

# *Town of Wayne*

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<http://www.waynemaine.org>

## **REMOVAL AND REPLACEMENT OF LADD RECREATION CENTER TENNIS & PICKLEBALL COURTS (LWCF Project 23-00917)**

### **INVITATION TO SUBMIT PROPOSALS**

The Town of Wayne Maine hereby invites the submission of Proposals for the following:

**Remove two existing tennis courts and two existing pickleball courts and replace with two new tennis courts and two new pickleball courts with sub-court drainage and perimeter fencing, including relocation of storage shed.**

All proposals must be submitted by email along with the town supplied cover sheet. Emailed Proposals must have in the subject line **“Ladd Recreation Center Court Project”** and can be sent to [townmanager@waynemaine.org](mailto:townmanager@waynemaine.org).

Any questions regarding the project or specifications must be directed to Bryce Cobb, Interim Town Manager, by email at [townmanager@waynemaine.org](mailto:townmanager@waynemaine.org). All questions must be received by March 27, 2024.

**Proposals are due no later than Friday April 5 at 4:00 PM.  
Proposals will be awarded based on LWCF final approval.**

The Selectboard reserves the right to waive formalities or reject any and all bids when such action is in the best interest of the Town.

## **INVITATION TO SUBMIT**

The Town of Wayne is seeking a qualified contractor to remove two existing tennis courts and two existing pickleball courts and perimeter fencing, install a new sub-court drainage system, and install/furnish two new tennis courts, and two new pickleball courts with new perimeter fencing that are ADA accessible from the adjacent parking area. Project includes relocation of storage shed. All work will take place at the Ladd Recreation Center, located at 26 Gott Rd in Wayne, Maine.

## **Background**

The Town of Wayne wants to improve public outdoor recreation opportunities for residents and visitors by replacing the Ladd Recreation Center outdoor tennis courts and pickleball courts using LWCF grant funding assistance. The current tennis and pickleball courts are in disrepair, so by developing new courts in a community with limited recreation facilities, residents and visitors will have a place to play racquet sports that are safe to use and accessible to all, regardless of their level of physical ability.

## **SCOPE of Work**

The successful contractor shall serve as project manager and perform and/or arrange for all components described below:

Relocate an existing equipment storage shed, remove and dispose of existing tennis courts and pickleball courts and perimeter fencing, install a new sub-court drainage system, and install/furnish two new tennis courts, and two new pickleball courts with new perimeter fencing that are ADA accessible from the adjacent parking area. Provide details of proposed sub-court drainage system.

The work requested in these Proposal Documents will cover all personnel, labor, equipment, and materials required to complete the tasks set forth and described below.

- Remove and dispose of the existing fence, net posts, net post sleeves, and concrete footers.
- Relocate the existing storage shed with attached backboards now located between the two pickleball courts.
- Remove and dispose of the existing asphalt.
- Remove and dispose of 24" of the existing gravel base.
- Furnish and install a geo-textile stabilization fabric.
- Furnish and install 24" of 2" minus gravel (as needed) in compacted lifts.
- Furnish and install 6" of ¾" crushed gravel (as needed) in compacted lifts.
- Installation of a perimeter drainage system.
- Laser fine grade in preparation for asphalt paving.
- Furnish and install 2.5" of compacted asphalt to create a 135' x 120' asphalt pad.
- Furnish and install 10' black vinyl chain link fence to match existing design and meet ADA requirements.
- Furnish and install two sets of PVC tennis net post sleeves and center tie down anchors and two sets of PVC pickleball net post sleeves in concrete footers.
- Furnish and install the Novacrylic Combination Surface System per the manufacturer's specifications (<https://www.novasports.com/>)
- Install one coat of Novacrylic Acrylic Resurfacer.
- Install two coats of a standard color/s No acrylic Combination Surface; color/s to be determined.
- Furnish and install two sets of 2" tennis playing lines and two sets of 2" pickleball playing lines.
- Furnish and install four sets of black Douglas Premier net posts and two Douglas TN45T tennis nets and two Douglas PN30 pickleball nets.

The Town and the successful Proposer shall negotiate a Contract or Contracts for the Project and shall include any additional provisions that the Town and the Proposer mutually agree upon. The parties shall negotiate a final Contract within a reasonable time period after selection. If the parties cannot agree on a Contract after a Proposer has been selected, the Town may enter into discussions with another Proposer. Each Proposer shall be thoroughly familiar with all the terms, conditions, and provisions of the Proposal Documents.

Information from Proposals may be incorporated into the final Contract, as determined by the Town.

These Proposal Documents are not a contract offer, and no contract will exist unless and until a written Contract is signed by the Town and the successful Proposer.

### **PROPOSAL REQUIREMENTS**

Proposals shall be received from Proposers for the furnishing of all labor, materials, and project management for the project described in the scope of work:

**1. Cover Sheet – Found on page 9 of this RFP**

**2. Firm Description**

Provide a brief description of the firm including firm size and area of specialization, location of corporate headquarters, and potential satellite offices proposed to handle this project.

**3. Project Team**

Provide names and resumes or bios of key staff who will be assigned to the project. The project manager shall be clearly identified.

**4. Project Understanding**

Provide a statement summarizing how the project team is particularly qualified for this project.

**5. Scope of Services**

Describe the firm's approach and technical plan for accomplishing the work listed. The successful firm is encouraged to elaborate and improve on the tasks listed in the RFP; however, the firm shall not delete any requested scope tasks unless specifically noted.

**6. Project Schedule**

Submit a schedule, and itemized tasks list for completing the scope of work.

**7. Project Budget**

Submit a proposed project budget itemized by task and including total project cost and budget narrative.

**8. Comparable Projects**

Provide a description of related, recent project experience and role key staff played in these projects.

**9. References**

Provide three (3) references, including current contact names and contact information for similar projects, preferably in Maine.

All Proposers must be willing to follow all LWCF Grant procedures, including Build America Buy America requirements, and provide appropriate documentation with invoices to substantiate contracts, purchased materials, personnel costs, and equipment. A review of LWCF Grant requirements will be reviewed with successful Proposer before contract is signed.

Each Proposer should disclose whether any parts of the Project will be subcontracted and, if so, a description of how the Proposer selects the subcontractors and what are the obligations of Proposers and subcontractors.

### **INSTRUCTIONS FOR PROPOSERS**

Proposals for the above project will be received by 4:00 PM on Friday, April 5. Proposers must submit their proposals electronically in .pdf format by emailing their Proposal to [townmanager@waynemaine.org](mailto:townmanager@waynemaine.org) with the name of the Proposer, Ladd Recreation Center Court Project in the subject line.

The attached cover sheet (page 9) with company/firm information is required at the time of submission.

This project is funded, in part, with a grant from the State of Maine, Bureau of Parks & Lands through the U.S. Department of the Interior Land and Water Conservation Fund. With this funding, this project is subject to the **Build America, Buy America (BABA) Act**. Please see pages 7- 8 of this document for details on the requirements of this Act.

The Town reserves the right to waive technical defects in Proposals, to reject any and all Proposals, consider cost, service and experience in the field generally, as well as the financial responsibility and specific qualifications set out herein of the Proposer, in considering Proposals and awarding the Contract. The Town also reserves the right to discuss the scope of the services with one or more Proposers and to make such modifications as the Town deems to be in its best interest.

Each Proposer is responsible for making sure it gets the information it needs to make a comprehensive Proposal. Information requests are to be made by submitting an email to the Interim Town Manager, Bryce Cobb at [townmanager@waynemaine.org](mailto:townmanager@waynemaine.org) prior to Friday, March 27 at 4:00 pm. The Interim Town Manager will forward any information requests to the designated person working on this project.

Any interpretation of or modification to the Proposal Documents will be made by Addendum. All Addenda will be posted on the Town's website by March 29, 2024. Each Proposer shall confirm prior to submitting its Proposal that it has received all Addenda.

The Town reserves the right to negotiate with any or all Proposers or to cancel or withdraw in part, or in its entirety, the Proposal Documents, if it is in the best interest of the Town to do so. The Town specifically reserves the right to add or delete from the scope of work in the final Contract from the scope of work described in this invitation to submit Proposals. The Town may require the selected Proposer to participate in negotiations concerning the nature and scope of the Project. The results of such negotiations shall be incorporated into the Contract between the Town and the Contractor.

The Town reserves the right to request any additional information pertaining to the ability, qualifications, and experience of a Proposer as it deems necessary after Proposals have been opened and reserves the right to interview one or more Proposers.

### **GENERAL INFORMATION/REQUIREMENTS**

All questions shall be emailed to the Interim Town Manager, at [townmanager@waynemaine.org](mailto:townmanager@waynemaine.org), being received no later than March 27, 2024 at 4 pm. Corrections or changes to this document will be made only by written addendum, any oral explanation or interpretation shall not be binding.

This RFP does not commit the town to award a contract or to pay any costs incurred in the preparation of a response, including costs incurred by the vendor in preparing for or conducting any site visits. The final award may be subject to further discussion with the Proposer prior to making the award.

The contractor shall abide by all applicable Federal, State, and municipal laws, including but not limited to employment and labor laws.

Proposers, by submitting a proposal, agree that they have carefully read and fully understand the information provided by the Town to serve as the basis for submission of their proposal to perform the work; that they have the capability to successfully undertake and complete the responsibilities and obligations of the submitted proposal; that the information contained within their proposal is true and correct to the best of their knowledge; that they did not, in any way, collude, conspire, or agree, either directly or indirectly, with any person, firm, corporation, or other proposer in regards to the amount, terms or conditions of their proposal; and, that by the submission of a proposal, acknowledge that the Town has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by them and that they, the proposer, hereby grants the Town permission to make said inquiries, and to provide the Town any and all requested documentation in a timely manner.

#### **SELECTION**

A Selection Committee, consisting of Town staff and Court Project Committee Members, will evaluate the information provided.

Bid tabulations and justification for selected vendor must be submitted to LWCF Grants for review and approval before the Town can award a contract.

#### **INSURANCE REQUIREMENTS**

Prior to the execution of an Agreement, the Proposer will procure and maintain all necessary General Liability & Automobile insurance. Evidence of insurance will be provided to the Town.

The selected firm and all its subcontractors, if applicable, shall indemnify and hold harmless the Town, its officers, agents and employees from and against all losses, costs or damages caused by his acts or those of his agents. The Town disclaims any and all responsibility for injury to contractors, their agents or to others while examining the job site or at any other time.

#### **OTHER**

Proposer agrees to adhere to a policy of non-discrimination in all employment actions, practices, policies, procedures, phases, and conditions of employment. This shall include compliance with the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Action of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Action of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37 and all other applicable laws, including the Maine Human Rights Act, ordinances and regulations regarding equal opportunity and equal treatment. Contractor specifically agrees that all employment-related decisions (including but not limited to hiring, discharge, transfers, promotions, discipline, training, job opportunities, and wage and salary levels) will be made without discrimination based on an individual's race or color, religion, age, sex (including pregnancy), sexual orientation, gender identity or expression,

ancestry or national origin, physical or mental disability, veteran status, genetic information, previous assertion of a claim or right under Maine's Workers' Compensation Act, previous actions taken protected under Maine's Whistleblowers' Protection Act, or any other protected group status as defined by applicable law. Provisions in applicable laws providing for bon fide occupational qualifications, business necessity, or age limitations will be adhered to by the Contractor and its subcontractors where appropriate.

It is the custom of the Town of Wayne to pay bills within 30 days following delivery of items, their acceptance, and receipt of invoices. The Town will pay invoices based on delivery of specific performance. Invoices will be submitted to the Town with sufficient detail so that the Town can receive LWCF reimbursement for expenses.

The Town reserves the right to waive any informalities in bids, to accept any bid or portions thereof and to reject any or all bids should it be deemed in the best interest of the Town to do so. The Town reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the Proposer is current in its obligations to the Town.

**CONFIDENTIALITY**

Other than information disclosed, all proposals submitted to the Town will be kept in confidence and shall be used solely for the purpose of evaluating the Proposal for a possible award. The Town retains the right to provide copies to its staff, legal, technical, and financial advisors, and representatives. Proposers should take care not to provide any confidential information, trade secrets or other intellectual property, that they do not want Town staff to receive.

All supporting documentation and materials submitted with this proposal will become the property of the Town, all proposals and associated documents are public records.

Please Note: All information submitted for review may be subject to the Freedom of Information Act and may be made available upon request by the public. Proposers should identify any confidential, proprietary information or trade secrets and provide justification why such materials should not be disclosed.

**United States Department of the Interior's Implementation of the  
Build America, Buy America (BABA) Act**

This document is designed to assist United States Department of the Interior (DOI) award recipients by providing important information related to the Build America, Buy America provisions of the "Infrastructure Investment and Jobs Act" (IIJA; P.L. 117-58), where federal funding supports a project for infrastructure as defined at Section 70914 of the BABA Act.

*Note: The guidance provided here is subject to change if the Office of Management and Budget (OMB) guidance on the application of Buy America preference in Federal financial assistance programs for infrastructure is updated.*

**REQUIREMENTS**

The following information provides details on the requirements of the IIJA and the (BABA Act, and standards provided by the White House Office of Management and Budget (OMB), M-22-11, "Initial Implementation Guidance on the Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure."

1. No DOI funds made available on or after May 14, 2022, may be used for a project for infrastructure unless:
  - A. All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
  - B. All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
  - C. All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States. Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additive. The Build America, Buy America preference only applies to articles, material, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does Buy America preference apply to equipment and furnishings, such as moveable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

**EXCEPTIONS**

The following information provides details on the exceptions to the IIJA, the BABA Act, and OMB M-22-11.

1. When necessary, award recipients may apply for, and DOI agency or staff administrative level may approve, a waiver from the requirements. The DOI agency or staff office may waive the

application of the domestic content procurement preference in any case in which it determines that one of the following exceptions applies:

- A. **Public Interest:** Applying the domestic content procurement preference would be inconsistent with the public interest.
- B. **Nonavailability:** The types of iron, steel, manufactured products or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- C. **Unreasonable cost:** The inclusion of iron, steel, manufactured products or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.



**Removal of Existing Courts and Construction of Two New Tennis Courts and Two New Pickleball Courts with Sub-Court Drainage System**

**\*\*PLEASE ATTACH THIS SHEET TO THE FRONT OF YOUR PROPOSAL\*\***

The undersigned hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as a principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same, and that no person acting for or employed by the Town of Wayne is directly or indirectly interested in this proposal or in any anticipated profits which may be derived there from.

The undersigned hereby declares that they have read and understand all conditions as outlined in this Request for Proposals, and that the proposal is made in accordance with the same.

COMPANY NAME: \_\_\_\_\_

AUTHORIZED OFFICIAL NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

TYPE OF ORGANIZATION:  Individual  Partnership  Corporation  Other: \_\_\_\_\_

STATE OF INCORPORATION, IF APPLICABLE: \_\_\_\_\_

FEDERAL TAX IDENTIFICATION NUMBER: \_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.