

# **REQUEST FOR PROPOSAL**

## **Materials Division On-Call Limited Geotechnical Engineering Services Term Contract**

**Eastern Region**  
(Richmond, Hampton Roads, Fredericksburg Districts and  
Central Office )



## **GENERAL**

The Virginia Department of Transportation is seeking expressions of interest from consulting engineering firms who wish to be considered for a regional On-Call Limited Geotechnical Engineering Services term contract to provide professional engineering services on an on-call basis within the Eastern Region in the Commonwealth of Virginia. This regional Request for Proposal (RFP) includes Richmond, Hampton Roads, Fredericksburg Districts and Central Office. The initial contract term will be for two years. At VDOT's option, the contract may be extended one year at a time for up to two additional terms.

The maximum total compensation payable to the selected firm (the Consultant) for services authorized will not exceed \$5,000,000 per term, not to exceed a total of \$15,000,000 for the initial term plus extended portions of the contract. This is a Fixed Billable Rate Contract.

Any computerized design and drafting systems used by the Consultant must be compatible with the Department's automated design and drafting systems. The Department's roadway design system is GEOPAK Civil Design Software and the drafting system is Micro-station. The geotechnical database system used is gINT. This project will be developed utilizing the Department's policies and procedures and FHWA's guidelines. This RFP does not commit the Department to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services. 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. The contract will be negotiated and awarded following the procedures set forth in the 2009 Manual for the Procurement & Management of Professional Services (Revision 2, July 1, 2011).

All work shall conform to the Department's policies and procedures and FHWA's guidelines. This Request for Proposal does not commit the Department to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services.

## **SCOPE**

The scope of work shall consist of providing geotechnical services such as geotechnical site and subsurface reconnaissance and investigation, geophysical investigations, geotechnical instrumentation, laboratory testing services, and geotechnical analysis, design, or review work in both soil and rock terrain. Work also includes report preparation or review, review of geotechnical construction plans, specialty inspection of geotechnical construction, geotechnical and geological data entry, Global Positioning System (GPS)/Geographic Information System (GIS) services, and consultation requiring specific expertise in the areas of highway engineering pertaining to soft ground, embankments, slopes, foundations in soil and/or rock, soil- and rock-structure interaction, bridge foundation, retaining structures, reinforced soils, drainage structures, and geotechnical instrumentation. All field exploration, laboratory work and reporting shall be in accordance with the current version of VDOT's Manual of Instructions. The Consultant will be responsible for the management and coordination of all activities and issues associated with the planning, permitting, and execution of geotechnical activities for each specific project. All work shall be completed within the required timeframe. The Consultant will also be responsible for the contract administration, management, inspection and coordination of any sub-consultants or sub-consultants' work, obtaining right of entry, and completing utility clearance. Additionally, the consultant is responsible for all quality assurance related to this scope of work and the services of their subconsultants.

Typical project assignment may include full service site exploration (including geophysical and in-situ testing); laboratory testing of soil and/or rock; geotechnical design and/or analysis (including pavement design and/or evaluation); on-call geologists or geotechnical engineers for drilling supervision or review of geologic data prepared by others; inspection of specialty geotechnical construction; itemized laboratory tests; GPS/GIS services; geotechnical data entry work; and/or specific geotechnical consultation by subject matter experts (this includes expert evaluation pertaining to ground improvement, rock slopes, rock mechanics, rock fall and design of rock-cut stabilization measures). On call consultant shall be responsible to provide traffic control and survey work as required to complete the field program.

The scope of work may include subsurface exploration, analyses, recommendations, construction evaluations and shop drawing review of geotechnical activities involving bridges and retaining walls. Examples of software (or approved equivalent programs) that may be required to perform this work are GRLWEAP (Wave Equation Analyses for Driven Piles), L-PILE (used to analyze laterally-loaded piles and drilled shafts), DRIVEN (used to analyze axial capacity of drive piles), MSEW (for MSE walls), RSS (for reinforced soil slopes), and slope stability software. Alternate software programs may be approved by the Department.

The consultant may also be asked to develop geotechnical office practices, design aids, standards, specifications and best practices for various manuals and documents. Design documents developed by the consultant shall be in accordance with the AASHTO LRFD Bridge Design Specifications (5<sup>th</sup> Edition).

The Eastern Region includes rolling hills of the Piedmont and low-lying areas of the Coastal Plain Physiographic provinces. Unique challenges include design of deep foundations in widely varying geologic terrain, reuse of highly plastic/elastic soils in embankment construction, deep seated slope failures and ground improvement in areas of very soft and compressible soils. These unique challenges can affect the design of foundation elements, embankment slopes, cut slopes, retaining walls and subgrade preparation.

The consultant shall complete all laboratory soil and/or rock testing by a laboratory that maintains current inspection and certification by the American Association of State Highway and Transportation Officials (AASHTO). Such current laboratory certification(s) must be submitted as part of the Expression of Interest. Each laboratory to be used by the Consultant shall have AASHTO R18 certification, as well as AASHTO Materials Reference Laboratory (AMRL) certification for each individual test performed for the contract.

The Consultant must be able to respond quickly to requests under the contract and handle multiple assignments concurrently. The Consultant may be required to accomplish work on an accelerated schedule.

The Consultant will be required to install, operate and maintain a project communications network between all project-relevant State, Federal and Consultant personnel (via server, etc.). The network must provide an effective and efficient means for performing electronic communication (i.e. Internet access). This includes, but is not limited to, e-mail communication and the electronic transfer of all types of data files, such as project reports, correspondence, schedules, spreadsheets, computer-aided drafting and design (i.e., MicroStation) drawing files, invoices, etc. The Consultant must also consider file security and timeliness of the electronic transfers in the design of the system.

Direct all project related questions prior to the closing date of this RFP to Carl P. Benson, P.G., P.E.,

Materials Division Geotechnical Program Manager, at (804)328-3172 or e-mail [carl.benson@vdot.virginia.gov](mailto:carl.benson@vdot.virginia.gov). Direct all procurement related questions to Lora Adkins, Contract Manager, at (804) 328-3107 or email [lora.adkins@vdot.virginia.gov](mailto:lora.adkins@vdot.virginia.gov) or Administrative Services Representative, Brenda Williams, at (804) 786-2777 or email [brenda.williams@vdot.virginia.gov](mailto:brenda.williams@vdot.virginia.gov).

**\*\*CONSULTANT TEAM QUALIFICATIONS**

**PRESENTATION:** The consultant must demonstrate relevant qualifications, capacity, and capability in performing the Scope of Services listed above and those further defined below. When presenting, the Consultant will be required to show the necessary experience, expertise, technical ability and skill in the areas identified in the Scope of Services and any other areas necessary for successful project delivery.

## FIRM'S EXPERIENCE PROVIDING SIMILAR TYPES OF SERVICES

For the professional engineering services required by this RFP, demonstrate the Firm's experience and expertise in the following:

- Geotechnical knowledge of, expertise in, and experience with the issues that will affect the design and construction of roads, bridges and tunnels, typical for the Region.
- Planning and executing subsurface exploration, laboratory testing and geotechnical engineering analyses for interstate, primary and secondary road systems typical for the Region.
- Analyses and design of shallow and deep foundations for structures, MSE (mechanically stabilized earth) and other retaining walls, ground improvement methods and slope stability.
- Installation, monitoring and interpretation of geotechnical instrumentation
- Understanding of the geotechnical engineering issues typical for the Region.

Each response must include the following items concerning the Firm:

- Experience related to providing the project related services noted above.
- The Firm's list of relevant project examples where the Key members of the firm held leadership positions in providing the noted services showing the role of the Key members in that project.
- A description of the Firm's understanding of how the Key members' experience and expertise will be effectively used to meet the Department's needs.

## QUALIFICATIONS OF PROJECT MANAGER

Clearly define the individual who will serve as the Project Manager, the Department's point of contact and management of all work under this contract. Designations such as, "contract manager," "project director," or "program manager," will not be inferred to mean, "Project Manager." In accordance with VDOT's "Manual for the Procurement and Management of Professional Services," employees in responsible charge in the firm must be registered professional engineers in their state of residence and also registered professional engineers in the Commonwealth of Virginia. The Project Manager must be a registered professional engineer in the Commonwealth of Virginia. Demonstrate qualifications in the following areas:

- Preparing task-order proposals and managing projects related to interstate, primary and secondary roads.
- Clear and effective technical communication.
- Effective management of team resources.
- Successful delivery of projects on time and on budget.
- Education and experience compatible with the scope of services.

## QUALIFICATIONS OF KEY PERSONNEL

Key Personnel are those individuals that will manage a given task assignment. Key personnel may be working under the oversight of a "Project Manager" with responsibility on the day-to-day management of an assignment. Demonstrate relevant Key personnel experience in the following areas:

- Qualifications of the individual to successfully fulfill responsibilities of the proposed contract.

- Flexibility and availability of individual to meet Department's needs
- Relevant experience managing geotechnical exploration and analyses for interstate, primary and secondary road projects.
- Managing and coordinating the analyses and design of shallow and deep foundations for structures, MSE and other retaining walls, ground improvement methods and slope stability.
- Installation, monitoring and interpretation of geotechnical instrumentation.
- How the proposed key personnel will be maintained throughout the life of the contract and how their individual experience and expertise will be effectively applied to the scope of work.

Each response must include the following items concerning the personnel:

A list of relevant projects focused on the Key Personnel's management experience. Their project history and management experience reflecting appropriate technical expertise.

#### PERSONNEL'S EXPERIENCE IN SIMILAR TYPES OF SERVICES

Personnel assigned as available to perform work under this contract (and excluding the project manager and key personnel) must demonstrate relevant experience in the following areas:

- Qualifications of the individual to successfully fulfill responsibilities of the proposed contract.
- Flexibility and availability of individual to meet Department's needs
- Relevant experience with geotechnical exploration and analyses for interstate, primary and secondary road projects.
- Analyses and design of shallow and deep foundations for structures, MSE and other retaining walls, ground improvement methods and slope stability.
- Installation, monitoring and interpretation of geotechnical instrumentation.
- Unique skills of individual to enhance the Department's ability to meet the specific challenges of the scope of work.
- How the proposed personnel will be maintained throughout the life of the contract and how their individual experience and expertise will be effectively applied to the scope of work.

Each response must include the following items concerning the personnel:

A list of relevant projects focused on the Personnel's experience  
Their project history and experience reflecting appropriate technical expertise.

#### ORGANIZATIONAL CAPABILITY

The EOI (expression of interest) should demonstrate the Consultant's capability in the following areas:

- How your proposed organization, resources and capabilities will enhance the successful delivery of assignments.
- The processes and tools that will be used to address staffing, cost control and schedule issues.
- Delivering the requirements of this contract while managing your competing workloads and priorities.
- Managing task assignments requiring deliverables on a short notice.
- The methods used to manage professional subconsultants that are on the Consultant's team.
- The methods used to manage non-professional subconsultants (i.e., subsurface exploration

contractors).\*\*

## **CONFLICT OF INTEREST**

At any time, VDOT may consider projects assigned under this contract to be delivered through a design-build option. If VDOT decides to deliver a project through design-build option, the successful consultant and any of its team members may not be allowed to participate in ANY subsequent design-build contracts related to that project. Furthermore, VDOT will notify the successful consultant regarding the change in its intent of delivery method in advance. The Conflict of Interest determination will be made on a case by case basis at such time.

## **EXPRESSION OF INTEREST (EOI)**

1. The Expression of Interest shall be organized in the following order:
  - Transmittal letter
  - Table of Contents
  - Understanding of Scope of Work
  - Response to RFP Expression of Interest Items 2-15
  - Present Workload with Department form
  - Team Organization Chart
  - GSA Form 255 – one combined for the project team
  - GSA Form 254 – one for each firm
  - A table or matrix containing the requested information in item 15
  - Full size copies of SCC and DPOR supporting registration/licensing documentation for each firm (including that of each pertinent branch office)
  - Full size copies of DPOR registration certificate for the Key Personnel
  - Copies of current laboratory certifications
  - Firm Data Sheet
  - Certification Regarding Debarment form
  - DBE Commitment and Confirmation Letter (if applicable)
2. Furnish current GSA Forms 254 for each firm involved and one combined GSA Form 255 for the project team. The GSA Form 255 must specify the number of personnel by discipline for each office where the work is to be performed. In Section 4 of GSA Form 255, list only the full time employees assigned to the office(s) at the time of this submission. Section 8 of GSA Form 255 is limited to one page with not more than 10 projects total (prime and subconsultants combined) on the one page and should primarily list experience of offices where the work will be performed and of the people shown in the organizational chart. If the experience shown is for a branch office other than where the work will be performed, it should be clearly indicated as such. More detailed descriptions for Section 8b may be expanded into Section 10. In Section 9 of GSA Form 255, references to “Federal agencies” are to be replaced by “Virginia Department of Transportation or transportation agencies of other states.”
3. If more than one firm will participate in the contract, state the type of arrangement between the firms, the names and addresses of all firms, description of the work that each firm will perform, and the percentage of work to be performed by each in Section 5 and 6 of GSA Form 255. Indicate office locations at which the work will be performed. A one page organizational chart showing all firms involved and key personnel assignments and responsibilities is required to be included.

4. In Section 7 of GSA Form 255, REMAIN IN STRICT COMPLIANCE WITH THE CONSULTANT TEAM QUALIFICATIONS SECTION. This communication starts with the \*\*Consultant Team Qualifications and ends at\*\*. The project manager shall have a minimum of five years experience in managing similar type and size projects. In Section 7c, indicate the location of the office where the project manager, key personnel and supporting professional staff are currently working if different from where work is to be performed. In Section 7c, part time personnel, personnel not employed on the date of the form, or personnel used on an “as needed basis” must have their status clearly indicated. Section 7g may be expanded to provide a total of a one page resume per individual.

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 Materials Division Geotechnical Program Manager and/or Contract Manager 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. Section 10 of GSA Form 255 is limited to a maximum of ten pages. 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.
6. 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 Minority Business Enterprise certified DBE firms is maintained on their web site (<http://www.dmb.e.state.va.us/>) under the **DBE Directory of Certified Vendors**. 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 this contract supports 10% DBE participation.]

In accordance with the Governor’s Executive Order No. 33, 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 Minority Business Enterprise (DMBE) certified SWaM firms is maintained on the DMBE web site (<http://www.dmb.e.state.va.us/>) 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.

- 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. These 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. The C-63 forms shall be submitted by the 5<sup>th</sup> day of the month following the quarter end to [GeneralAdministrativeServices@vdot.virginia.gov](mailto:GeneralAdministrativeServices@vdot.virginia.gov).

Any DBE or SWaM firm must become certified (with the Virginia Department of Minority Business Enterprise) 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. For further information on the BOWD Center and to view the DBE profiles, go to [www.virginiadot.org/business/BOWD.asp](http://www.virginiadot.org/business/BOWD.asp). The BOWD Center can be contacted at (804) 662-9555 or via email to [BOWDCenter@vdot.virginia.gov](mailto:BOWDCenter@vdot.virginia.gov).

7. 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 Minority Business Enterprise certified DBE or SWaM prime or subconsultant is not to be included. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM will be exempted for the next three years. Any workload obtained after graduating from the program will be counted. Work being performed under the Public Private Transportation Act (PPTA) or as a subcontractor on a Design-Build project shall not be included. Work being performed as a prime or joint venture on a 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 B 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.
8. 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.

9. In three (3) pages, or less, provide information that will indicate your firm's ability provide information that will indicate your firm's ability to respond quickly and adequately to requests for specific proposals, react to geotechnical construction issues and handle multiple projects concurrently. Explain what processes you have in place to operate in an economical manner.
10. In ten (10) pages, or less and in reference to the unique challenges to the Eastern Region, please emphasize your qualification in the following areas:
  - a) Developing geotechnical reports that address subsurface conditions, soil/rock strength, slope stability, ground improvement, settlement and in support the design of embankments, excavation slopes, pavement subgrades, retaining walls, and bridge structures.
  - b) Reviewing the geotechnical aspects of shop plans for sound barrier walls, mechanically stabilized earth walls and prefabricated bridge/culvert structures.
  - c) Preparation of standards, design aids, specifications and office practices that are geotechnical in nature and in accordance with AASHTO specifications.
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 five (5), additional pages may be included in the Expression of Interest. All pages are to be 8 1/2" X 11" and printed on one side with single-spaced type no smaller than 12 pitch.
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 State Corporation Commission (SCC) and Department of Professional and Regulation (DPOR) supporting registration documentations should be included in the EOI and will not be counted towards page restriction):
  1. The SCC registration detailing the name, registration number, type of corporation and status of the business entity.
  2. For this Project/Contract, the 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 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.

- For this Project/Contract, the DPOR license information for those services not regulated by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (i.e. 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) 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

- The following services marked with an X will **NOT** be required:

<b>Surveying</b> ____	<b>Specifications</b> ____
<b>Traffic Control</b> ____	<b>Soil Laboratory Testing</b> ____
<b>Geophysical Exploration</b> ____	<b>In-Situ Testing</b> ____
<b>Scour Analysis</b> ____	<b>Geotechnical Borings and Analysis</b> ____
<b>Geotechnically-related Structure Plans*</b> ____	<b>Ground Improvement Plans</b> ____

\*(E.G., MSE, ANCHOR, SOIL NAIL, ETC. WALL PLANS, LAYOUTS AND SECTIONS)

#### **BELOW NOT REQUIRED**

Hydraulic and Hydrologic Analysis <u>x</u> __	Environmental <u>x</u> __
Traffic Data <u>x</u> __	Traffic Analysis <u>x</u> __
Signs and Signals Plans <u>x</u> __	Lighting Plans <u>x</u> __
Utility Plans <u>x</u> __	Landscape Plans <u>x</u> __
Bridge and Structure Plans <u>X</u> __	Materials Analysis <u>X</u> __
Permit Drawings <u>X</u> __	Road Plans <u>X</u> __

- All business entities, except for sole proprietorships, are required to register with the Virginia State Corporation Commission (A Business Registration Guide is available on the Internet at <http://www.state.va.us/scc/division/clk/brg.htm>). 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.state.va.us/dpor>), 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 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.
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. An example Contractor Cost Certification is available for architectural or engineering firm's use on VDOT website at <http://www.virginiadot.org/business/gpmmps.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. 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 GSA Form 254 or 255 elsewhere in the submittal. All information must be submitted in TRIPLICATE and received no later than 4:00 p.m. on October 28, 2011. Responses received after this time will not be considered.

US Postal Service Regular Mail, send to:

Commonwealth of Virginia  
Department of Transportation (VDOT)  
Central Office Mail Center  
Loading Dock Entrance  
1401 E. Broad Street  
Richmond, Virginia 23219

Attention: Brenda L. Williams

Hand delivery, US Postal Service express mail, or private delivery service (FEDEX, UPS, etc.), send to:

Commonwealth of Virginia  
Department of Transportation (VDOT)  
Central Office Mail Center  
Loading Dock Entrance  
1401 E. Broad Street  
Richmond, Virginia 23219  
Attention: Brenda L. Williams

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 may 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) that 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: \_\_\_\_ (S=State F=Federal)

Project No.: \_\_\_\_\_

Division: \_\_\_\_\_

EOI Due Date: \_\_\_\_\_

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 Minority Business Enterprise

**CERTIFICATION REGARDING DEBARMENT**

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

Project: \_\_\_\_\_

- 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)

Project: \_\_\_\_\_

- 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

PROJECT: \_\_\_\_\_ FIRM: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_ 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 personnel in providing services as related to the scope of services) (1=least, 10=most)	1-10					20%	
KEY PERSONNEL'S EXPERIENCE IN SIMILAR TYPE OF SERVICES (expertise, experience and qualifications of key personnel in providing services as related to the scope of services) (1=least, 10=most)	1-10					20%	
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 subconsultants) (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) or as a subcontractor on a Design-Build project shall not be included. Work being performed as a prime or joint venture on a Design-Build project shall be included.) † (Only Category <u>B</u> workload is counted on this selection*)	Above \$8,000,000	0				10%	
	7,000,001-8,000,000	1					
	6,000,001-7,000,000	2					
	5,000,001-6,000,000	3					
	4,000,001-5,000,000	4					
	3,000,001-4,000,000	5					
	2,000,001-3,000,000	6					
	1,500,001-2,000,000	7					
	1,000,001-1,500,000	8					
	500,001-1,000,000	9					
0-500,000	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.

\*\*When determining total Present Workload with Department, the outstanding workload of each DBE/SWaM subconsultant will not be counted.

† The outstanding workload of any certified DBE or SWaM prime and subconsultant is not to be included. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM will be exempted for the next three years. Any work obtained after graduating from the program will be counted.

In determining the final short list, the top ranked firms and their subconsultants 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 judgment 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 judgment 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.