include a Tier assignment, a modifier assignment, and a list of work types for which the contractor is recommended to be approved for.
 - Requires Additional Clarification - The CEC requests additional clarification from the contractor for further consideration of the application. Should additional information be required from the contractor, the PPII Program Manager will send a Request for Clarification (RFC) to the applicant seeking the additional information via the Procurement Department. The applicant is required to provide a response within 14 days of receiving the RFC. The CAC will reconvene to consider that additional information provided and make recommendation to the PPII Program Manager.
 - Request for Presentation - The CEC requests a presentation from the contractor to provide further information and/or clarification of the application.
 - Not Approved - Denial of the request for approval.

2.3 The PPII Program staff is responsible for:

- 2.3.1 Address questions forwarded by the procurement department from the contractors during the RFQ phase and prepare addenda.
- 2.3.2 Seek assistance as necessary from any available resource, including, but not limited to, PPII Program Manager, District Project Managers, Procurement Specialists, Legal Services Division, municipalities, and consultants.
- 2.3.3 Provide assistance to the PPII Program Manager and the CEC throughout the CEP as requested.

3.0 Contractor Evaluation Process

- 3.1 The CEP cycle begins when the District solicits a Request for Qualifications (RFQ) from contractors wishing to be listed as an Authorized Contractor for work funded by the District through the Program.



- 3.2 RFQs will be solicited from contractors at least once per year; more frequent schedule shall be determined by the PPII Program Manager.
- 3.3 Contractors must respond to the RFQ with all required documentation by the solicitation deadline. The application may be completed on the District website for electronic submittal to the Procurement Office. Contractors must state the tier, modifiers, and the work types for which they seek approval. The Contractors must provide all supporting documentation completely and accurately as outlined in the application. A sample application is shown in Attachment 1.
- 3.4 Upon closing of the RFQ advertisement period, all submitted applications are distributed by the procurement department to each CEC member through the PPII Program Manager.
- 3.5 Each CEC member will be given a minimum of ten (10) business days to evaluate the information submitted by the contractor applicants. Each CEC member will complete an evaluation form that includes a scoring matrix to provide a basis for discussion for when the CEC convenes. A sample evaluation form is included as Attachment 2.
- 3.6 The PPII Program Manager will schedule a meeting of the CEC no sooner than ten (10) business days after the CEC members receive the contractor applications.
- 3.7 The CEC will convene as scheduled by the PPII Program Manager. The CEC will develop a recommendation letter for each contractor.
- 3.8 The PPII Program Manager will forward all recommendations of approval and denial to the procurement office. All recommendations for RFC and presentations will be managed by the procurement office.
- 3.9 All subsequent rounds of review as necessary due to Requests for Information (RFIs), interviews, and/or appeals will be managed by the procurement office.
- 3.10 Upon completion of all necessary rounds of evaluation by the CEC and finalization of all recommendations, the procurement office will notify all contractor applicants of the decisions made by the CEC. Contractors that have received a recommendation of conditional approval will be required to attend a contractor training workshop by the PPII Program Manager.
- 3.11 The PPII Program Manager forwards CEC determinations to the District's Legal Services Division for drafting of MOUs for all contractors that successfully complete the training workshop.
- 3.12 The Legal Services Division will draft MOU documents.
- 3.13 Upon execution of the MOU, the contractor will be considered approved.
- 3.14 The PPII Program Manager will update the Approved Contractor List and re-post on the District website, inform the procurement office of the list revisions, and notify the contractors that have been added to the list.
- 3.15 The contractor shall be on the Approved Contractor List for a period of up to five (5) calendar years (January-December). Regardless of the effective date of the MOU, each MOU shall expire December 31 of the applicable calendar year contingent on the terms of the MOU.



- 3.16 Prior to the MOU expiration date (or after the duration has expired), the contractor must resubmit an updated application through the standard RFQ cycle.
- 3.17 A contractor wishing to upgrade the Tier, modifier, and/or work types for which they are approved within the current 5-year term of their approval status, must re-apply during the standard RFQ cycle.
- 3.18 Should a contractor receive a denial determination after responding to the RFQ, the contractor will be provided one opportunity to submit an appeal to the procurement department. The appeal should contain a written response to the denial determination's specific concerns. All contractor appeals must be received in writing or by email by the assigned procurement specialist as outlined in the RFQ within five (5) business days of contractor receiving the decision.
 - 3.18.1 All appeals successfully submitted to the PPII Program Manager will be forwarded to the CEC. Each CEC member will have three (3) business days from receipt to reply with a Yes or No vote for each appeal submittal. The Yes or No vote is an opinion by the CEC member whether the CEC as a group should convene and consider the appeal or not.
 - 3.18.2 The PPII Program Manager will tally the CEC member votes, record the vote for District records, and convey the outcomes of the CEC vote to the appealing contractor.
 - 3.18.3 For all appeals receiving a majority Yes vote, the PPII Program Manager will schedule a review of the appeals by the CEC.
 - 3.18.4 The CEC may make any of the four recommendations that are available to them during the initial evaluation process.
 - 3.18.5 The PPII Program Manager will manage the recommendations that result from the appeal reviews in a similar manner as the initial evaluation process.
 - 3.18.6 All decisions by the CEC after the first and only appeal process are final.

4.0 Contractor Performance Review Process

- 4.1 During the course of work completed by an Authorized Contractor through the duration of the District approval, should an Authorized Contractor fail to perform and/or fail to meet the terms and standards of the MOU, the contractor will be subject to the enforcement terms of the MOU up to and including removal of the contractor from the Approved Contractor List.
- 4.2 Contractor performance will be reviewed by the CEC, via the PPII Program Manager. A complaint may be initiated by any entity or individual that has reasonable claim to have been affected by the actions of the contractor through a bidding process, work in progress, or work completed and may include but is not limited to:
 - Property owner
 - Property tenant
 - Adjacent property owner
 - Municipality
 - Sub-contractor
 - Supplier



- Field inspector
- Regulatory or law enforcement
- District

4.3 Grounds for a complaint may include, but are not limited to:

- Quantity or substance of customer complaints
- Financial impropriety
- Failure to honor warranties
- Failure to document and report as outlined in the MOU.
- Poor work integrity
- Submittal of a bid proposal in bad faith
- Collusion and anti-competitive practices
- Unethical business practices
- Misrepresentation of the District, the Program, a municipality, and/or a property owner

4.4 Complaints will be received by the PPII Program Manager. The entity or individual submitting the complaint may do so by filling out the standard complaint form, or they may relay the information to the PPII Program Manager to complete the standard complaint form.

4.5 The PPII Program Manager will forward all complaints to the CEC members.

4.6 Depending on the urgency of the complaint (immediate risk of damage to property or health and safety of property owner) with consideration for risk to the complainant, private property owners, the municipality, and or the District, the PPII Program Manager will take the following action on all complaints.

4.6.1 Under advisement of District technical, procurement, and legal staff, if the complaint is determined by the PPII Program Manager to have no urgent consequences, the PPII Program Manager will distribute the completed standard complaint form to all CEC members and the contractor whom the complaint involves.

4.6.1.1 Each CEC member will have five (5) business days from receipt to reply with a Valid or Not Valid vote for each complaint received. The vote is an opinion by the CEC member whether the CEC as a group should convene and consider the complaint for group review.

4.6.1.2 The PPII Program Manager will tally the CEC member votes, record the vote for District records, and convey the outcomes of the CEC vote to the appealing contractor.

4.6.1.3 For all complaints receiving a majority Valid vote, the PPII Program Manager will schedule a review of the complaint by the CEC.

4.6.1.4 The CEC will review the complaint, the performance record of the Authorized Contractor, and discuss the circumstances of the complaint. The CEC will make a recommendation to the PPII Program Manager for recommended remedial action, if any, within the terms of the MOU.

4.6.1.5 The PPII Program Manager will notify the contractor and the complainant of the recommendation made by the CEC.



- 4.6.2 Under advisement of District technical, procurement, and legal staff, if the complaint is determined by the PPII Program Manager to have urgent consequences, the PPII Program Manager will distribute the complaint to all CEC members and notify them of any immediate action that is deemed necessary, pending review and recommendation of the complaint by the CEC. Urgent consequences shall include but are not limited to: active work under contract, impact on the quality of work, threat of more faulty work being completed, service disruption, or impact to safety of health.
- 4.6.2.1 The PPII Program Manager will notify the contractor, the complainant, and any other entities deemed necessary of the interim actions (if necessary) that are being taken by the Municipality or the District pending review and recommendation by the CEC.
- 4.6.2.2 All other complaint review steps, as with non-urgent complaints, shall be followed.
- 4.7 The contractor shall be notified of the CEC decision by email, followed by a hard copy letter via USPS. Should a contractor disagree with a remedial action recommendation by the CEC for a complaint, the contractor will be provided one opportunity to submit an appeal to the PPII Program Manager. All contractor appeals must be received in writing by the PPII Program Manager within five (5) business days of contractor receiving the CEC decision via written communication delivered in person or sent by certified or registered mail (return receipt required).
- 4.7.1 All timely appeals submitted to the PPII Program Manager will be forwarded to the CEC. Each CEC member will have three (3) business days from receipt to reply with a Yes or No vote for each appeal submittal. The Yes or No vote is an opinion by the CEC member whether the CEC as a group should convene and discuss the appeal as a group or not.
- 4.7.2 The PPII Program Manager will tally the CEC member votes, record the vote for District records, and convey the outcomes of the CEC vote to the appealing contractor.
- 4.7.3 For all appeals receiving a majority “Yes” vote, the PPII Program Manager will schedule a review of the appeals by the CEC.
- 4.7.4 The CEC may make one of three decisions upon review of an appeal.
- Reject the appeal
 - Modify the remedial action
 - Grant the appeal (reverse remedial action)
- 4.7.5 The PPII Program Manager will manage the recommendations that result from the appeal reviews in a similar manner as the initial complaint review process.
- 4.7.6 All decisions by the CEC after the first and only appeal process are final.
- 4.8 Contractors removed from the Approved Contractor List shall be ineligible for reconsideration for a period of 3 years.

5.0 Records

- 5.1 Forms and correspondence between the Procurement Division, the Evaluation Committee, the PPII Program Manager, the Authorizing Committee, and the contractor/vendor, with complaints and explanations, shall be maintained by the District in accordance with Wisconsin Open Records law.



6.0 Attachments

- 6.1 Attachment 1: Application for Evaluation of Contractors for the Residential Program
- 6.2 Attachment 2: Example Application for Evaluation of Contractors Review Sheet (Not Provided For RFQ)