



**REQUEST FOR PROPOSAL  
FOR  
POOL RESTORATION SERVICES**

**Issue Date:** 10/01/24

**Proposal Submittal Deadline:** 10/15/24 at 10:00 a.m.  
City of Gardner  
City Clerk  
120 E. Main St.  
Gardner, KS 66030

**Contact:** Tim Rodgers, Parks Superintendent  
Phone: (913) 687-2090  
Email: [trodgers@gardnerkansas.gov](mailto:trodgers@gardnerkansas.gov)

**PURPOSE**

The City of Gardner is seeking proposals for the repainting of the Lazy River Pool. The City invites interested and qualified contractors to submit a proposal identifying their ability to perform all aspects of the work required for this project. Businesses considering this request for proposal are encouraged to thoroughly review this document to familiarize themselves with the instructions, information, procedures, and requirements contained herein. Proposals must be prepared and submitted in accordance with the criteria and procedures established in this request for proposal.

**GENERAL BACKGROUND**

Gardner is a growing city with a population of nearly 24,000 residents. The Lazy River Pool is a key attraction in our community recreation area, and it requires new surface preparation and paint to maintain safety and aesthetic standards.

**SCHEDULE OF EVENTS**

- |              |   |
|--------------|---|
| • 10/01/2024 | RFP issue date                                  |
| • 10/14/2024 | Deadline for questions                          |
| • 10/15/2024 | Proposal submittal deadline at 10:00 am         |
| • 10/16/2024 | Evaluation of proposals                         |
| • 10/17/2024 | Interviews, if necessary                        |
| • 10/18/2024 | Selection of preferred proposal                 |
| • 10/21/2024 | Contract negotiations                           |
| • 11/04/2024 | Recommendation to Council for awarding contract |
| • 11/08/2024 | Agreement Start Date                            |

**SCOPE OF SERVICES**

The Contractor will be responsible for the complete repainting of the Lazy River Pool as outlined in the specifications below. The following tasks should be included in the proposal:



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1. **Surface Preparation:**
  - Scrub all surfaces with a heavy-duty degreaser to remove laitance, mold, fungi, organic pathogens, and other contaminants.
  - Sandblast the pool surface to remove loose coatings, sand smooth any areas not fully removed, and patch cracks using TNE MEC 217-218-215 epoxy.
  - Dispose of all debris such as paint chips, dirt, and blasting sand.
  - Perform acid-washing and power-washing of blasted surfaces to ensure proper cleaning.
2. **Paint and Caulking:**
  - Apply a **Prime Coat** of TNE MEC Series 161 Hi-Build Epoxoline II.
  - Apply two **Finish Coats** of TNE MEC Series 161 Hi-Build Epoxoline II (3 mil per coat).
  - Add 5 lbs of 50 mesh Ottawa silica sand to both coats for areas including zero entry and step areas.
  - Remove and replace all caulking from joints of pool up to the back edge of coping around pool including around and under return gutters.
3. **Tile Removal and Painting:**
  - Remove all tiles, grind smooth, and patch with epoxy where necessary.
  - Colors for TNE MEC High Build Epoxy Paint Series 161 will be specified by the City.
4. **Play Structure Repainting:**
  - Media blast and repaint all metal surfaces of the play structure.
  - Repair and repaint the play structure in the zero-entry area.
  - Move existing poles to fit position of new tube slide to be replaced by contractor.
  - Replace all or broken sections of slide to bring into compliance.
5. **Completion Timeline:**
  - Provide an estimated start and end date for the completion of the entire project, with work to be finished no later than May 1, 2025.

### **PROPOSAL REQUIREMENTS AND SPECIFICATIONS**

The submittal should be organized in a manner that will convey pertinent information. The proposal should be formatted in the order shown below.

A. Title Page

Indicate the name of the business, address, telephone number, name of the contact person, and the date.

B. Table of Contents

Include a clear identification of the material by section and by page number.

C. Transmittal Letter

A signed letter of transmittal by an authorized agent of the respondent briefly stating the business understands the work to be done, the commitment to perform the work, the location and hours of operation of the office from which work will be performed, and a statement why the firm believes itself to be best qualified to perform the engagement. Shall be addressed to Tim Rodgers at [trodgers@gardnerkansas.gov](mailto:trodgers@gardnerkansas.gov).

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### D. Qualifications & Experience

- The Proposer shall understand the City's proposal evaluation and any potential selection of the Team for the project will in large part be based upon the qualifications and experience of the Team's personnel represented in the Statement of Qualifications.
- Throughout the duration of the project the City fully expects the personnel identified in the proposal to be maintained as part of the project team and to serve in the roles as represented in the Proposers Statement of Qualifications.
- The Proposer should carefully consider projects which are most closely related to this project; projects which help demonstrate the business's qualifications, experience, and expertise managing projects similar to this proposed project; and projects which are relevant to and with characteristics substantially similar to this project in terms of facility use, size, expertise, etc.
- In the case of businesses which have offices in multiple cities or locations, projects identified to demonstrate the business's qualifications are to be limited to those projects which were managed or constructed by the same office which will be responsible for this project.

### E. References

- Provide at least three (3) references (preferably governmental clients or organizations of a similar size) the City may contact as references with respect to the business's work performance. For each reference include name, title, address, phone number and e-mail address.

### F. Disclosures

- Disclosure of any bankruptcy or insolvency, false declarations, significant or persistent deficiencies in performance of any substantive requirement or obligation under a prior contract or contracts, final judgement in respect of serious crimes or other serious offences, professional misconduct or acts or omissions adversely reflecting on the commercial integrity of the firm, or failure to pay taxes.

### G. Insurance

- Describe amounts and types of insurance carried, including the deductible amount, to cover errors and omissions, improper judgements or negligence.

### H. Fee Proposal

**In a sealed envelope**, please submit a fee proposal which includes the following:

- Propose the total cost to be charged by your business for each type of service.
- Identify any additional fees that may be included. Identify the rates and descriptions of the additional fees.



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### I. Exceptions to this Request for Proposals

- Exceptions which are desired by the respondent shall be specifically noted in the proposal submitted. If not so noted, compliance with the provisions of the Request for Proposals shall be assumed.

### **SUBMISSION INSTRUCTIONS**

Respondents must submit four (4) printed copies and one (1) digital copy (USB flash drive or CD) of the proposal no later than 10:00 AM on Tuesday, October 15, 2024. Any proposals received after 10:00 A.M. will be deemed ineligible. **Please submit the proposal in a sealed envelope.**

#### **Submit proposals to:**

Renee Rich  
City Clerk  
120 E. Main St  
Gardner, KS 66030

### **PROPOSAL EVALUATION**

A selection committee consisting of the Parks and Recreation Director, the Finance Director, a designee from the City Administrator, and the Project Manager will evaluate the proposals.

The proposals will be evaluated on the following criteria:

- Qualifications of the firm (20 points)
- Experience of the assigned personnel and quality of references (20 points)
- Cost (40 points)
- Quality of the proposal and responsiveness to the RFP (20 points)

The maximum possible score is 100.

The selection committee will evaluate the written proposals and will select the respondent(s) which meets the best interests of the City. After evaluating the proposals, the City may request additional information. At its discretion, the City may require any respondent(s) to make an oral presentation of the proposal. These presentations provide an opportunity for the respondent(s) to clarify the proposal for the City. The City will schedule any such presentations. After completing the selection process, the reviewers will present a recommendation for approval by the City Council at its November 4, 2024 meeting.

The City shall be the sole judge of its own best interests, the proposals, and the resulting negotiated agreement. The City's decisions will be final.

The City reserves the right to negotiate any and all elements of this proposal, including but not limited to the fee structure and length of the contract, with the business selected.

It should be further noted that the proposals, during the evaluation processes, will be proprietary working documents and as such are not subject to public opening or inspection. Once an official recommendation for award has been made and forwarded to the Gardner City Council for approval, all information associated with the proposals, including pricing, become available as public records. Should any items within your proposal be deemed confidential, under the



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provisions of the State of Kansas Open Records laws, they must be so marked and submitted as a separate document.

### **PROTEST PROCESS**

Any actual or prospective bidder, contractor or vendor who is aggrieved in connection with the solicitation or award of a contract/purchase order may protest to the City Administrator or his/her designee. The protest shall be submitted in writing to the City Administrator or his/her designated representative within 10 working days after the aggrieved party knows or should have known of the facts giving rise to the grievance.

The City Administrator or his/her designee shall have the authority to settle and resolve a protest of an aggrieved bidder, contractor or vendor, actual or prospective, concerning a solicitation or award of a contract. A written decision regarding the protest shall be exercised in accordance with the City's procurement regulations contained in this policy.

### **APPROPRIATIONS CLAUSE**

The City is subject to the Kansas Cash Basis Law. Accordingly, execution and continuation of the contract is contingent upon annual appropriation of funds by its legislative body in an amount sufficient to allow performance in accordance with the terms and conditions of the contract. The City shall, upon receipt of notice by its City Administrator, Finance Department or other appropriate authority that sufficient funds are not available to continue full and faithful performance of the contract, provide prompt written notice to the advisor of such event, and effective thirty (30) days after giving such notice or upon the expiration of the period of time for which funds were appropriated, whichever comes first, be thereafter released of all further obligations in any way related to the contract.

### **GOVERNING LAW**

All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Kansas.

### **INDEMNITY**

For purposes of indemnification requirements, "Loss" means any and all loss, damage, liability or expense of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including attorney's fees and cost of defense).

For purposes of this RFP, the Respondent hereby agrees to indemnify, defend and hold harmless the City, its employees and agents, from any and all "loss" where "loss" is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Respondent. It is agreed as a specific element of consideration of this agreement that this indemnity shall apply notwithstanding the joint, concurring or contributory or comparative fault or negligence of the City or any third party and further notwithstanding any theory of law including, but not limited to, a characterization of the City's or any third party's joint, concurring or contributory or comparative fault or negligence as either passive or active in nature, provided, however, that the Respondent's obligation hereunder shall not include amounts attributable to the fault or negligence of the City. Nothing in this section shall be deemed to impose liability on the Respondent to indemnify the City for loss when the City's negligence or other actionable fault is the sole cause of loss.



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**INQUIRIES**

All inquiries concerning this RFP should be submitted to Tim Rodgers at [trodgers@gardnerkansas.gov](mailto:trodgers@gardnerkansas.gov). All inquiries received will be responded to by means of addendum to this RFP and distributed via email to all known interested institutions.

**DEADLINE FOR INQUIRIES**

*The deadline for receipt of questions from respondents is close of business on Monday, October 14, 2024. No further questions or clarifications will be provided after that date.*