



**REQUEST FOR QUALIFICATIONS (RFQ)**

**Public-Private Partnership (P3)**

**Insurance, Performance Security, and Risk  
Management Services**

**for the**

**Diversion Channel and Associated Infrastructure  
Work Package**

**of the**

**Fargo-Moorhead Area Diversion Project**

Issue Date: May 6, 2016

Due Date: May 20, 2016

**Fargo-Moorhead Metro Diversion Authority**

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Approved



Bruce J. Spiller, P.E.  
CH2M, Owner's Agent

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# Public-Private Partnership (P3) Insurance, Performance Security, and Risk Management Services for the Fargo-Moorhead Area Diversion

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## Introduction

The communities of Fargo, ND and Moorhead, MN, along with Cass County, ND, Clay County, MN, the Cass County Joint Water Resource District, and the Buffalo-Red River Watershed District, have signed a joint powers agreement that forms the Flood Diversion Board of Authority (Diversion Authority). The Diversion Authority and the United States Army Corps of Engineers (USACE) have completed significant work in readying the Fargo-Moorhead Metropolitan Area Flood Risk Management Project (the Project) for implementation. The “Client” will be the Diversion Authority.

Construction of the Project was authorized by the US Congress as part of the Water Resources Reform and Development Act of 2014, Public Law 113-121. The estimated \$2.1 billion Project, which is comprised of multiple project features, has been selected by USACE as a demonstration project that will be implemented using a Split Delivery model. Under the Split Delivery model, the multiple Project features will be split into those implemented by the Diversion Authority and those implemented by the USACE. The Diversion Authority will deliver the majority of the Diversion Authority’s features through a Public-Private Partnership (P3) project.

The portions of the Project that the Diversion Authority will implement through a P3 are collectively referred to as the Diversion Channel and Associated Infrastructure Work Package (DCAI WP). The DCAI WP generally consists of 30 miles of channel, 2 aqueducts, 2 river inlets, various local drainage inlets, the channel outfall, 4 railroad bridges, 4 interstate highway bridges, and 10 county road bridges, as well as associated environmental mitigation and recreational features.

Further detail on the Project is provided on the project website [www.fmdiversion.com](http://www.fmdiversion.com)

The Diversion Authority, to date, has engaged three primary firms to assist with the P3 procurement and implementation:

- Owner’s Agent: CH2M HILL Engineers, Inc. (CH2M)
- Financial Advisor: Ernst & Young Infrastructure Advisors, LLC (EYIA)
- Legal Advisor: Ashurst LLP (Ashurst)

The Diversion Authority has firms providing local legal counsel:

- Ohnstad Twichell, P.C.
- Erik R Johnson and Associates, LTD
- The Diversion Authority receives P3 related legal advice from Paul Tietz/Gray, Pannell & Woodward, LLP

The Diversion Authority has engaged firms to provide technical assistance in preparing the procurement documents and evaluating the SOQs and Proposals.

## Goal of the Request for Qualifications (RFQ)

The Diversion Authority desires to contract with an experienced and expert insurance, performance security, and risk management firm (Respondent) that understands P3 project delivery models and will provide the Diversion Authority advice and support in relation to the Project, including the drafting and negotiating agreements for the Diversion Channel and Associated Infrastructure project. The Respondent must have the ability to analyze the insurance, performance security, and risk issues related to the Project, including a Design, Build, Finance, Operate, and Maintain (DBFOM) project and support a multi-disciplinary team including the Diversion Authority staff, local counsel, Owner's Agent (CH2M), Financial Advisor (EYIA), Legal Advisor (Ashurst), and engineering service providers.

## Submission Requirements

Respondents shall deliver one copy of the complete submittal in Adobe Acrobat® PDF format by **May 20, 2016 at 3:00 PM**. Submittals are limited to a maximum of 12 pages, including a required 2 page executive summary, with a font size no smaller than 11 point, and a file size of no more than 20 MB. Cover letter (1 page max), table of contents, tabs, and resumes do not count in the 12 page limit. Submittals shall be delivered through e-mail with the subject line stating "Statement of Qualifications – P3 Insurance, Performance Security, and Risk Management Services for the Diversion Channel and Associated Infrastructure". The respondent's name and contact information shall be included in the body of the e-mail. Nothing in the body of the e-mail will be evaluated as part of the submittal process. In addition to the e-mail submittal, respondents may, at their option, submit one copy of the complete submittal in Adobe Acrobat® PDF format on a USB drive.

Submittals shall be delivered to and questions regarding this RFQ shall be directed to:

Bruce Spiller, P.E., DBIA  
CH2M  
520 Main Ave Suite 601  
Fargo, ND 58103  
[bruce.spiller@ch2m.com](mailto:bruce.spiller@ch2m.com)

Addenda, if required, will be posted on [www.FMDiversion.com/ppp/](http://www.FMDiversion.com/ppp/)

## Desired Qualifications

The respondent must have staff with direct knowledge of and experience in:

1. Risk assignment, insurance, performance securities (e.g. surety bonds, letters of credit, etc.) for public-private partnerships involving long-term operations and maintenance;
2. Assessing the applicability, availability, and degree of coverage available from state or federal agencies, including FEMA; and
3. Working with municipal, county, state, and federal agencies.

# Proposed Scope of Work

The scope of services may include, but is not limited to:

## General

1. Provide insurance, performance security, and risk management advice as requested regarding matters affecting, or that could potentially affect, the Project.
2. Participate in presentations, briefings, and reporting to the Diversion Authority Board and other decision making bodies.
3. Work and liaise with other Diversion Authority service providers and state, local, and federal agencies regarding the Project.
4. Attend meetings or participate in conference calls with the Diversion Authority's personnel and/or consultants and other interested parties to discuss the details of the Project.
5. Assist in identification, assessment and allocation of project risks.
6. Review and comment on insurance, performance security, and risk provisions of the RFP, Project Agreement, and other project documents.
7. Participate in the procurement process, including workshops, meetings, and evaluations.

**The Diversion Authority reserves the right to request services on other assignments/projects that are not listed above, under the condition of an "as needed" scope of services.**

## Required Statement of Qualifications Content

Statement of Qualifications (SOQs) should provide sufficient information for the Diversion Authority to evaluate and determine responsiveness as well as the ability to meet the requirements of the project. At a minimum, the following sections should contain:

**EXECUTIVE SUMMARY AND FACT SHEET** - Include a one or two page overview of Statement of Qualifications.

**ORGANIZATIONAL DATA AND BACKGROUND INFORMATION** — Respondent Information: name, location, years in business, financial strength, statement of firm stability, number of staff in firm, specialties, etc. Give the name and address of the Respondent's main and closest offices to the project location. Provide a primary contact name, address, phone numbers, and email address for communication up through contract execution.

Provide a description of firm's corporate structure or the form of business structure that is being proposed and that will serve as the contracting entity. Include the names of parent companies, if any.

**KEY PERSONNEL** — Identify Key Personnel who are to be assigned to this project. Describe how these individuals have worked on comparable projects and will contribute to the program success. Provide details regarding experience and capabilities of Key Personnel. Provide 1 to 2 page (maximum) resumes for the Key Personnel in an Appendix.

Describe the capacity of your firm to perform identified scope of work.

**EXPERIENCE** — Identify similar current or past work that your firm is doing or has done. Describe previous or current representation on projects that have included involvement by CH2M, EYIA, or Ashurst. Provide descriptions of at least three (3) projects/programs that best demonstrate firm or proposed Key Personnel qualifications and abilities that are relevant to this Project. Include the following information:

1. Project/program name and location

2. Client contact name and contact information
3. Project/program description including dates of major milestones
4. Summary of the firm's responsibility as part of the project/program
5. Indicate which of the proposed Key Personnel worked on the project/program, including their specific roles and responsibilities

**STATEMENT REGARDING EXCLUSIVITY** - State whether your firm would be prepared to act for the Diversion Authority on an exclusive basis in relation to the Project. If your firm is not prepared to act on an exclusive basis, state the basis on which it is prepared to act, what consents would be required from the Diversion Authority, and what measures would be implemented to avoid any conflict of interest.

## Selection Process and Evaluation Criteria

The Diversion Authority reserves the right to request additional or clarifying information.

A Selection Team consisting of the Diversion Authority's personnel, with advice from consultants, will evaluate and rank the proposals. Selection criteria are based upon the identified sections of the proposal and include such elements as:

1. Experience of firm and proposed Key Personnel in providing P3 insurance, performance security, and risk management advice and services on projects/programs of comparable nature and size, supported by examples of historical performance on projects and client references.
2. Perceived ability to work well with Diversion Authority personnel and/or consultants and other stakeholders.

A shortlist of top-rated Respondents may be interviewed by phone or may be invited to make a presentation and interview with the Selection Committee.

Interviews are optional at the discretion of the Diversion Authority. Interviews will be held if in the best interest of the Diversion Authority to gain additional information with which to aid in the selection process.

Contract negotiations, including discussion of fees and estimated level of effort, with the top rated Respondent(s) will commence immediately following selection with a goal of awarding a contract as soon as possible.

## Contract Terms and Conditions

Contract terms and conditions will be negotiated following selection.

## Acceptance or Rejection of Statements of Qualifications

**The Diversion Authority reserves the right, in its absolute discretion, to waive any deficiencies in, and accept or reject any and all Statements of Qualifications submitted. The Diversion Authority is not responsible for the cost of preparation of the SOQs, costs associated with participation in an interview or any other costs.**