

REQUEST FOR PROPOSAL

HAMPTON ROADS DISTRICT
PROJECT-SPECIFIC CONSTRUCTION
ENGINEERING INSPECTION (CEI) IN
SUPPORT OF:

Contract I

I-64/I-264 Project: 0264-122-108, C508; UPC 57048

and

Contract II

I-264/Witchduck Road Project: 0264-134-102, C501; UPC 17630

HAMPTON ROADS DISTRICT

RFP NO. HRD-20150722



GENERAL

The Virginia Department of Transportation is seeking expressions of interest from consulting engineering firms who wish to be considered to provide professional engineering services for Hampton Roads District Project Specific **Contracts I & II**. One contract will be awarded from this solicitation to support both identified construction contracts.

The Total Construction Amount is projected to be **\$257.4M**

The Department reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified firm or to modify or cancel in part or in its entirety the Request for Proposal if it is in the best interest of the Department to do so. This Request does not commit the Department to provide any payment for costs associated with the preparation of proposals submitted in response to this Request for Proposal.

The Department reserves the right to alter the project delivery method at any time during the contract period. The Department will notify the consultant of such decision, revise the scope of services and respective man-hours. The change will be implemented utilizing an additional task order or supplemental agreement based on the contract type.

PROCUREMENT SCHEDULE

- Expression of Interest Due Date and Time – August 12, 2015 at 3:00 PM
- Short List Posted on the VDOT Website – NLT September 14, 2015
- Interviews/Technical Presentations – October 1, 2015
- Final Consultant Selection – NLT October 20, 2015
- Scoping Meeting with Selected Consultant – October 26, 2015
- Selected Consultant Pre-Award Documents Due – NLT November 9, 2015
- Completed Negotiations Agreement Due – NLT December 3, 2015
- Consultant Contract Signed – NLT December 18, 2015

CONFLICT OF INTEREST:

The change in a project delivery method for this contract may result in a potential conflict of interests for the consultant and any of its team members. As such, the scope of services and their role may be revised and redefined to meet the project need as identified by the Department. The consultant and its team members may not be allowed to participate in ANY subsequent contracts (design and/or construction) related to this project. The Conflict of Interest determination will be made in accordance with the Department's policy. The policy is available at:

<http://www.virginiadot.org/business/resources/LocDes/IIM-APD-2.pdf>

SCOPE

CONTRACT I:

The scope of work shall consist of providing the following services for Hampton Roads District Project Specific Contract I:

Project: Interchange Improvements at Rte. 264 Ramp from WBL 64 to EBL 264, City of Norfolk, Virginia

Project Number: 0264-122-108, C508, B602, B603, B604, B605
From: 0.4 MI South of Curlew Drive; To: 0.426 MI East of WBL I-64

Description: The proposed improvements include adding a second exit lane on westbound I-64 and the widening of the ramp from westbound I-64 to eastbound I-264, introducing a new two lane Collector-Distributor (C-D) roadway from I-64 to the Newtown Road interchange mostly on bridge structure, and a new two-lane flyover ramp from westbound I-64 tying into the existing eastbound I-264 C-D road.

Project will consist of providing construction engineering/inspection services for new bridge construction, modifying of existing bridge, retaining walls and sound barrier construction, grading, drainage, utilities, pavement, Environmental Services and geotechnical services. The approximate advertisement date is April 2016 and the approximate construction cost is \$133.6 million dollars.

CONTRACT II:

The scope of work shall consist of providing the following services for Hampton Roads District Project Specific Contract II:

Project: I-264/Witchduck Road Interchange & Ramp Extension (C-D Road), City of Norfolk and City of Virginia Beach, Virginia

Project Number: 0264-134-102, C501, B601, B602, B603
From: 0.426 MI East of WBL I-64 (Norfolk, VA); To: 0.473 MI East of Witchduck Road

Description: The project includes extending the new C-D roadway from the Newtown interchange to the Witchduck Road Interchange, reconfiguring the Newtown Road interchange ramps south of I-264, reconfiguring the Witchduck Road interchange ramps south of I-264, and constructing an overpass between the two interchanges that connects Greenwich Road on the south side of I-264 and Cleveland Street on the north side.

Project will consist of providing construction engineering/inspection services for grading, drainage, utilities, asphalt pavement, new bridge construction, widening of existing bridge structures, retaining wall construction and geotechnical services. The approximate advertisement date is January 2017 and the approximate construction cost is \$123.8 million dollars. Consultant will need to have the ability to perform deep water inspections on an as need basis during various phases of the project.

The two projects are adjacent, with the limits of the two projects overlapping at the Newtown Road interchange, warranting a single CEI contract. The projects will be advertised for construction separately with the construction advertisement for the second project (I-264/Witchduck) approximately nine (9) months after I-64/I-264 has been advertised.

These contracts shall have the following requirements:

Project inspection will require the following key personnel (**0264-122-108, C508, B602, B603, B604, B605**):

- one (1) Project Manager, P.E.,
- one (1) Construction Managers,
- one (1) Senior Inspectors,
- one (1) Senior Inspector - Bridge,
- five (5) Inspectors,
- one (1) Inspector (Project Records),
- one (1) Safety Manager,
- one (1) Public Relations Specialist,
- one (1) Traffic Engineer,
- one (1) Structural Engineer, P.E.,
- one (1) Geotechnical Engineer, P.E., and
- one (1) Environmental/ Permits Manager,
- one (1) NACE Coating Technician Level II
- one (1) Traffic/Work Zone Coordinator.
- Additional Engineering functions, which may be required, include, but are not limited to, the review of shop drawings, schedule review and analysis, and notice of intent and claims analysis.

Project inspection will require the following key personnel (**0264-134-102, C501, B601, B602, B603**):

- one (1) Project Manager, P.E.,
- one (1) Construction Managers,
- one (1) Senior Inspectors,
- one (1) Senior Inspector - Bridge,
- five (5) Inspectors,
- one (1) Inspector (Project Records),
- one (1) Safety Manager,
- one (1) Public Relations Specialist,
- one (1) Traffic Engineer,
- one (1) Structural Engineer, P.E.,
- one (1) Geotechnical Engineer, P.E., and
- one (1) Environmental/ Permits Manager,
- one (1) NACE Coating Technician Level II
- one (1) Traffic/Work Zone Coordinator.
- Additional Engineering functions, which may be required, include, but are not limited to, the review of shop drawings, schedule review and analysis, and notice of intent and claims analysis.

STAFF FUNCTIONS, FEATURES OF WORK and KNOWLEDGE SKILLS AND ABILITIES

Project Manager

Project Manager Function: To lead and guide Construction Managers, Inspection staff and Contract consultants in administering construction and maintenance contracts and managing projects in the

transportation construction engineering industry. The Project Manager shall not function in a dual role as the Construction Manager and reports to the Area Construction Engineer.

Project Manager Features of Work: Manages a wide range of construction projects of varying complexity related to roadways, structures, and drainage, and also manages environmental issues. Responsible for management of all aspects of construction/maintenance contracts which are in compliance with safety standards, built with quality in a cost effective and timely manner and in compliance with state and federal standards.

Project Manager Knowledge Skills and Abilities: The Project Manager shall be a Virginia licensed P.E. having 10 years of direct experience in managing complex construction projects. Requires comprehensive knowledge of transportation engineering construction principles/practices; quality assurance and control methods; civil engineering and regulatory/legal constraints. Must have demonstrated skill in delivering complex transportation projects in a transportation engineering/construction industry; communicate effectively both orally/writing with various stakeholders/constituents; leading construction/ engineering staff; and implementing change management. Ability to apply advance engineering planning and project scheduling principles to a variety of complex projects; conduct constructability reviews and demonstrated skill in performing cost analysis and in timely resolution of field issues by partnering to achieve cost effective solutions; develop contract language to meet customer needs; oversee multiple projects; interpret contracts, plans and specs and resolve disputes in a timely manner; and research, identify and implement solutions for construction problems on program wide basis.

Construction Manager

Construction Manager Function: To manage the assigned elements of a construction project to assure quality of the contractor's compliance with the plans and contract documents, manage project personnel staffing, project inspection, and contract administration under the direction of the Project Manager.

Construction Manager Features of the Work: Manages assigned project elements which may involve structures, roadways, and other transportation facilities. Duties include analyzing and interpreting project plans and specifications to ensure project constructability; identifies design errors for the Department; determines impact for both the Department and contractor; interprets unclear contract language; work order time impact analysis, maintain and report contractor's daily production rates, prepare independent detailed construction estimates; makes recommendations for partial and final contractor payments, monitors project budgets and recommends any needed adjustments to the Project Manager; supervises and manages inspection personnel and makes recommendations on project staffing. Conduct pre-construction conference, utility coordination meetings, construction progress meetings and other types of conferences; writes project management correspondence, and approves or rejects recommendations made by project inspectors. Recommends resolution of field construction problems recommends design changes; performs analysis and prepares work orders, seeks input from the project controls group regarding the schedule/cost impact and works with the project design group, materials, environmental, traffic engineering right of way, the public and all other parties necessary to meet contract schedules and requirements.

Construction Manager Knowledge Skills and Abilities: Construction Manager is expected to have 10 years of experience in the management of roadway construction projects. Considerable knowledge of roadway, structure, traffic engineering, construction methods, procedures, practices, plans, specifications, and contracts; materials used and performance, environmental, legal, and safety

responsibilities related to construction of transportation facilities; working knowledge of the VDOT Road and Bridge Specifications, Road and Bridge Standards, Construction Manual, and Inspector Manual; and knowledge in the use of electronic data processing equipment and contract management software. Skill in the use of survey, nuclear density, and materials testing equipment. Ability to supervise and manage employee work groups. Ability to interpret roadway plans, specifications, and contracts. Experience with utilities and utility relocation. Ability to prepare technical, financial, administrative, and explanatory correspondence.

Construction Inspector Senior

Construction Inspector Senior Functions: The inspector senior monitors and performs all types of inspection work on complex and routine highway projects or acts as a specialist and advisor to other inspectors on certain phases of work requiring specialized talent and experience. Assignments are of an independent nature and include responsibility for inspecting and monitoring the inspection work of any type and size of projects. The inspector senior is responsible for assigning and assisting inspectors in a manner that all phases of work will be given adequate inspection. Supervision is received from the Project Manager by periodic visits and review of records and reports. The inspector's authority is limited in that changes to the plans and specifications requested or recommended must be reviewed and approved by a responsible charge engineer to whom the authority has been delegated.

Construction Inspection Senior Features of Work:

- Inspects all phases of work on a project and advises the contractor superintendent or other representatives of necessary action to ensure conformance with plans, specifications, and the contract.
- Inspects grading projects, paving projects, demolitions projects, special design bridge projects, signal projects, signing projects, coating projects, utility projects, other special projects as assigned.
- Reviews the performance of assistant inspectors daily advising of necessary corrective actions to ensure teamwork, partnering and project success. Answers questions from assistant inspectors and the contractor concerning contract requirements and application. Reviews and/or prepares daily reports for preparation of entries to the project diary, as-built plans, materials books, and work books. Prepares and checks construction project construction reports and monthly project estimates. Makes necessary correction and forwards them to the Project Manager.
- Performs occasionally any and all duties of an assistant inspector when required by volume of work.
- Is proficient in the use of routine survey equipment and is able to check grades, verify take-outs (grading, and bridge stakeouts). Is able to read and interpret highway construction plans and specifications.
- Performs detailed constructability and bidability reviews.

In addition to the duties noted for Construction Inspector, the Construction Inspector Senior monitors contractor's operations to ensure compliance with contract terms and specifications. Independently coordinates and directs all phases of construction inspection of projects, which are typically complicated by extensive traffic control, sensitive to the public or environmentally challenging, or require significant project coordination with property owners, utility companies, or local/federal government representatives. Verifies lines, grades dimensions, and elevations using survey and field engineering equipment. Coordinates and schedules various phases of construction with the prime contractor and agency personnel; reviews and monitors contractors' plan of operation; and advises

contractors of violations and recommends adjustments to operations. Recommends changes to construction plans to meet field condition; makes field measurements of pay items and conducts materials testing; checks equipment; maintains and review comprehensive project records including daily diaries, materials notebooks, as-built plans, pay quantity records, progress schedules, work orders and monthly estimates; and is aware of Civil Rights requirements. The Construction Inspector Senior aids in the development of work orders, investigations and analysis of Notices of Intent, and provides On the Job Training for Construction Inspectors and Construction Inspector Trainees. Proven ability to work at heights, and within confined spaces with the required training for these activities.

This position requires frequent contact with engineers and agency personnel to discuss and resolve field construction issues and to obtain technical guidance in specialty areas of engineering and inspections. These positions also require frequent external contact with contractor personnel to schedule and coordinate project inspection and resolve problems; with local government and law enforcement agencies to explain work under construction and coordinate traffic control; with suppliers to monitor receipt of materials; with utility companies to coordinate relocation and installation; and with the public to provide information and resolve issues.

Construction Inspector Senior Knowledge, Skills and Abilities: The Construction Inspector Senior is expected to have six years of experience including knowledge of roadway, structure, and bridge construction methods, materials, standards and specifications. Working knowledge of state and federal safety, environment, and EEO/DBE guidelines and regulations; and of mathematics including algebra, geometry, and trigonometry. Working skill in operating computer equipment, software programs (including but not limited to working in a Microsoft Windows environment, Microsoft Office, and SiteManager, or other currently utilized project management software) and read and interpret roadway, bridge, and structure plans and contract specifications; apply mathematical formulas and engineering principles to determine field adjustments; maintain detailed reports; perform required materials testing; and communicate effectively with agency and contractor personnel and the general public.

It is anticipated that the Department will require Inspector Senior positions with various combinations of the following certifications throughout the life of this contract. The specific certifications required for a given task order will be identified by the Department at the time the task order is assigned.

Certification	Issuing Agency
Soil and Aggregate Compaction	VDOT or NICET LEVEL II*
Asphalt Field Level I & II	VDOT
Hydraulic Cement Concrete Field	VDOT or NICET LEVEL II*
Pavement Marking	VDOT
Slurry Surfacing	VDOT
Surface Treatment	VDOT
Flagger Certification	VDOT
Certification for Erosion and Sediment Control Inspection	Department of Conservation & Recreation (DCR)
Nuclear Gauge Safety Training	NRC***Recognized Provider
Intermediate Work Zone Traffic Control	VDOT Approved Provider
10 Hour OSHA Safety Training	OSHA
GRIT (Guardrail Certification)	VDOT

*Beginning in 2013, VDOT Materials Division will no longer be recognizing Mid-Atlantic Regional Technician Certification Program (MARTCP) certifications; current VDOT Letters of Reciprocity will remain valid until the expiration of the MARTCP or state DOT certification that the letter is

based on. VDOT Materials Division will start recognizing NICET Level II Certifications in Soils and Concrete.

*** Nuclear Regulatory Commission

Construction Inspector

Construction Inspector Functions: The Highway Construction Inspector inspects all phases of construction on highway construction under the supervision of senior inspectors, construction project managers, or other supervisory personnel. The Highway Construction Inspector, on occasion, will also be the inspector in charge of various construction contracts. The inspector shall have the ability to independently inspect routine highway construction phases for bridge and roadway construction projects. Assignments are of an independent or support nature depending the scope or complexity of the project and are made by the Project Manager on a case by case basis. The work is distinguished from the trainee level by the requirement to act and make decisions independently for routine project issues and to foster partnering relationships with contractors, the general public, or other project stakeholders. Training and supervision of trainees may also be responsibilities of this position. The Highway Construction Inspector will monitor the work of contractors to ensure quality control and contractor compliance of moderate complexity and generally be under the direct supervision of senior inspectors, construction managers, or supervisory personnel. Considerable freedom of action is allowed and specific instructions are required only as result of the changes of the plans and specifications, non-performance by a contractor or questions raised by the inspector.

Construction Inspector Features of Work:

- Inspects assigned phases of work on a project to make official contact with contractor superintendent and other representatives to ensure conformance to plans, specifications, and other contract documents.
- Frequently checks lines, grades, dimensions of roadways and structures with an engineer, level and other survey equipment and advises contractor of any discrepancies.
- Checks methods of construction where specific methods are stated and requires action to correct any variances and methods employed.
- Ensures that highways work zones and traffic control setups are in accordance with current standards.
- Prepares and reviews daily inspector reports for preparation of entries into project diaries as a working knowledge of SiteManager and is able to properly document materials in the Materials Notebook as well as other test reports for materials.
- Records or monitors recording material received showing quantities estimated to be required in quantities received used and tested.
- Checks materials and material documents to make sure that they have been tested or performs routine physical test and analyze sample material on the job, sends additional samples to the District, Central Office, or other testing laboratories for verification of results in coordination with the Materials Division Memorandum, Materials Division Manual of Instruction (MOI) and District Materials Engineer.
- Assist in constructability and bidability reviews
- Monitors project budget
- Assist in contractor's monthly evaluations

Construction Inspector Knowledge, Skills and Abilities: The inspector is expected to have three years of inspection experience including a working knowledge of roadway, structure, and bridge construction methods, materials, standards, construction symbols and terminology; state and federal environmental, safety, and Equal Employment Opportunity guidelines and regulations; and of

mathematics including algebra, geometry, and trigonometry. Inspectors shall be skilled in operating computer equipment, software programs and field inspection equipment. Ability to read and interpret roadway, structure and bridge plans and specification; apply mathematical formulas and engineering principles to determine minor adjustments to construction plans; maintain detailed records; perform required materials testing and communicates with the agency and contractor personnel and the general public.

It is anticipated that the Department will require Construction Inspector positions with various combinations of the following certifications throughout the life of this contract. The specific certifications required for a given task order will be identified by the Department at the time the task order is assigned.

Certification	Issuing Agency
Soil and Aggregate Compaction	VDOT or NICET LEVEL II*
Asphalt Field Level I & II	VDOT
Hydraulic Cement Concrete Field	VDOT or NICET LEVEL II*
Pavement Marking	VDOT
Slurry Surfacing	VDOT
Surface Treatment	VDOT
Flagger Certification	VDOT
Certification for Erosion and Sediment Control Inspection	Department of Conservation & Recreation (DCR)
Nuclear Gauge Safety Training	NRC***Recognized Provider
Intermediate Work Zone Traffic Control	VDOT Approved Provider
10 Hour OSHA Safety Training	OSHA
GRIT (Guardrail Certification)	VDOT

* Beginning in 2013, VDOT Materials Division will no longer be recognizing Mid-Atlantic Regional Technician Certification Program (MARTCP) certifications; current VDOT Letters of Reciprocity will remain valid until the expiration of the MARTCP or state DOT certification that the letter is based on. VDOT Materials Division will start recognizing NICET Level II Certifications in Soils and Concrete.

***Nuclear Regulatory Commission

Construction Inspector, Sr. (Project Records Manager)

Construct Inspector, Sr. (Project Records Manager) Functions: This position will maintain all of the project records which include general correspondence, files, monthly pay estimates, request for information logs, submittal logs, meeting minutes, equal employment opportunity records, daily inspection reports, daily diaries, project sketches, etc.

Construction Inspector, Sr. (Project Records Manager) Features of Work: This position will maintain the overall project records and closely monitor the project schedule as it relates to the project’s critical path schedule and related earnings. In addition, the position will monitor and maintain issue files that have the potential to, or have become, formal Notices of Intent to file claims against the Department and ensure that the records are complete, factual, and that a project timeline of each issue is included. Also, when necessary, the position will analyze submissions of work orders or claims for impacts to the project schedule and cost. These functions will be performed in collaboration with the Project Control Engineer. Other responsibilities include training and coaching of inspector personnel, performing inspection duties and assisting the Construction Project Manager and Project Control

Engineer as required.

Construction Inspector, Sr. (Project Records Manager) Knowledge, Skills and Abilities: The Construction Inspector Project Records Manager is expected to have 5 years of project records management experience with considerable knowledge of ITS construction inspection techniques, methods, procedures, practices, materials and equipment. Significant knowledge of road and bridge construction standards, specifications, MUTCD, environmental regulations, safety requirements , DBE/EO/CR guidelines, and related rules and regulations, terms and symbols. Proven ability to inspect a wide variety ITS related projects. Proven skill in operating field engineering and testing equipment. Proven ability to apply mathematical formulas and engineering principles to measure, calculate and reconcile pay quantities and estimate field adjustments. Demonstrated ability to observe, monitor and document construction activities, implement and enforce quality control standards and material testing procedures and prepare related documentation. Knowledge of Federal and State Labor Regulations to including the Davis Bacon Act. Significant demonstrated ability to interpret ITS projects, contracts, special provisions, specifications and understand acceptance testing procedures. Demonstrated ability to utilize Microsoft Word and Excel software. Demonstrated ability to provide technical supervision, leadership and training to other inspectors and to coordinate inspection activities. Demonstrated ability to communicate effectively both orally and in writing with contractors, political entities and the general public. Skilled in negotiating solutions and/or resolving contract issues. Ability to perform physically demanding work under field conditions including but not limited to operation of testing equipment, lifting, climbing, stooping, working at heights and in confined spaces, and making visual observations. Must be able to work in the vicinity of and operate devices emitting low-level ionizing radiation.

Expected Certifications:

- o Soil and Aggregate Field Compaction
- o Asphalt Field
- o Hydraulic Cement Concrete Field
- o Pavement Marking
- o Flagger Certification
- o Nuclear Gauge Safety Training
- o Department of Environmental Quality (DEQ) Certification for Erosion and Sediment Control Inspection
- o Intermediate Work Zone Traffic Control
- o OSHA 10-hours Safety Training – Construction Safety & Health

Safety Manager

Safety Manager Function: To review and inspect the safety practices of the contractor's construction activities.

Safety Manager Features of the Work: Review the contractor's project safety program. Attend meetings with the Project Staff and Contractor representatives to clearly identify their role within the confines of the Project Safety Program. Attend and document pre-planning safety meetings prior to construction activity on site. Ensure that construction practices are in accordance with OSHA standards. If necessary, facilitate training for site personnel for compliance with Federal and State standards. Review the contractor's Safety Program and ensure that it meets or exceeds the project Safety Program requirements. Ensure that the contractor designates a Safety Representative that is properly trained in the OSHA standards and that person is considered by OSHA standards, competent for the contractor's scope of work and has the proper authority to correct safety issues and hazards

relating to their safety compliance. Conduct regular jobsite and work area inspections noting safety violations and corrective actions. Investigate all incidents and generate proper reports.

Safety Manager Knowledge Skills and Abilities: Requirements include a four-year occupational safety/health degree or equivalent combinations of technical training and/or related safety experience including 5-10 years of construction safety experience. Must be able to identify hazardous situations & recommend corrective measures is essential. Good interpersonal and communication and written skills. Ability to work as a member of a team. Must be familiar with Federal and VA Unique Standards in OSHA regulations. OSHA 30 hour in construction, CPR and First Aid. Must be able to conduct accident investigations and develop corrective action plans and conduct daily work site inspections to mitigate hazards. Knowledge and certification of Va Work Area Protection Manual and MUTCD is a must.

Public Relations Specialist

Public Relations Specialist Function: To provide support and assistance to the Department staff in the development, preparation, and communication of project related information to various stakeholders and the general public as requested by the District Communications Manager or their designee.

Public Relations Specialist Features of the Work: The Public Relations Specialist will develop and carry out communications and marketing strategies for construction projects in the Hampton Roads District. Duties include but are not limited to: researching and responding to citizen questions and requests; researching and responding to media inquiries; facilitating and conducting television, print, and radio interviews; writing and editing news/traffic releases and publications for print and the web; creating Power Point presentations for construction project briefings; creating and sustaining a social media presence for construction projects; assisting the public affairs staff in event planning and news conferences to support the district construction projects.

Public Relations Specialist knowledge Skills and Abilities: The Public Relations Specialist is expected to have 3 years of direct experience in public information and/or advertising involving mass circulation or distribution of literature, mass advertising, or other similar activities; have skill in the use of Microsoft Office Suite; have graphics experience using Adobe Creative Suite; have experience in writing news releases, brochures, newsletters, presentations and other related materials; strong writing, editing and problem solving skills; experience in creating and implementing public relations communication and outreach plans; planning, advertising and executing public meetings; experience creating and sustaining a social media campaign across several mediums; and excellent news judgment, media relations, and customer service skills. Familiarity with the District's media market is preferred.

Environmental Compliance Inspector

Minimum Experience: Five (5) years acting in a lead capacity on multidisciplinary teams, including but not limited to providing clear and concise technical verbal/written guidance regarding any and or all of the following areas: construction inspection, wetland delineations, stream assessments, erosion and sediment control inspections, stormwater management control inspections, asbestos safety awareness and hazardous communication.

Functional responsibility: To provide support to Department staff by ensuring all Department environmental commitments are implemented in compliance with (including but not limited to) the

National Environmental Policy Act, Section 4(f) of the Transportation Act of 1966, Section 106 of the National Historic Preservation Act, the Clean Water Act, the Federal Endangered Species Act, the Endangered Plant and Species Act (Code of Virginia), the Endangered Species Law (Code of Virginia), all other applicable Federal and State environmental laws and regulations, and the Department's Road and Bridge Specifications/Standards. Environmental commitments and compliance to adhere to the project permit conditions. The position shall also facilitate the resolution of compliance issues with appropriate parties.

Minimum Education: Bachelor of Science in environmental studies or related fields such as environmental science, environmental engineering (ABET), biology/ecology, geological sciences, hydrology, forestry/horticulture, soil sciences from an accredited program.

Professional Registration/Certifications: DCR Erosion and Sediment Control Inspector Certification and OSHA-compliant HAZWOPER training.

Degree/Experience/Registration substitution: Masters Degree and three (3) years experience along with the certifications listed above.

Engineering Support Staff

Engineering Support Staff Function: To provide support to the Department staff in the analysis and review in the areas of, but not limited to, constructability/bidability review/analysis, shop drawings, schedule review and notice of intent and claims analysis, as requested by the Project Manager.

Engineering Support Staff Features of the Work: Provides consultation, investigations, evaluations, and written documentation in the areas of, but not limited to, constructability/bidability review, shop drawings, schedule review and notice of intent analysis, as requested by the Project Manager.

Engineering Support Staff Knowledge Skills and Abilities: The Engineering Support Staff shall be under the supervision of a Virginia licensed P.E. having 10 years of experience in the practice of engineering defined as where the principles and methods of engineering are applied to, but not necessary limited to, consultation, investigation, evaluation, planning and design of public or private utilities, structures, machines, equipment, processes, principles/practices, highway design project management, highway processes/practices. Engineering Support Staff shall have experience with the practical application of engineering procedures in roadway design/construction.

NACE Coating Technician Level II

Coating Technician Function: To monitor and inspect the work of contractors to ensure quality control and contract compliance for bridge structure coatings under the direction of a Department Construction Manager.

Coating Technician Features of Work: Monitors and inspects the contractor's coating operations to ensure compliance with contract terms and specifications.

Coating Technician Knowledge Skills and Abilities: The Coating Technician is expected to have successfully completed the National Association of Corrosion Engineers (NACE) International Coating Inspector Program Sessions I and II and have 12 months of coatings inspection experience.

Traffic/Work Zone Coordinator

Traffic/work zone coordinator Function: To inspect the Contractor's daily traffic control operations and coordinate traffic control operations with VDOT's Operations Center, Public Affairs, State Police, etc.

Traffic/work zone coordinator Features of work:

- Coordinates and evaluates day-to-day operations of the traffic control program; ensures compliance with applicable internal and external requirements;
- Coordinates the development, evaluation and implementation of traffic control program goals, objectives, activities, and strategic initiatives; assesses consequences and outcomes of program initiatives;
- Serves as a liaison for traffic control program activities; coordinates program activities between VDOT and the contractor and with other external agencies;
- Inspects work sites related to project at least daily with a view to detecting and immediately addressing with the contractor the correction of deficiencies in traffic control devices and their applications which may occur with the passage of time;
- Monitors and notifies responsible party(s) of potentially hazardous conditions relating to motorists or pedestrians that need to be corrected;
- Performs related duties as required.

Traffic/work zone coordinator Knowledge, Skills and Abilities:

Knowledge of:

- Traffic control practices, procedures and incident management;
- Latest version of the Work Area Protection Manual;
- Basic construction practices Effective management and supervisory practices;
- Applicable VDOT manuals and Policies;
- Safe work practices in traffic control zones;
- Applicable federal, state, and local laws, rules, ordinances, statutes, and regulations;
- Public relations principles;
- Budget administration principles;
- VDOT's Advanced Work Zone Traffic Control Training Certification.

Skill in:

- Using a computer and related software applications;
- Completing paperwork and documentation;
- Using standard office equipment.

Ability to:

- Prepare a variety of reports;
- Compile and analyze data;
- Coordinate program activities;
- Speak in public;
- Plan, implement, and manage program components;
- Interpret complex documents;
- Assess the consequences and outcomes of program initiatives;
- Ensure compliance with applicable internal and external program requirements;

- Plan, organize and direct the activities of subordinates in a coordinated effort;
- Demonstrate sound independent judgment and decision making;
- Communicate with Contractors and Civil Inspectors to find resolutions to conflicts;
- Provide stand by and work overtime as needed;
- Communicate and use interpersonal skills to interact with coworkers, supervisor, the general public, etc. to sufficiently exchange or convey information and to receive work direction;
- Overseeing traffic control operations, including those performed by subcontractors;
- Coordinating traffic control with subcontractors, other contractors, and Utilities;
- Ensuring that set-up and removal is performed according with regulations;
- Performing daily traffic control inspections and providing written reports documenting the inspections, including detailed findings and corrections made;
- Performing inspections at night and on weekends to ensure compliance with the TCP;
- Ensuring that traffic control devices are correctly positioned and spaced;
- Ensuring that signs are properly covered or uncovered;
- Maintaining or replacing traffic control devices to ensure traffic control devices are in an acceptable condition and good working order;
- Ensuring that routine road maintenance is performed, including debris removal and road cleaning;
- Ensuring that construction operations do not create flooding or icing conditions for lanes open to traffic;
- Identify and correcting traffic control deficiencies immediately;
- Ensuring that vehicles, equipment, and material stored adjacent to the road are behind barriers or stored at least 30 feet from the traveled way;
- Ensuring that Contractor vehicles for material delivery enter or exit the traveled way in a safe manner.

Utility Inspector Senior

Utility Inspector Senior Functions: The Utility Inspector Senior monitors and performs all types of inspection work to include safety and environmental requirements on complex and routine utility relocation projects and acts as a specialist and advisor to other inspectors on certain phases of work requiring specialized talent and experience. Assignments are of an independent nature and include responsibility for inspecting and monitoring the actual horizontal and vertical location of the installed utility system for the inspection work of any type and size projects. The inspector senior is responsible for assigning inspectors in a manner that all phases of work will be given adequate inspection to complete an accurate utility as-built plan. Supervision is received from the Utility Construction Manager or District Utility Engineer by periodic visits and review of records and specific tracking documents. The coordination of local, regional as well as interstate utility companies is a core responsibility of the inspector senior. The inspector senior's authority is limited to changes to the plans and specifications requested or recommended but must be reviewed and approved by a responsible charge engineer to whom the authority has been delegated.

Utility Inspection Senior Features of Work:

- Inspects all phases of utility relocation work on a project and advises the contractor superintendent or other representatives of necessary action to ensure conformance with plans, specifications, and the contract.
- Provides technical assistance to the construction project staff with any utility issues that arise during construction.

- Inspects grading projects, paving projects, demolitions projects, special design bridge projects, signal projects, signing projects, coating projects, utility projects, other special projects as assigned.
- Reviews the performance of assistant inspectors daily advising of necessary corrective actions to ensure teamwork, partnering and project success. Answers questions from assistant inspectors and the contractor concerning contract requirements and application. Reviews and/or prepares daily reports for preparation of entries to the project diary, as-built plans, materials books, and work books. Prepares and checks construction project construction reports and monthly project estimates. Makes necessary correction and forwards them to the Regional Utility Manager.
- Performs occasionally any and all duties of an assistant inspector when required by volume of work.
- Is proficient in the use of routine survey equipment and is able to check grades, verify stakeouts (grading, and bridge stakeouts). Is able to read and interpret highway construction plans and specifications.
- Performs detailed constructability and bidability reviews.

In addition to the duties noted for Utility Inspector, the Utility Inspector Senior monitors contractor's operations to ensure compliance with contract terms and specifications. Independently coordinates and directs all phases of construction inspection of projects, which are typically complicated by extensive traffic control, sensitive to the public or environmentally challenging, or require significant project coordination with property owners, utility companies, or local/federal government representatives. Verifies lines, grades, dimensions, and elevations using survey and field engineering equipment. Coordinates and schedules various phases of construction with the prime contractor and agency personnel; reviews and monitors contractors' plan of operation; and advises contractors of violations and recommends adjustments to operations. Recommends changes to construction plans to meet field condition; makes field measurements of pay items and conducts materials testing; checks equipment; maintains and review comprehensive project records including daily diaries, materials notebooks, as-built plans, pay quantity records, progress schedules, work orders and monthly estimates; and is aware of Civil Rights requirements. The Utility Inspector Senior aids in the development of work orders, investigations and analysis of Notices of Intent, and provides On the Job Training for Utility Inspectors and Utility Inspector Trainees. Proven ability to work at heights, and within confined spaces with the required training for these activities.

This position requires frequent contact with engineers and agency personnel to discuss and resolve field construction issues and to obtain technical guidance in specialty areas of engineering and inspections. These positions also require frequent external contact with contractor personnel to schedule and coordinate project inspection and resolve problems; with local government and law enforcement agencies to explain work under construction and coordinate traffic control; with suppliers to monitor receipt of materials; with utility companies to coordinate relocation and installation; and with the public to provide information and resolve issues.

Utility Inspector Senior Knowledge, Skills and Abilities: The Utility Inspector Senior is expected to have six years of experience including knowledge of roadway, structure, and bridge construction methods, materials, standards and specifications; working knowledge of state and federal safety, environment, and EEO/DBE guidelines and regulations; working knowledge of mathematics including algebra, geometry, and trigonometry; working skill in operating computer equipment, software programs (including but not limited to working in a Microsoft Windows environment, Microsoft Office, and SiteManager, or other currently utilized project management software); the ability to read and interpret roadway, bridge, and structure plans and contract specifications; working knowledge of mathematical formulas and engineering principles to determine field adjustments; the

ability to maintain detailed reports; the ability to perform required materials testing; and the ability to communicate effectively with agency and contractor personnel and the general public.

It is anticipated that the Department will require Utility Inspector Senior positions with various combinations of the following certifications throughout the life of this contract. The specific certifications required for a given task order will be identified by the Department at the time the task order is assigned.

Certification	Issuing Agency
Soil and Aggregate Compaction	VDOT or NICET LEVEL II*
Asphalt Field Level I & II	VDOT
Hydraulic Cement Concrete Field	VDOT or NICET LEVEL II*
Pavement Marking	VDOT
Slurry Surfacing	VDOT
Surface Treatment	VDOT
Flagger Certification	VDOT
Certification for Erosion and Sediment Control Inspection	Department of Conservation & Recreation (DCR)
Nuclear Gauge Safety Training	NRC*** Recognized Provider
Intermediate Work Zone Traffic Control	VDOT Approved Provider
10 Hour OSHA Safety Training	OSHA
GRIT (Guardrail Certification)	VDOT

* Beginning in 2013, VDOT Materials Division will no longer be recognizing Mid-Atlantic Regional Technician Certification Program (MARTCP) certifications; current VDOT Letters of Reciprocity will remain valid until the expiration of the MARTCP or state DOT certification that the letter is based on. VDOT Materials Division will start recognizing NICET Level II Certifications in Soils and Concrete.

***Nuclear Regulatory Commission

Utility Inspector

Utility Inspector Functions: The Highway Utility Inspector inspects all phases of construction on highway construction and maintenance projects under the supervision of senior inspectors, construction project managers, or other supervisory personnel. The Highway Utility Inspector, on occasion, will also be the inspector in charge of various construction and maintenance contracts. The inspector shall have the ability to independently inspect routine highway construction phases for maintenance, bridge, and roadway construction projects. Assignments are of an independent or support nature depending the scope or complexity of the project and are made by the Regional Utility Manager on a case by case basis. The work is distinguished from the trainee level by the requirement to act and make decisions independently for routine project issues and to foster partnering relationships with contractors, the general public, or other project stakeholders. Training and supervision of trainees may also be responsibilities of this position.

The Utility Inspector will monitor the work of contractors to ensure quality control and contractor compliance of moderate complexity and generally be under the direct supervision of senior inspectors, utility construction managers, or supervisory personnel. Considerable freedom of action is allowed and specific instructions are required only as result of the changes of the plans and specifications, non-performance by a contractor or questions raised by the inspector.

Utility Inspector Features of Work:

- Inspects assigned phases of work on a project to make official contact with contractor superintendent and other representatives to ensure conformance to plans, specifications, and other contract documents.
- Frequently checks lines, grades, dimensions of roadways and structures with an engineer’s level and other survey equipment and advises contractor of any discrepancies.
- Checks methods of construction where specific methods are stated and requires action to correct any variances and methods employed.
- Ensures that highways work zones and traffic control setups are in accordance with current standards.
- Prepares and reviews daily inspector reports for preparation of entries into project diaries as a working knowledge of SiteManager and is able to properly document materials in the Materials Notebook as well as other test reports for materials.
- Records or monitors recording material received showing quantities estimated to be required in quantities received used and tested
- Checks materials and material documents to make sure that they have been tested or performs routine physical test and analyze sample material on the job, sends additional samples to the District, Central Office, or other testing laboratories for verification of results in coordination with the Materials Division Memorandum, Materials Division Manual of Instruction Materials Division Manual of Instruction (MOI) and District Materials Engineer.
- Assist in constructability and bidability reviews
- Monitors project budget
- Assist in contractor’s monthly evaluations

Utility Inspector Knowledge, Skills and Abilities: The inspector is expected to have three years of inspection experience including a working knowledge of roadway, structure, and bridge construction methods, materials, standards, construction symbols and terminology; working knowledge of state and federal environmental, safety, and Equal Employment Opportunity guidelines and regulations; working knowledge of mathematics including algebra, geometry, and trigonometry; skill in operating computer equipment, software programs and field inspection equipment; ability to read and interpret roadway, structure and bridge plans and specification; ability to apply mathematical formulas and engineering principles to determine minor adjustments to construction plans; ability to maintain detailed records; ability to perform required materials testing; and ability to communicate with the agency and contractor’s personnel and the general public.

It is anticipated that the Department will require Utility Inspector positions with various combinations of the following certifications throughout the life of this contract. The specific certifications required for a given task order will be identified by the Department at the time the task order is assigned.

Soil and Aggregate Compaction	VDOT or NICET LEVEL II*
Asphalt Field Level I & II VDOT	VDOT
Hydraulic Cement Concrete Field	VDOT or NICET LEVEL II*
Pavement Marking	VDOT
Slurry Surfacing	VDOT
Surface Treatment VDOT	VDOT
Flagger Certification VDOT	VDOT
Certification for Erosion and Sediment Control Inspection	Department of Conservation & Recreation (DCR)
Nuclear Gauge Safety Training	NRC***Recognized Provider

Intermediate Work Zone Traffic Control	VDOT Approved Provider
10 Hour OSHA Safety Training	OSHA
GRIT (Guardrail Certification)	VDOT

*Beginning in 2013, VDOT Materials Division will no longer be recognizing Mid-Atlantic Regional Technician Certification Program (MARTCP) certifications; current VDOT Letters of Reciprocity will remain valid until the expiration of the MARTCP or state DOT certification that the letter is based on. VDOT Materials Division will start recognizing NICET Level II Certifications in Soils and Concrete.

*** Nuclear Regulatory Commission

Materials Sampling and Testing

The consultant firm shall provide material testing equipment. The cost of these items should be included in the overhead cost to the consultant and will not be billable to the Department as a direct cost expense, with the exception of the nuclear gauge which shall be provided as a direct cost expense. This equipment will remain the property of the Consultant and shall be removed at completion of the work. The Consultant will be responsible for obtaining proper licenses for equipment and personnel operating equipment when licenses are required. The Consultant shall make the license and supporting documentation available to the Department for verification, upon request. The Consultant's handling of nuclear gauges shall be in compliance with their license.

The material testing equipment shall include but not be limited to; soil/aggregate compaction kit, including: speedy moisture kit, one-point proctor mold, hammer, gas stove, pans and spoons, scales, 10' straight edge, sand cone device; slump cone; air meters, non-contact thermometer and 4' level. Any testing device that will be used for acceptance/rejection of materials will need evidence of current calibration as recommended by the manufacturer. All hand tools necessary for inspection services shall also be supplied by the consultant. Materials sampling and testing shall be performed in accordance to the VDOT Manual of Instruction (MOI), VDOT Road and Bridge Specifications and Virginia Test Methods (VTM).

All personnel shall be knowledgeable of the Department's Construction Program, VDOT's current Road and Bridge Specifications and Standards, ITS current Special Provisions, current Computer Based Construction Management Systems, and current Work Area Protection Manual. Additional engineering functions which may be required include, but are not limited to, the review of shop drawings and catalog cuts, schedule review and analysis and notice of intent analysis, survey capabilities for baselines, cross-sections, and right-of-way surveys etc.

This project will be developed utilizing the Department's policies and procedures and FHWA's guidelines.

All procurement related questions or information should be directed to Tracy Wood at 804-786-9691 or email Tracy.Wood@VDOT.Virginia.gov.

EXPRESSION OF INTEREST (EOI)

1. The Expression of Interest shall be organized in the following order:
 - Transmittal letter - one (1) page or less

- Table of Contents
- Understanding of Scope of Work- two (2) pages or less
- Response to RFP Expression of Interest Items 2-15
- Present Workload with Department form
- **Standard Form (SF) 330 Part I** – one combined for the project team
- **Standard Form (SF) 330 Part II** – one for each firm
- A table or matrix containing the requested information in item 15
- Full size copies of Commonwealth of Virginia SCC and DPOR supporting registration/licensing documentation for each firm (including that of each pertinent branch office)
- Full size copies of Commonwealth of Virginia DPOR registration certificate for the Key Personnel
- Firm Data Sheet
- Certification Regarding Debarment form (Item 13)
- DBE Commitment and Confirmation Letter (if applicable)

(All items shall be on 8 1/2" X 11" and printed on one side with single-spaced type no smaller than 10 point where applicable.)

2. Furnish current SF 330 Part II for each firm involved, and one (1) combined SF 330 Part I for the project team. Please follow the instructions included on the form, unless indicated otherwise within this RFP.
3. As referenced in SF 330 Part I, Section D (Organizational Chart of Proposed Team), a one page organizational chart showing all firms involved and key personnel assignments and responsibilities is required to be included.
4. With the exception of Construction Inspector Trainees, indicate key personnel resumes in SF 330 Part I, Section E (Resumes of Key Personnel Proposed for This Contract). Each resume shall be limited to one page per person with a font no less than 10 point. Furthermore, all individuals identified as Key Personnel in the EOI shall remain on the Consultant's Team for the duration of the procurement process and, if the consultant is awarded a contract, the duration of the contract. If extraordinary circumstances require a proposed change, it must be submitted in writing to the Department's Project Manager for approval, who, at his/her sole discretion, will determine whether to authorize a change. Unauthorized changes to the Consultant's Team at any time during the procurement process may result in elimination of the Consultant's Team from further consideration.
5. In SF 330 Part I, Section F (Example Projects Which Best Illustrate Proposed Team's Qualifications for This Contract), limit example projects to no more than ten (10).
6. In SF 330 Part I, Section G (Key Personnel Participation in Example Projects). The example projects listed in Section G (#29) should match the example project list provided in Section F.
7. In SF 330 Part I, Section H (Additional Information), the consultant should detail the plan to assure the Department that the inspection staff submitted for evaluation will be available for the inspection services requested by the RFP. Section H of SF 330 Part I is limited to a maximum of ten (10) pages with a font no less than 10 point. This section should describe the organization of the proposed project staff indicating the role of each by individual. If subconsultants are proposed, the role of each subconsultant should be discussed. It should also include statements that are responsive to the attached Consultant Short List Score Sheet that will be used to evaluate

your submission. This is the ONLY section of the submission which may include pictures or graphics (included in the ten page limit). List any computer and CADD equipment and any specialized computer software packages that you will use on this VDOT project.

8. It is the policy of the Virginia Department of Transportation that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of federally funded consultant contracts. A list of Virginia Department of Small Business and Supplier Diversity (DSBSD) certified DBE firms is maintained on their web site (<http://www.dmbv.virginia.gov/>) under the **DBE Vendor Directory of Virginia Unified Certification Program**. Consultants are encouraged to take all necessary and reasonable steps to ensure that DBE firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider DBE firms as potential subconsultants. The consultant is encouraged to contact DBE firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a DBE firm whereby the DBE firm promises not to provide services to other consultants is prohibited. The Department believes that these services support 10% DBE participation.

In accordance with the Governor's Executive Order No. 20, the Virginia Department of Transportation also requires a utilization of Small, Women and Minority (SWaM) Businesses to participate in the performance of state funded consultant contracts. A list of Virginia Department of Small Business and Supplier Diversity (DSBSD) certified SWaM firms is maintained on the DSBSD web site (<http://www.dmbv.virginia.gov/>) under the **SWaM Vendor Directory** link. Consultants are encouraged to take all necessary and reasonable steps to ensure that SWaM firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider SWaM firms as potential subconsultants. The consultant is encouraged to contact SWaM firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a SWaM firm whereby the SWaM firm promises not to provide services to other consultants is prohibited.

If portions of the services are to be subcontracted to a DBE or SWaM, the following needs to be submitted with your EOI and both must reference the project number(s) for the services:

- Written documentation of the prime's commitment to the DBE or SWaM firm to subcontract a portion of the services, a description of the services to be performed and the percent of participation.
- Written confirmation from the DBE or SWaM firm that it is participating, including a description of the services to be performed and the percent of participation.

49 CFR Part 26 requires VDOT to collect certain data about firms attempting to participate in VDOT contracts. This data must be provided on the enclosed Firm Data Sheet.

VDOT is also required to capture DBE and SWaM payment information on all professional services contracts. The successful prime consultant will be required to complete C-63 form for both state and federally funded projects on quarterly basis.

Any DBE or SWaM firm must become certified (with the Virginia Department of Department of

Small Business and Supplier Diversity) prior to your response being submitted. If DBE or SWaM firm is the prime consultant, the firm will receive full credit for planned involvement of their own forces, as well as the work that they commit to be performed by DBE or SWaM subconsultants. DBE or SWaM prime consultants are encouraged to make the same outreach efforts as other consultants. DBE or SWaM credit will be awarded only for work actually being performed by them. When a DBE or SWaM prime consultant subcontracts work to another firm, the work counts toward DBE or SWaM goals only if the other firm is itself a DBE or SWaM. A DBE or SWaM prime consultant must perform or exercise responsibility for at least 30% of the total cost of its contract with its own force.

DBE or SWaM certification entitles consultants to participate in VDOT's DBE and SWaM programs. However, this certification does not guarantee that the firm will obtain VDOT work nor does it attest to the firm's abilities to perform any particular work.

Business Opportunity and Workforce Development (BOWD) Center - The BOWD Center is a VDOT developmental supportive services program and partnering initiative funded by FHWA for selected DBE firms of various skill and competence levels interested in entering, enhancing or expanding highway contracting opportunities with prime consultants. The partnering initiative between prime consultants and BOWD DBE firms provides the opportunity for the further development of DBE firms through performance on contracts and guidance from prime consultants. The intent of this partnering initiative is to increase capacity by perfecting existing skills and knowledge, expanding into new work areas, and prime consultant joint venturing with DBE firms.

The prime consultants are encouraged to achieve all or a percentage of the required DBE participation/goals determined for this project by the utilization of BOWD approved firms. To assist consultants in taking advantage of this opportunity for utilization of approved BOWD firms, please contact the BOWD Center for additional information, details, resources and support. The BOWD Center can be contacted at (804) 662-9555 or via email to BOWDCenter@vdot.virginia.gov.

9. If any firms involved with this submission currently have work with the Department, indicate the projects, the division managing the projects, the amount of outstanding fee remaining, and the estimated date of completion. For limited services term contracts, include only the amount of all tasks orders executed or under negotiation. Also, include your estimated fees for pending supplemental agreements and any projects for which the firms have been selected, but have not executed an agreement. Work of affiliated and/or subsidiary companies is to be included. The outstanding workload of any Virginia Department of Department of Small Business and Supplier Diversity certified DBE or SWaM prime or subconsultant may be reduced up to \$4 million and the remainder (>\$0) shall be added to the team's total workload. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM may be reduced up to \$4 million for the next three years. All new work obtained after graduating from the program will be counted. Work being performed under the Public Private Transportation Act (PPTA) shall not be included. Work being performed as a prime, joint venture, or subconsultant on a VDOT Design-Build project shall be included. The outstanding fee remaining is the maximum total compensation payable less the amount previously paid to date. Only Category C work will be counted in the scoring criteria. This information shall be submitted using the attached Present Workload with Department form. Please carefully read the instructions on the Present Workload with Department form.

10. Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed accordingly.

Affiliate - Any business entity which is closely associated to another business entity so that one entity controls or has the power to control the other entity either directly or indirectly; or, when a third party has the power to control or controls both; or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in joint ventures, etc. as to cause a public perception that the two firms are one entity. Firms which are owned by a holding company or a third party, but otherwise meet the above conditions and do not have interlocking directorships or joint officers serving are not considered affiliates.

A firm (prime) shall not submit more than one Expression of Interest (EOI) in response to this Request for Proposals (RFP). If more than one EOI is submitted by an individual, partnership, Corporation, or any party of a Joint Venture, then all EOIs submitted by that individual, partnership, Corporation, or any party of a Joint Venture shall be disqualified. If more than one EOIs are submitted by an affiliate, or subsidiary company of an individual, partnership, Corporation, or any party of a Joint Venture, then all EOIs submitted by that individual, partnership, Corporation, or Joint Venture shall be disqualified.

9. In 2 page(s) or less, provide information regarding the following:

Please describe your firm's ability/experience dealing with delays on a project. Consider the following scenario:

- A delay is encountered on an early phase of a project. What actions can you take to counter the delay? What actions will have the most effect on the result?

10. In 4 page(s) or less, please emphasize your qualifications in the following areas:

- Manage concurrent activities on multiple projects
- Structures, both new and modifications
- Documentation and document control
- Coordinate interface between two projects and potentially two different contractors at the Newtown Road Interchange project boundary

11. A project approach discussion is neither required nor desired for this project.

12. In addition to the page restrictions listed above, a maximum of 3 additional pages may be included in the Expression of Interest.

13. Please indicate, by executing and returning the attached Certification Regarding Debarment forms, if your firm, subconsultant, subcontractor, or any person associated therewith in the capacity of owner, partner, director, officer or any position involving the administration of Federal or State funds:

- Is currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any federal agency.

- Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years.
- Does have a proposed debarment pending; or has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Any of the above conditions will not necessarily result in denial of award, but it will be considered in determining offeror responsibility. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in Federal criminal prosecution or administrative sanctions.

14. If the prime consultant or subconsultant does not have the in-house capability to provide non-professional services, each with an estimated cost of \$5,000 or greater, such as diving services, soil drilling, sampling services or laboratory testing, these services must be subcontracted in accordance with State procurement procedures once a contract is executed, with no DBE or SWaM credit in the selection of the most qualified firm or team. Clearly indicate these services in the EOI.
15. Each business entity (prime and subconsultants) on the proposed team who is practicing or offering to practice professional services in Virginia, including, but not limited to, those practicing or offering to practice engineering, surveying, hydrologic and hydraulic analysis, geotechnical analysis and landscape architecture, should provide evidence including full size copies of appropriate commercial professional registrations and licenses for all main and branch offices proposed for this Project, as well as providing full size copies of appropriate individual registrations/licenses for those professional occupations per the requirements listed below. The EOI should convey the requested information for each regulant by the use of a concise table or matrix. (All full size copies of the Commonwealth of Virginia State Corporation Commission (SCC) and Department of Professional and Occupational Regulation (DPOR) supporting registration documentations should be included in the EOI and will not be counted towards page restriction):
 - .1 The Commonwealth of Virginia SCC registration detailing the name, registration number, type of corporation and status of the business entity.
 - .2 For this Project/Contract, the Commonwealth of Virginia DPOR registration information for each office practicing or offering to practice any professional services in Virginia: Provide the business name, address, registration type, registration number, expiration date.
 - .3 For this Project/Contract, the Commonwealth of Virginia DPOR license information for each of your Key Personnel practicing or offering to practice professional services in Virginia: Provide the name, the address, type, the registration number, and the expiration date. Provide the office location where each of the Key Personnel is offering to practice professional services.
 - .4 For this Project/Contract, the Commonwealth of Virginia DPOR license information for those services not regulated by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (e.g. real estate appraisal): the business name, the address, the registration type, the registration number, and the expiration date.

Failure to comply with the law with regard to those requirements in Virginia (whether federal or state) at the time of the EOI submittal regarding your organizational structure, any required registration with governmental agencies and/or entities, and any required governmental licensure, whether business, individual, or professional in nature may render your EOI submittal(s), in the sole and reasonable discretion of the Department, non-responsive and in that event your EOI submittal(s) may be returned without any consideration or evaluation.

ADMINISTRATIVE

1. Omitted.
2. Prior to the time of submittal of the EOI, all business entities, except for sole proprietorships, are required to register with the Virginia State Corporation Commission. Information about entity formation can be found at <https://www.scc.virginia.gov/default.aspx>. Foreign Professional corporations and Foreign Professional Limited Liability Companies (i.e., organized or existing under the laws of a state or jurisdiction other than Virginia) must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation, professional limited liability company or sole proprietorships that do not employ other individuals for which licensing is required must be registered in the Commonwealth of Virginia with the Department of Professional & Occupational Regulation <http://www.dpor.virginia.gov/>, Virginia Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (Board). Board regulations require that all branch offices of professional corporations and business entities located in Virginia, which offer or render any professional services relating to the professions regulated by the Board shall be registered as separate branch office with the Board. All offices, including branches, which offer or render any professional service, must have at least one full-time resident professional in responsible charge who is licensed in the profession offered or rendered at that office. All firms involved that are to provide professional services must meet these criteria prior to submitting an Expression of Interest to the Department. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the Code of Virginia.
3. The Department will not consider for award any cost proposals submitted by any consultants and will not consent to subcontracting any portions of the contract to any subconsultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.
4. The method of payment will be actual costs for each project assignment based on fixed billable rates. For purpose of determining the fixed billable rates, an overhead rate shall be established in compliance with cost principles contained in the Federal Acquisition Regulations (FAR) of Part 31 of Title 48 of the Code of Federal Regulations. The overhead rate shall be established by an audit by a cognizant government agency or independent CPA firm. Based on the procurement/contract schedule, the approved escalation rate for this contract is 3%; 1.5% for year 1 and 3% for all subsequent years.
5. All firms submitting Expressions of Interest (prime consultants, joint ventures and subconsultants) must have internal control systems in place that meet Federal requirements for accounting. These systems must comply with requirements of 48CFR31, "Federal Acquisition Regulations, Contract Cost Principles and Procedures," and 23CFR172, "Administration of Negotiated Contracts." All architectural or engineering firms selected for a project (prime consultants, joint ventures and subconsultants) must submit their FAR audit data along with a

Contractor Cost Certification for indirect cost rates required by FHWA order 4470.1A dated October 27, 2010 to the Department within 10 work days of being notified of their selection, whereby an official of an architectural or engineering firm shall certify that the indirect cost rate submitted does not include any costs which are expressly unallowable and that the indirect cost rate was established only with allowable costs in accordance with the applicable cost principles contained in the Federal Acquisition Regulations (FAR) of 48CFR31. A sample Contractor Cost Certification is available for architectural or engineering firm's use on VDOT website at <http://www.virginiadot.org/business/gpmps.asp>. Should any firm on the consultant team fail to submit the required audit data and certification within the 10 work days, negotiations may be terminated by the Department and the next most qualified team invited to submit a proposal.

6. Records Exclusion from Public Disclosure: Pursuant to the provisions of §2.2-3705.6 (22) of the Code of Virginia, trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Inspector General of the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Inspector General's Office in accordance with law may, subject to a determination by the Inspector General as described herein, be withheld from public disclosure under the Virginia Freedom of Information Act (FOIA). To enable the Inspector General to identify data or records that may be subject to this exclusion from disclosure under FOIA the private or nongovernmental entity shall, in accord with procedures adopted by the Inspector General, make a written request to the Inspector General of the Virginia Department of Transportation:
 - invoking such exclusion upon submission of the data or other materials for which protection is sought;
 - identifying with specificity the data or other materials for which protection is sought; and
 - stating the reasons why protection is necessary.

The Inspector General of the Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it. Notwithstanding the foregoing, Contractor's failure to comply with the requirements stated herein and procedures established by the Inspector General for seeking an exclusion pursuant to §2.2-3705.6 (22) of the Code of Virginia shall result in a denial of the exclusion. Requests for exclusion that are submitted after data or other materials for which protection is sought have been submitted will be denied.

If litigation directly or indirectly results from or arises out of a granted exemption, the contractor will be responsible for all litigation costs incurred by contractor and/or VDOT associated with such litigation. In no event shall the Virginia Department of Transportation or its officers, employees or agents be liable to the contractor as a result of any disclosure of records or data collected by the Department, its officers, employees or agents, pursuant to an audit, special investigation, or any study requested by the Inspector General's Office, whether or not the Inspector General has determined that the requested exclusion from disclosure under FOIA is necessary to protect the trade secrets or financial records of the private entity, and in no event shall the Virginia Department of Transportation, or its officers, employees, or agents be liable to the contractor for any damages or other claims arising directly or indirectly from a determination that the exclusion from public disclosure will not be granted.

7. **Electronic EOI submittals are encouraged for this EOI, with the entire submittal in a single cohesive PDF file.** Submittals shall be prepared simply and economically, providing a straightforward, concise description of the firm's capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Elaborate brochures and other representations beyond that sufficient to present a complete and effective proposal are neither required nor desired. Please do not duplicate information furnished in the SF 330 Part I and Part II elsewhere in the submittal. **All information must be submitted either electronically through VDOT's Falcon system or by mail (one hard copy) and received no later than 3:00 PM (local time prevailing) on August 12, 2015. Responses received after this time will not be considered. Please note that electronic submittals are time stamped at the moment that a file *completes* uploading. The uploading process is sensitive to connection speed and file size – a 25 MB file may take 15 minutes to load. Please plan accordingly, so that the time stamp occurs prior to 3:00 pm, August 12, 2015. An offeror choosing to submit the EOI through hard copy delivery must include one CD-ROM containing the entire submittal in a single cohesive PDF file.** All text in the PDF file shall be searchable using Adobe Acrobat software except within illustrations and scanned registration documents.

A. When submitting the Expression of Interest electronically, send a test file to insure that your computer software is compatible. The Falcon program will not accept files submitted using Firefox, Chrome or Safari web browsers. We recommend Internet Explorer 8, 9 or 10.

B. Java needs to be loaded and working on the user's computer. Java version 6 and 7 will work.

C. The file name field is limited to a maximum of 80 characters. File names cannot contain special characters such as an ampersand (&) or apostrophe (').

D. Do not wait until the last minute to upload the EOI. The time required for the upload to complete has several variables, including the load on the system with multiple concurrent uploads.

All hard-copy deliveries shall be made to the following VDOT address:

Commonwealth of Virginia
Department of Transportation (VDOT)
Central Office Mail Center
Loading Dock Entrance
1401 E. Broad Street
Richmond, Virginia 23219
Attention: Tracy M. Wood (CPO)

All electronic deliveries shall be made to the following VDOT Web address:

<http://falcon.virginiadot.org/falcon/>.

Any offeror needing access to submit an Expression of Interest to the Professional Services Procurement area on the Falcon Web Site must email the VDOT CADD Support Helpdesk at CADDsupport@VDOT.virginia.gov at least 7 business days prior to the submission date to request a Falcon login and password or to request that an existing Falcon account be given access.

The VDOT CADD Support Helpdesk phone numbers are:

LOCAL: (804) 786-1280

TOLL FREE: (888) 683-0345

HOURS: 7:30AM – 4:30PM Monday – Friday (Closed on State Holidays)

8. The Department assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all subconsultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) within 10 work days of notification of selection when requested by the Department. This requirement applies to all consulting firms when the contract amount equals or exceeds \$10,000.
9. The Department does not discriminate against an offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.
10. Any offeror who desires to protest the award of a contract shall submit such protest in writing to the Department no later than ten days after the announcement of the award. Public announcement of the award shall be posted on the Department's Business Center Internet site.
11. eVA Business-to-Government Vendor Registration: The eVA Internet electronic procurement solution, web site portal (<http://www.eva.state.va.us>), streamlines and automates government purchasing activities in the Commonwealth. The portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution through either eVA Basic Vendor Registration Service or eVA Premium Vendor Registration Service. For more detail information regarding eVA, registrations, fee schedule, and transaction fee, use the website link: <http://www.eva.state.va.us>. All bidders or offerors must register in eVA; failure to register may result in the bid/proposal/expression of interest being rejected.
12. The required services will involve the handling of Critical Infrastructure Information/Sensitive Security Information (CII/SSI) material. Firm(s) handling CII/SSI material will be required to sign non-disclosure agreements. Individuals with the firm(s) that handle CII/SSI material will be required to sign non-disclosure agreements. Once negotiations have been completed and prior to executing a contract, personnel handling CII/SSI material, visiting Critical Infrastructure (CI) facilities or performing bridge/tunnel inspections may be required to pass a fingerprint-based Criminal History Background Check (CHBC). An individual employee's failure to successfully pass the fingerprint-based CHBC will not negate the selection and offerors will be allowed to replace those individuals. However, if key personnel fail the fingerprint-based CHBC, the selection may be cancelled and negotiations begun with the next ranked offeror. VDOT reserves the right to conduct fingerprint-based CHBC on all employees of the prime consultant, on any employees of subconsultants or on any proposed replacements during the term of the contract who will be involved in this project. All costs associated with the fingerprint-based CHBC are the responsibility of the prime consultant. A VDOT issued photo-identification badge is required for each employee of the prime consultant or any subconsultant who will need access to VDOT CI facilities or who will be performing bridge/tunnel inspections. Based upon the results of the fingerprint-based CHBC, VDOT reserves the right to deny issuance of a VDOT security clearance or a VDOT issued photo-identification badge.
13. Year 2000 Compliant (and Enablement) Warranty: The consultant warrants that all software, firmware and hardware product(s) delivered to the Department under any agreement, and which

is used in accordance with the product documentation provided by the consultant, shall be 4-digit Year 2000 compliant (or approved enabled). All products shall accurately process all date-change data from start to finish, including, but not limited to, twentieth, twenty-first centuries and leap year calculations.

Any product provided under the agreement discovered not to be Year 2000 compliant after acceptance shall be corrected by the consultant at no additional cost to the Department. Failure to correct the deficiency shall subject the consultant to default action.

The consultant shall not be responsible for correcting any product(s) (e.g., hardware, software, firmware) which were not provided under the agreement or for correcting any previously owned Department products that are used in combination with the Department's product(s). However, if this solicitation identifies any product or sources of data to be used in combination with the product(s) delivered under the resulting agreement, the consultant shall be responsible for providing all necessary interface(s) or other appropriate means for assuring that date data output from such other product(s) or source(s) is automatically corrected before being processed by the product(s) or system provided under this agreement.

FIRM DATA SHEET

Funding: F (S=State F=Federal)

Project No.: HRD Project-Specific CEI

Division: Construction Division

EOI Due Date: August 12, 2015

The prime consultant is responsible for submitting the information requested below on all firms on the project team, both prime and all subconsultants. All firms are to be reported on one combined sheet unless the number of firms requires the use of an additional sheet. Failure to submit all of the required data may result in the Expression of Interest not being considered.

Firm's Name, Address and DBE and/or SWAM Certification Number	Firm's DBE or SWaM Status *	Firm's Age	Firm's Annual Gross Receipts

* YD = DBE Firm Certified by DMBE

N = DBE or SWaM Firm Not Certified by DMBE

NA = Firm Not Claiming DBE or SWaM Status

YS = SWaM Firm Certified by DMBE. Indicate whether small, woman-owned, or small business.

DMBE is the Virginia Department of Department of Small Business and Supplier Diversity

CERTIFICATION REGARDING DEBARMENT
PRIMARY COVERED TRANSACTIONS
(To be completed by a Prime Consultant)

Hampton Roads District Project-Specific CEI Contract

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
 - b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1) b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

Signature

Date

Title

Name of Firm

CERTIFICATION REGARDING DEBARMENT

LOWER TIER COVERED TRANSACTIONS

(To be completed by a Sub-consultant)

Hampton Roads District Project-Specific CEI Contract

- 1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

- 2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

Signature

Date

Title

Name of Firm

CONSULTANT SHORT LIST SCORE SHEET – FEDERALLY FUNDED PROJECT
(FOR PROFESSIONAL SERVICES)

DIVISION: Hampton Roads Construction

EOI NO.: _____

PROJECT: 0264-122-108, C508 & 0264-134-102, C501

FIRM: _____

DESCRIPTION: HRD Project-Specific CEI Contract

SUBS: _____

DATE: _____

		NUMERICAL VALUE				AVG.	WEIGHT	WEIGHTED EVALUATION
FIRM/TEAM'S EXPERIENCE IN SIMILAR TYPE OF SERVICES (Expertise, experience and qualifications of team in providing services as related to the scope of services) (1=least, 10=most)		1-10					25%	
PERSONNEL'S EXPERIENCE IN SIMILAR TYPE OF SERVICES (Expertise, experience and qualifications of team in providing services as related to the scope of services) (1=least, 10=most)		1-10					40%	
QUALIFICATIONS OF PROJECT MANAGER (Expertise, experience and qualifications in project management as related to the scope of services) (1=least, 10=most)		1-10					5%	
ORGANIZATIONAL CAPABILITY (Ability to complete work in a timely manner, size of firm(s) relative to size of project, proposed project staff resources, proposed use of sub-consultants) (1=least, 10=most)		1-10					20%	
PRESENT WORKLOAD WITH DEPARTMENT (Dollar value of present outstanding fee including estimated pending contracts under negotiation. For limited services term contracts, include the amount of all task orders executed or under negotiation. Work being performed under the Public Private Transportation Act (PPTA) shall not be included. Work being performed as a prime, joint venture or sub-consultant on a Design-Build project shall be included.) † (Only Category C workload is counted on this selection*)	Above \$4,000,000 3,500,001-4,000,000 3,000,001-3,500,000 2,500,001-3,000,000 2,000,001-2,500,000 1,500,001-2,000,000 1,000,001-1,500,000 750,001-1,000,000 500,001-750,000 250,001-500,000 0-250,000	0 1 2 3 4 5 6 7 8 9 10					10%	
							TOTAL	

*CATEGORIES OF WORKLOAD:

- A - TERM SURVEYING AND UTILITY DESIGNATION/LOCATION CONTRACTS
- B - PRELIMINARY ENGINEERING CONTRACTS - includes transportation planning and environmental studies, utility relocation and design, and roadway and bridge design.
- C - CONSTRUCTION ENGINEERING CONTRACTS - includes construction inspection, preparation of final estimates, and bridge and traffic structure safety inspection.
- D - OPERATION AND MAINTENANCE CONTRACTS - includes operation and maintenance of traffic management systems.

† The outstanding workload of any certified DBE or SWaM prime and sub-consultant may be reduced up to \$4M and the remainder (>\$0) added to the team's total workload. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM may be reduced up to \$4M for the next three years. Any new work obtained after graduating from the program will be counted.

In determining the final short list, the top ranked firms and their sub-consultants will have their VDOT Consultant Performance Reports reviewed and/or references checked.

GOOD FAITH EFFORT
(Federally Funded Project with DBE Goal)

The Department will be accepting what consultants submit in their Expressions of Interest regarding good faith efforts. If a firm that has submitted good faith effort documentation makes the short list, the procuring Division Administrator (cannot be delegated unless he/she will be out of the office for more than 5 work days) along with a representative of the EO Division will determine if the good faith effort is acceptable.

When there is a contract goal, a consultant must make good faith efforts to meet it. The consultant can do so either through obtaining enough DBE participation to meet the goal or documenting the good faith efforts it made to do so. These means of meeting contract goal requirements are fully equivalent. 49 CFR Part 26 (the Rule) explicitly provides that the Department must not disregard showings of good faith efforts, and it gives consultants the right to have the Department reconsider a decision that their good faith efforts were insufficient. The Department is prohibited from denying a contract to a consultant simply because it did not obtain enough DBE participation to meet the goal. The Department must seriously consider consultants' documentation of good faith efforts. To make certain that consultants' showings are taken seriously, the Rule requires the Department to offer administrative reconsideration to consultants whose good faith efforts showings are initially rejected.

The Rule also ensures flexibility for consultants by requiring that any contract goal be waived entirely for a prime consultant that demonstrates that it made good faith efforts but was still unable to meet the goal.

When the Department sets a contract goal, the basic obligation of consultants is to make good faith efforts to meet it. They can demonstrate these efforts in either of two ways, which are equally valid. First, they can meet the goal, by documenting that they have obtained commitments for enough DBE participation to meet the goal. Second, even though they have not met the goal, they can document that they have made good faith efforts to do so. A refusal by the Department to accept valid showings of good faith is not acceptable under the Rule.

The Rule makes clear that the Department is not to use a "conclusive presumption" approach, in which the apparent successful consultant is summarily found to have failed to make good faith efforts simply because another consultant was able to meet the goal. However, the performance of other consultants in meeting the contract can be a relevant factor in a good faith effort determination, in more than one way. For example, when the apparent successful consultant fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful consultant could have met the goal. It does not, by itself, prove that the apparent successful consultant did not make a good faith effort to get DBE participation, however. On the other hand, if the apparent successful consultant fails to meet the goal, but meets or exceeds the average DBE participation obtained by other consultants, the Department may view this, in conjunction with other factors, as evidence of the apparent successful consultant having made good faith efforts.

The fact that some additional costs may be involved in finding and using DBEs is not in itself sufficient reason for a consultant's failure to meet a DBE contract goal, as long as such costs are reasonable.

If the Department determines that the apparent successful consultant has failed to meet the requirements of a good faith effort, the Department must, before awarding the contract, provide the consultant an opportunity for administrative reconsideration. The Department intends that the process be informal and timely. The Department will ensure that the process is completed within a brief period (e.g., 5-10 days) to minimize any potential delay in procurements. The consultant will have an opportunity to meet with the reconsideration official, but a formal hearing is not required. As part of this reconsideration, the consultant must have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The Department's decision on reconsideration will be made by an

official who did not take part in the original determination that the consultant failed to meet the goal or make adequate good faith efforts to do so. The consultant must have the opportunity to meet in person with the reconsideration official to discuss the issues of whether it met the goal or made adequate good faith efforts to do so. The Department will send the consultant a written decision on reconsideration, explaining the basis for finding that the consultant did or did not meet the goal or make adequate good faith efforts to do so. The Department's reconsideration personnel consist of the Commissioner's DBE Review Panel.

It is up to the Department to make a fair and reasonable judgement whether a consultant that did not meet the goal made adequate good faith efforts. It is important for the Department to consider the quality, quantity, and intensity of the different kinds of efforts that the consultant has made. The efforts employed by the consultant should be those that one could reasonably expect a consultant to take if the consultant were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. The Department's determination concerning the sufficiency of the firm's good faith efforts is a judgement call: meeting quantitative formulas is not required.

If DBE is prime, they will be allowed to count toward goals the work they commit to performing with their own forces, as well as the work that they commit to be performed by DBE subcontractors. DBE consultants on prime contracts will be expected to make the same outreach efforts as other consultants.

When a DBE participates in a contract, the Department will count only the value of the work actually performed by the DBE toward DBE goals. When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract. If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function. If a DBE firm loses certification, its work no longer counts toward the DBE goal.

All consultants will be required to submit the following information to the Department with the EOI:

- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The percentage amount of the participation of each DBE firm participating;
- Written documentation of the prime consultant's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
- If the contract goal is not met, evidence of good faith efforts.

The Department has prepared a list based on Federal Regulations of some of the kinds of efforts that consultants may make in obtaining DBE participation. It is not intended to be a mandatory checklist. The Department does not require that a consultant do any one, or particular combination, of the things on the list, nor is the list intended to be exclusive or exhaustive; it merely offers examples. Other factors or types of efforts may be relevant in appropriate cases. In determining whether a consultant has made good faith efforts, it will usually be important for the Department to look not only at the different kinds of efforts that the Consultant has made, but also of the timeliness, quantity, and intensity of these efforts.

The Department offers the following examples of efforts that may be considered:

A. Soliciting through all reasonable and available means (e.g., attendance at project showings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The consultant must solicit this interest within sufficient time to allow the DBEs to participate effectively. The consultant must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime consultant might otherwise prefer to perform these work items with its own forces.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract.

D. (1) Negotiating in good faith with interested DBEs. It is the consultant's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

D. (2) A consultant using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's costs, qualifications and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a consultant's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime consultant to perform the work of a contract with its own organization does not relieve the consultant of the responsibility to make good faith efforts. Prime consultants are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations {for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority community organizations; minority contractors' groups; local, state, and Federal minority business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.