

PUBLIC NOTICE FOR THE
MARYLAND DEPARTMENT OF TRANSPORTATION

NOTICE TO ARCHITECTS & ENGINEERS
REQUEST FOR PROFESSIONAL SERVICES

The Secretary of the Maryland Department of Transportation (MDOT) has certified the need to utilize the services of engineers and architects for the following project:

BCS 2018-04
Programmatic General Engineering Consultant Services for the I-495 & I-270 Public-Private Partnership (P3) Program

The Maryland Department of Transportation State Highway Administration (MDOT SHA) is issuing this Request for Proposals (RFP) for Programmatic General Engineering Consultant Services for the I-495 & I-270 P3 Program. The selected Offeror(s) will provide comprehensive engineering and support services for the I-495 & I-270 P3 Program from planning and development, through solicitation, and into final design and construction. Offerors on this Project must include a complete Standard Form (SF) 330 in the Technical Proposal.

The National Capital region is one of the most congested regions in the country with some of the highest commuting times. To address this congestion, MDOT SHA is developing potential improvements along I-495 from south of the American Legion Bridge in Virginia to east of the Woodrow Wilson Bridge and along I-270 from I-495 to I-70 including the I-270 east and west spurs. This monumental program to keep Maryland citizens and the economy growing and thriving is being developed for delivery as a P3. MDOT SHA is very focused on working with the absolute best and most innovative teams and collaborating on the delivery of this effort; ultimately redefining the way these projects are delivered across the country with private sector innovation including maximized efficiency and creativity.

MDOT has established the following high-level goals for the system as a whole with the I-495 & I-270 P3 Program:

- No Net Cost to the State - Fully develop system and be cost neutral to the State.
- Congestion Relief - Maximize vehicle through-put and travel efficiency in the corridor.
- Minimize Impact - To adjoining properties and resources.
- Accelerated Delivery - Optimized construction with the least amount of disruption to the traveling public.
- Shockingly Innovative - Approaches that open new ground.

In response to the emerging circumstances noted above, MDOT SHA established the I-495 & I-270 P3 Office which is charged with delivering all aspects of the I-495 & I-270 P3 Program beginning with initial planning and development through solicitation, final design and

construction, and into operations and maintenance. Due to the need to be responsive, scalable, and effective in delivering the I-495 & I-270 P3 Program, the I-495 & I-270 P3 Office is soliciting for a Programmatic General Engineering Consultant (GEC).

MDOT SHA is currently advancing the effort to complete a study to comply with the National Environmental Policy Act (NEPA), known as the I-495 & I-270 Managed Lanes Study. Additional information is available on the I-495 & I-270 Program website: www.495-270-P3.com. This is the first study under the I-495 & I-270 P3 Program and extends along I-495 from south of the American Legion Bridge in Virginia to east of the Woodrow Wilson Bridge and along I-270 from I-495 to I-370 including the I-270 east and west spurs. A future study will also be developed along I-270 from I-370 to I-70, beginning in 2019. The I-495 & I-270 Managed Lanes Study is currently being developed by and will continue to be developed by consultant resources other than this contract.

MDOT SHA has engaged multiple consultant firms to assist in the development, oversight and compliance efforts of the I-495 & I-270 Managed Lanes Study. To ensure continuity of the oversight of the I-495 & I-270 Managed Lanes Study, the following consultant firms must be included and integrated fully into this contract by any Consultant Firm responding to this Request for Proposals:

- Blackwater Environmental Group – Providing oversight and compliance reviews of the NEPA process and ensuring environmental commitments are maintained throughout the delivery;
- PRR, Inc. – Providing development, coordination, and implementation of the I-495 & I-270 P3 Program communications plan;
- CDM Smith – Providing traffic & revenue study services; and
- McCormick Taylor – Providing oversight and delegated compliance reviews on behalf of the Maryland Department of the Environment Non-Tidal Wetland and Waterways Division.

The services to be performed under this contract are comprehensive engineering and support services for the I-495 & I-270 P3 Program from planning and development, through solicitation, and into final design and construction. This includes providing the necessary level of staff co-located at the I-495 & I-270 P3 Office as required by MDOT SHA. The Consultant Firm shall be proficient in the services listed in this RFP and shall bring an experienced and expert staff to the project as required.

MDOT SHA anticipates awarding one (1) open-end work-order based contract for these services. The duration of the contract will not exceed five (5) years. The total funding authority for one (1) contract shall not exceed \$90,000,000. MDOT SHA reserves the right to modify the number of contracts and the total funding authority. No minimum amount of work or funds is guaranteed under these contracts. It is anticipated that the Contract will be funded entirely with State Funds.

The Prime Consultant Firm selected for this contract will be excluded from competing on any team for any P3 agreement related to the I-495 & I-270 P3 Program during the life of this contract. Any Sub-contractor of this contract will be excluded from competing on any team for any P3 agreement related to the I-495 & I-270 P3 Program during the life of this contract, unless released by MDOT SHA at its sole discretion.

A Consultant Firm, either directly or through its Sub-Contractor(s), must be able to provide all services and meet all the requirements requested in this solicitation and the successful Consultant Firm shall remain responsible for Contract performance regardless of Sub-Contractor participation in the work.

Consultant Firms interested in being considered for work on this Project must submit a Technical Proposal for the Project as set forth herein. In order to standardize the method of proposal submission, and to facilitate distribution of proposal materials, it shall be necessary that all Consultant Firms observe the following procedures. All Technical Proposals submitted shall be delivered in one (1) envelope/box. On the front exterior of the envelope/box, the Consultant Firm shall conspicuously mark "Technical Proposal", the Consultant Firm's name, the MDOT SHA Project number, and the Project Title for identification purposes. **Proposals may not be submitted by e-mail or facsimile. Proposals will not be opened publicly.**

If a Joint Venture responds to this project solicitation, MDOT SHA will not accept separate Proposals from the Joint Venture constituents. A Consultant Firm will not be permitted to submit on more than one (1) Joint Venture for the same project Solicitation. Also, a Consultant Firm that responds to a project advertisement as a prime or a prime joint venture constituent may not be included as a designated subcontractor to another Consultant Firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations may cause the rejection of all responses of the Consultant Firms involved. The above does not preclude a Consultant Firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

All proposals received for this Project will be reviewed on a competitive basis. The Consultant Firm that submits the highest rated Technical Proposal will be requested to submit a Price Proposal. Salary, Payroll Burden, and Overhead limitations have been eliminated. Salaries shall be actual per-hour salary rates as supported by Certified Payroll Rosters while Prime and Subconsultants' Payroll Burden and Overhead rates shall be supported by either a Maryland Department of Transportation Business Unit approval letter or by an annual overhead audit performed by an independent Certified Public Accountant in accordance with Federal Acquisition Regulations 48 Code of Federal Regulation 1, Part 31 and applicable MDOT guidelines. The annual overhead audits shall identify separate rates for both home office overhead and field overhead. If negotiations with the Consultant Firm(s) are timely and successful, contract(s) may be awarded to those Consultant Firm(s).

A Pre-Proposal meeting will be held on AUGUST 15, 2018 at 10:00 a.m. The meeting will be held in the P3 Classroom at the MDOT SHA I-495 & I-270 P3 Office located at 601 N. Calvert Street, Baltimore, MD 21202.

The sole point of contact for the State for purposes of this solicitation prior to the award of any Contract is the Procurement Officer at the address listed below:

Mark Riesett
Office of Procurement and Contract Management
707 North Calvert Street
Baltimore, MD 21202
Phone: 410-545-0437
E-mail: mrriesett@mdot.state.md.us

Written questions from prospective Offerors will be accepted by the Procurement Officer. All questions concerning submissions and procedures must be submitted by email to opcm@sha.state.md.us no later than 4:00 pm at least ten (10) calendar days prior to the Proposal due date. The BCS number must be referenced in the email subject line. Problems submitting emails shall be reported to the Consultant Services Division (CSD) telephone number 410-545-0437.

All addenda to this solicitation will be posted only on eMaryland Marketplace (eMM) and on the Consultant Services Center page of MDOT SHA's Webpage (www.roads.maryland.gov). No other contact to MDOT employees or personal visits will be accepted.

eMM is an electronic commerce system administered by the Maryland Department of General Services. In addition to using the MDOT SHA website (www.roads.maryland.gov) the solicitation, Offeror questions and the Procurement Officer's responses, addenda, and other solicitation-related information will be provided via eMM. In order to receive a contract award, a Consultant Firm must be registered on eMM. Registration is free. Go to <https://emaryland.buyspeed.com/bsa/login.jsp>, click on "Register" to begin the process, and then follow the prompts.

Each Offeror is requested to indicate its eMaryland Marketplace (eMM) vendor number in the Transmittal Letter (cover letter) submitted at the time of its Proposal submission in response to this RFP.

Before a business entity can do business in the State of Maryland, it must be registered with the State Department of Assessments and Taxation (SDAT). SDAT is located at State Office Building, Room 803, 301 West Preston Street, Baltimore, Maryland 21201. The SDAT website is <http://dat.maryland.gov/Pages/default.aspx>. It is strongly recommended that any potential Offeror complete registration prior to the due date for receipt of Proposals. An Offerors failure to complete registration with SDAT may disqualify an otherwise successful Offeror from final consideration and recommendation for Contract award.

Facsimile or electronic copies of Proposals are not acceptable. No response received after **12:00 NOON on SEPTEMBER 6, 2018** will be accepted, no matter how transmitted.

As part of the Technical Proposal evaluation process, MDOT SHA will also require Oral Presentations.

Technical Proposals must be submitted in compliance with the MDOT SHA Standard Request for Proposal (RFP) guidelines which can be found on the MDOT SHA Web Page (www.roads.maryland.gov) by clicking on the link labeled “Business Center”, then clicking on the link labeled “Contracts, Bids and Proposals”, and then selecting the link for the Consultant Services Center.

MDOT SHA hereby notifies all Proposers that any contract entered into pursuant to this Project advertisement will affirmatively ensure that Minority Business Enterprises (MBE) will be afforded full and fair opportunity to submit proposals in response to this solicitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. MBE firms are encouraged to respond to this solicitation. The MDOT SHA hereby notifies all Offerors that regarding any contract entered into pursuant to this advertisement, whenever the term “disadvantaged” and “minority” is used, it is understood to include women.

RESPOND TO:

Mark Riesett
Office of Procurement and Contract Management, Fourth Floor, MS C-405
707 North Calvert Street
Baltimore, MD 21202

Proposals sent by U.S. Postal Service should be sent to the address listed above. Late Proposals will not be considered. Hand or commercial delivery is recommended and should be delivered to the address stated above. MDOT SHA is not responsible for Proposals received late regardless of the method of shipment or delivery.

MDOT SHA reserves the right to reject any and all Proposals received in response to this request and is not liable for any cost incurred by any Consultant Firm in connection with the preparation and presentation of Proposals.

Maryland Department of Transportation State Highway Administration
Project Number: BCS 2018-04

1. Project Description

The MDOT SHA is seeking consultant assistance to perform Programmatic General Engineering Consultant Services for the I-495 & I-270 P3 Program. MDOT SHA anticipates awarding one (1) open-end work-order based contract that may cover multiple work-orders for these services. The duration of the contract will not exceed five (5) years. The total funding authority for one (1) contract shall not exceed \$90,000,000. MDOT SHA reserves the right to modify the number of contracts and the total funding authority. The Consultant Firm selected for this project shall provide on-call and on-site professional General Engineering Services consisting of individual project assignments consistent with MDOT SHA's requirements. All work will be by work-orders, which will define in detail the work scope, schedule, manpower, and cost of each work-order. No minimum amount of work or funds is guaranteed under these contracts. It is anticipated that the Contract will be funded entirely with State Funds. Contract award(s) is subject to receipt of necessary funding and approval by the Maryland Board of Public Works.

The Contract will be administered solely by the MDOT SHA's I-495 & I-270 P3 Office located at 601 North Calvert Street, Baltimore, MD 21202 to support the Architectural and Engineering needs of the MDOT SHA I-495 & I-270 P3 Program. Assignments may be made to support other MDOT SHA Offices, the MDOT Transportation Secretary's Office (TSO), any of the MDOT Transportation Business Units (TBU), or other agencies in supporting the I-495 & I-270 P3 Program. Any work-orders assigned under this contract must be for services as outlined in the contract scope of work and in conformance with all contract terms and conditions and payment provisions.

The Consultant Firm is advised that in the event that a No-Build Alternative is selected by the Federal Highway Administration at the conclusion of the NEPA process, MDOT SHA may elect to terminate this contract.

2. Consultant Services Required

Services under this project will provide expertise in engineering, project management, and construction management; environmental review and oversight; public communications; MBE professional services program development; geotechnical, pavement, soil testing; subsurface utility exploration; survey/data collection; landscape architecture; quality assurance testing; tolling; and traffic and revenue studies. Specific assignments are expected to vary depending on MDOT SHA's needs throughout the duration of the contract. The Consultant Firm may be authorized to subcontract for specialty services with prior approval of the MDOT SHA.

The MDOT SHA may request the above services concurrently or independently on multiple project assignments, as necessary. Accordingly, the Consultant Firm shall have and demonstrate the ability and manpower to respond to and act immediately on project assignments without any delay and interruption to other MDOT SHA project assignments. On-site consultant staff will be required and will operate under the direction of MDOT SHA management. All on-site support staff are subject to the annual audited field overhead rate when working at a MDOT SHA facility 90 or more consecutive days.

Listed below is the Scope of Services and Examples of Work, Certifications and Engineering Standards and Guidelines.

Scope of Services and Examples of Work:

Comprehensive engineering and support services to be provided may include, but not limited to the following:

- a.* Engineering, project management and construction management services;
- b.* Environmental review and oversight including the NEPA process and delegated permitting reviews;
- c.* Public communications services;
- d.* Professional services program development;
- e.* Geotechnical, pavement, and soil testing services;
- f.* Subsurface utility exploration services;
- g.* Survey and data collection services;
- h.* Landscape architecture services;
- i.* Quality assurance testing services;
- j.* Tolling services; and
- k.* Traffic and revenue study services.

Examples of services to be provided may include, but are not limited to, the following:

- a.* Develop performance specifications and P3 contract documents including developing boilerplate templates;
- b.* Develop, implement, and audit construction management and quality management programs for P3 delivery;
- c.* Comprehensive management, planning, design, construction, operations and other technical support services including, but not limited to, P3 solicitation management and oversight, scheduling, budgeting, cost estimating, and document control;
- d.* Provide discipline specialist leadership and coordination, subject to MDOT SHA oversight, leading to effective coordination of MDOT SHA's interests of due diligence;

- e. Provide comprehensive program, solicitation and major project scheduling development and management services and leadership on appropriate program management control software, as needed;
- f. Provide risk-based analysis of program activities;
- g. Review of reports and documents for compliance with NEPA;
- h. Review of permit submittals for Maryland Department of the Environment Non-Tidal Wetland and Waterway Permits;
- i. Develop and implement a communication plan for the I-495 & I-270 P3 Program for stakeholders such as the general public, elected officials, media, and industry;
- j. Develop and implement an MBE professional services outreach and development plan for delivery of the I-495 & I-270 P3 Program;
- k. Draft applications and proposals to the United States Department of Transportation (USDOT) for established and emerging programs;
- l. Provide specialized feasibility studies and white papers as needed;
- m. Comprehensive toll services including policy, tolling concepts, access and operations studies, toll technology, toll infrastructure, concept of operations, development of back office requirements and agreements, and operations and performance criteria; and
- n. Development and/or review of exploratory (Level I), concept (Level II), and investment grade (Level III) traffic & revenue studies;

There may be instances when MDOT SHA requires the Consultant Firm to provide emergency response times for a given project or work-order assignment. Therefore, the Consultant Firm may be required to provide those services within 24 hours of notification or as otherwise directed by SHA.

The Consultant Firm will keep MDOT SHA's I-495 & I-270 P3 Office and/or its appointed designee continually advised of the progress on the project/work assignment being considered. The Consultant Firm will receive direction from either the I-495 & I-270 P3 Office and/or its appointed designee. Progress meetings will be held as necessary to review the work accomplished.

3. Certifications

All individuals supplied by the Consultant Firm to work on-site at a MDOT SHA facility must complete the following four (4) MDOT SHA Core Training courses: Americans with Disabilities Act (ADA) Awareness, Limited English Proficiency (LEP), Sexual Harassment Prevention and Awareness, and Workplace and Domestic Violence Awareness. Proof of completion of the required MDOT SHA Core Training Courses for each individual must be supplied to the I-495 & I-270 P3 Office before he/she can begin work.

The cost to achieve the various certifications, re-certifications, and Core Training, including course costs, time and mileage to attend the training/testing, shall be paid for by the Consultant Firm or the individual, not MDOT SHA. Other training may

also be required based on changing MDOT SHA policies. Consultant Firms are expected to make reasonable accommodations for their staff to attend training.

4. Safety Items

The Consultant Firm shall supply all required personal protective equipment and safety items including, but not limited to, a hard hat and safety vest. All equipment must comply with MDOT SHA's High Visibility Apparel Policy, MDOT SHA's Office of Construction's Directive on Personal Protective Equipment (PPE), and all OSHA and MOSH regulations.

5. Engineering Standards and Guidelines

The Consultant Firm shall perform all contract engineering services in accordance with the current editions of the following references, their interim specifications, their successor replacement references, and all other pertinent guidelines and memoranda as released by FHWA, AASHTO, and MDOT SHA including, but not limited to the following publications:

- a. AASHTO "A Policy on Geometric Design of Highways and Streets";
- b. AASHTO "A Policy for Design Standards on the Interstate";
- c. AASHTO "LRFD Bridge Construction Specifications";
- d. AASHTO "LRFD Bridge Design Specifications";
- e. AASHTO "Standard Specifications for Highway Bridges";
- f. AASHTO "Standard Specifications for Structural for Highway Signs, Luminaires and Traffic Signals";
- g. AASHTO "Standard Specifications for Transportation Materials and Methods of Sampling and Testing, parts I and II";
- h. FHWA "Manual on Uniform Traffic Control Devices"; and
- i. MDOT SHA "Volume II - Specifications for Consulting Engineers' Services" (April 1986).

6. General Requirements

- a. MDOT SHA "General Conditions for Consulting Services" dated January 1989;
- b. MDOT SHA "Specifications for Consulting Engineers' Services" dated April, 1986; and
- c. MDOT SHA "Request for Proposal" dated April, 2002.

7. Special Requirements - MBE Provisions:

The Maryland Department of Transportation (MDOT) hereby notifies all Offerors that with regard to any contract entered pursuant to this solicitation, Minority Business Enterprise (MBE) firms will be afforded full opportunity to participate in response to this solicitation and will not be subject to discrimination on the basis of race, color, national

origin, age, sex or disability in consideration for an award (23 CFR § 200, 49 CFR § 21 and 26).

It is the goal of MDOT that certified businesses participate in all contracts. Each contract may contain a goal for MBE participation, on a contract-by-contract basis. Consultant Firms interested in submitting a Technical Proposal in response to this solicitation must comply with the 2017 edition of Standard and Supplemental Specifications for Construction and Materials, Part I – GENERAL PROVISIONS 7.29, “Minority Business Enterprise and Affirmative Action”.

To comply with the aforesaid GENERAL PROVISIONS, Consultant Firms who submit Technical Proposals must clearly set forth the MBE Prime firm(s) **and** MBE subcontractor(s) proposed for goal attainment indicating:

- a. Firm’s name and address,
- b. The proposed work,
- c. Percentage of total work,
- d. MDOT certification number, and
- e. Applicable NAICS Codes

NOTE: MBE firms must be certified for the specific work to be performed to count their participation towards meeting the MBE participation goal. Only include the applicable NAICS Code(s) for the services/work the MBE firm is proposed to perform in support of the project. Proposed MBE firms **must be certified by MDOT in those NAICS Code(s) at the time of the Technical Proposal submission and remain certified through contract award** by MDOT to participate on State funded Projects.

NOTE: New Guidelines Regarding MBE Prime Self-Performance. Please note that when a certified MBE firm participates as a prime contractor (including a prime participating as a joint venture) on a contract, a procurement agency may count the distinct, clearly defined portion of the work of the contract that the certified MBE firm performs with its own forces toward fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation subgoals, if any, established for the contract. For example, for an engineering services contract that has a 27% MBE overall participation goal and subgoals of 7% for African American firms, a certified African American MBE prime can self-perform (a) up to 13.5 % of the overall goal and (b) up to 7% of the African American subgoal. The remainder of the overall goal and subgoals would have to be met with other certified MBE firms or a waiver request.

A current directory of certified MBE firms is available through the MDOT Office of Minority Business Enterprise, 7201 Corporate Center Drive, Hanover, MD 21076. The phone numbers are (410) 865-1269, 1-800-544-6056, or TTY (410) 865-1342. The directory is also available on the MDOT website at <http://mbe.mdot.state.md.us/directory/>. The most current and up-to-date information on

MBE firms is available via this website. **Only MDOT-certified MBEs may be used to meet the MBE subcontracting goals.**

The Consultant' Firm's failure to submit all the required MBE information, in the specified areas, will result in the Consultant Firm being disqualified from further consideration on this Project, unless it is in the best interest of the State to seek clarification or additional information from the Consultant Firm.

A. Contract Goals

For this contract, an overall goal of **twenty percent (20%)** has been established for MBE participation. MBE proposers must meet the established MBE goal by either their own forces or approved MBE Sub-Consultant(s). When an MBE performs as a participant in a joint venture, they may count a portion of the total dollar value of the contract equal to the distinct and clearly defined portion of the work that the MBE performs with its own forces, toward the MBE goals and the proposed participation must be listed in Section C 11 of SF 330.

In addition to listing the MBEs, Consultant Firms must also list each non-MBE firm proposed in Section C of the SF 330 including the proposed work and percentage of work in Section C 11 of SF 330.

In addition, the following subgoals have been established for this procurement:

- **Seven percent (7%)** for African-American MBEs,
- **Zero percent (0%)** for Asian-American MBEs,
- **Two percent (2%)** for Hispanic-American MBEs,
- **Nine percent (9%)** for Woman-Owned MBEs, and
- **One percent (1%)** for firms classified as Veteran-Owned.

Notwithstanding any subgoals established above, the Offeror is encouraged to use a diverse group of subcontractors from any/all of the various MBE classifications to meet the remainder of the overall MBE participation goal.

B. The following Minority Business Enterprise participation instructions, and forms are provided on MDOT SHA's website at www.roads.maryland.gov/Index.aspx?PageId=767 to assist Offerors:

- MDOT MBE Form A - MBE Utilization and Fair Solicitation Affidavit (**must submit with Proposal**)
- MDOT MBE Form B MBE Participation Schedule (**must submit with Proposal**)
- MDOT MBE Form C - Outreach Efforts Compliance Statement
- MDOT MBE Form D - MBE Subcontractor Project Participation Affidavit
- MDOT MBE/DBE Form E – Good Faith Efforts Guidance and Documentation

By submitting a response to this solicitation, the Offeror acknowledges the overall MBE subcontractor participation goal, and commits to achieving the goal by utilizing certified minority business enterprises or requests a full or partial waiver of the goal. An Offeror that requested a waiver of the goal or any of the applicable subgoals will be responsible for submitting the Good Faith Efforts Documentation to Support Waiver Request and all documentation within ten (10) Working Days from notification that it is the recommended awardee or from the date of the actual award, whichever is earlier, as required in COMAR 21.11.03.11.

As set forth in COMAR 21.11.03.12-1, once the Contract work begins, the work performed by a certified MBE firm, including an MBE prime, can only be counted towards the MBE participation goal(s) if the MBE firm is performing a commercially useful function on the Contract.

C. Liquidated Damages

MDOT hereby notifies all proposers that in regard to any contract entered into pursuant to this advertisement the Contract that will result from this Solicitation will require the Consultant Firm to make good faith efforts to comply with the MBE Program and Contract provisions and the Contract will contain the following provisions related to the imposition of Liquidated Damages:

MDOT SHA and the Consultant Firm acknowledge and agree that MDOT SHA will incur economic damages and losses, including, but not limited to, loss of goodwill, detrimental impact on economic development, and diversion of internal staff resources, if the Consultant Firm does not make good faith efforts to comply with the requirements of the MBE Program and pertinent MBE Contract provisions. The parties further acknowledge and agree that the damages MDOT SHA might reasonably be anticipated to accrue as a result of such lack of compliance are difficult or impossible to ascertain with precision and that liquidated damages represent a fair, reasonable, and appropriate estimation of damages.

Upon a determination by MDOT SHA that the Consultant Firm failed to make good faith efforts to comply with one or more of the specified MBE Program requirements or pertinent MBE Contract provisions and without MDOT SHA being required to present any evidence of the amount or character of actual damages sustained, the Consultant Firm agrees to pay liquidated damages to MDOT SHA at the rates set forth below. Such liquidated damages are intended to represent estimated actual damages and are not intended as a penalty. The Consultant Firm expressly agrees that MDOT SHA may withhold payment on any invoices as an offset against liquidated damages owed. The Consultant Firm further agrees that for each specified violation, the agreed-upon liquidated damages are reasonably proximate to the loss MDOT SHA is anticipated to incur as a result of each violation.

1. Failure to submit each monthly payment report in full compliance with COMAR 21.11.03.13B (3): \$23.00 per day until the monthly report is submitted as required.

2. Failure to include in its agreements with MBE subcontractors a provision requiring submission of payment reports in full compliance with COMAR 21.11.03.13B (4): \$82.00 per MBE subcontractor.
3. Failure to comply with COMAR 21.11.03.12 in terminating, canceling, or changing the scope of work/value of a contract with an MBE subcontractor and/or amendment of the MBE participation schedule: the difference between the dollar value of the MBE participation commitment on the MBE participation schedule for that specific MBE firm and the dollar value of the work performed by that MBE firm for the Contract.
4. Failure to meet the Consultant Firm's total MBE participation goal and subgoal commitments: the difference between the dollar value of the total MBE participation commitment on the MBE participation schedule and the MBE participation actually achieved.

Notwithstanding the assessment or availability of liquidated damages, MDOT SHA reserves the right to terminate the Contract and to exercise any and all other rights or remedies which may be available under the Contract or which otherwise may be available at law or in equity

8. Evaluation Criteria

The major factors/criteria to be used in evaluating Technical Proposals in descending order of importance are:

- a. Oral Presentation
- b. Key Staff (SF 330 Part I, Section E)
- c. Specialized Expertise (SF 330, Part I Section H)
- d. Relevant Projects (SF 330 Part I, Section F)
- e. Organizational Chart (SF 330, Part I, Section D)
- g. Scope of Services and Work Plan;
- h. Subcontractor Commitment;
- i. Compatibility of the size of the firm with the size of the proposed project;
- j. Capacity to accomplish the proposed work in required time;
- k. Insurance;
- l. Financial Responsibility;

9. Technical Proposal Required Information

All materials shall be in a 3-ring binder (spiral and comb binding is not permitted). US Government forms are to be completed with standard size typing and are not to be photo reduced. Computer generated forms are acceptable; however, the format and spacing is to be identical to that of the Standard Forms 330.

With the exception of Government forms and the Organizational Chart, all pages included with your Technical Proposal submission are required to be standard 8½ x 11 size paper with a minimum of a one-inch margin on all sides and no smaller than 10-point Times New Roman font. Sections of the Technical Proposal must be separated by dividers that identify each section, and do not count as pages. Dividers can have photographs or graphics, but no narrative, on the obverse side and any graphics will not be evaluated. The reverse side shall be unmarked. Attachments to the Proposal are unacceptable.

- One USB portable drive in a protective case **labeled** with the BCS number, Project Title and Consultant Firm’s name to include: One (1) full PDF version of the Technical Proposal submittal as well as Sub-Folders containing the associated individual PDF files for each Section required herein. Sub-Folders and Sections must be labeled to identify each accordingly. All PDF documents must follow the naming convention of (BCS #-Prime/JV Name-Name Identifying the Document (i.e.: BCS 2018-99-ABC Firm-Scope of Services);
- One (1) unbound original with original signatures marked as “ORIGINAL” on the front cover of the proposal and six (6) bound copies marked as “COPY” on the front cover of the proposals comprised of:
 - A. Cover Letter on the Consultant Firm’s/Joint Venture’s letterhead – limited to two (2) pages, which must contain:
 - i. The names, contact numbers and email addresses of the Primary Liaison, Minority Business Enterprise (MBE) Consultant Liaison Officer for Minority Affairs, and your Consultant Firm’s contact person for this procurement process. The Primary Liaison, MBE Liaison Officer, and the firm’s procurement contact may be the same or different individuals
 - ii. The e-mail address of the contact person for this Project. Future correspondence related to this Project, prior to award of a contract, may be transmitted via e-mail.
 - iii. The information that the Consultant Firm/Joint Venture have the financial capacity to provide the services and has measures of protection for the State against errors and omissions.
 - iv. Certification that the Consultant Firm/Joint Venture have read and fully understand the requirements set forth to be provided for this request for proposal.
 - v. Certification that the Consultant Firm/Joint Venture and proposed team possesses the expertise, resources, knowledge and technical ability to perform all elements of the project’s scope and deliver all the requirements set forth through its own forces and those of its subcontractors.
 - vi. Acknowledges this is an open-ended work-order based contract and understands that work-orders will be assigned with schedules and/or deadlines to provide deliverables, services, etc.

- vii. Acknowledges that the Consultant Firm/Joint Venture and proposed team understand and have the capability to perform multiple simultaneous project assignments.
 - viii. Certification that Key Staff individuals meet the education, experience, certification/registration and expertise requirements set forth in this Request for Proposal.
 - iv. Acknowledges that the Consultant Firm/Joint Venture have included a detailed work plan in the proposal that ensures schedules and/or deadlines will be met as well as achieving the MBE goal, and includes a comprehensive quality assurance and quality control program.
 - x This letter shall be signed by the person or persons able to legally bind the Consultant Firm to the proposal.
 - xi. Corporate Resolutions shall be included if signed by anyone other than the President of the Consultant Firm or Executive for the Joint Venture.
- B. One (1) US Government Form Standard Form (SF) 330 Part I and Part II completed for the Prime and for each proposed subcontractor. The SF 330 must be completed in its entirety paying special attention to the following:
- i. Part II General Qualifications. The Consultant Firm shall document personnel by discipline presently employed at the work location proposed. If more than one (1) location is being proposed by the Consultant Firm, the Consultant Firm should use a separate form for each location proposed and show the total number of personnel by discipline for all locations proposed. Subcontractor personnel are not to be included.
 - ii. Outside Key Consultant Firms (Sub-Consultants) should be documented in Part I, Section C of the SF 330. Please follow the directions provided below under Special Requirements – MBE Provisions to complete Section C 11 for MDOT certified MBE firms.
 - iii. The Organizational Chart required for Part I, Section D of SF 330 shall be placed within the Key Staff Section and must contain at a minimum the Key Personnel and defining team organization with support staff. In addition, for every individual proposed for this project and shown on the organization chart, the chart shall clearly show their company affiliation and their permanent office location. The Organizational Chart shall be limited to an 11x17 page with Times New Roman Font size 10-point or larger.
 - iv. Part I, Section E of the SF 330, Key Staff. A separate Section E form should be completed for each Key Staff individual proposed. Provide a resume for each of the Key Staff individuals outlined below, limited to one (1) page per Key Staff, not to exceed four (4) pages total. The Consultant Firm must document in writing in the SF 330 Section E that

the Key Staff individuals meet the following requirements/minimum qualifications:

1. **Key Staff 1: GEC Director** will be responsible for the day to day management of the overall I-495 & I-270 P3 Program to ensure adequate progress of work is achieved. The position must coordinate within the GEC and coordinate and align all efforts of those consultants and advisors working on the I-495 & I-270 P3 Program beyond this contract including the NEPA consultant, legal advisors, and financial advisors. Demonstrate successful past performance as an owner or owner representative either as a Project or Program Director or Deputy Director (or equal) in leading the successful commercial and financial close of a P3 agreement for a P3 highway, tolled facility. The GEC Director shall be employed by the Consultant Firm/Joint Venture Firm and shall serve as the Primary Liaison.
2. **Key Staff 2: P3 Advisory Lead** will be responsible for the development, management, and oversight of the P3 solicitation process. Demonstrate successful past performance in leading the development, management, and oversight of a P3 solicitation as an owner or owner representative.
3. **Key Staff 3: Technical Engineering and Support Lead** will be responsible for leading the technical engineering and support for the I-495 & I-270 P3 Program including areas such as roadway, water resources, structures, traffic, geotechnical, pavement, maintenance of traffic, landscape architecture, utilities, railroad, non-toll operations and maintenance, data collection, and right-of-way. This position shall be a Professional Engineer (PE) registered in the State of Maryland and demonstrate successful past performance in leading the technical development and engineering oversight of a relevant project or program. P3 experience is preferred.
4. **Key Staff 4: Tolling Lead** will be responsible for the leading the comprehensive toll services including policy, tolling concepts, access and operations studies, toll technology, toll infrastructure, concept of operations, development of back office requirements and agreements, and operations and performance criteria. Demonstrate successful past performance in providing comprehensive tolling services for relevant highway project or program. P3 experience is preferred.

The past performance set forth shall be performed within the past ten (10) years. Years of experience and applicable licenses and certifications, such

as a PE License or Designated Design-Build Professional (DBIA) certification, shall be clearly documented on each resume.

The Secondary Liaison shall be a Key Staff as determined by the Consultant Firm/Joint Venture Firm. All Key Staff will be assigned on-site at the MDOT SHA I-495 & I-270 P3 Office at the start of this contract and remain for the duration of this contract, unless MDOT SHA determines otherwise.

- v. Where Maryland Registrations are required for the professional Key Staff, the Consultant Firm shall include in Part I Section E 17 of the SF 330 the words "Maryland Registered" and the Maryland License Registration Certificate Number for the individual. Where a Consultant Firm proposes an out of state professional engineer or architect, the Consultant Firm shall include in Part I Section E 17 of the SF330 the words "Maryland Registration Pending" along with the license registration number, discipline, and the US State where the individual is currently registered. Pending status must be resolved at the time of contract Notice to Proceed. Failure of the Consultant Firm to properly document Key Personnel requirements in writing will result in the Consultant Firm being precluded from further consideration for the Project.
- vi. SF 330 Section F – Relevant Projects Which Best Illustrate Proposed Team’s Qualifications: Limited to three (3) relevant projects, one (1) example project per page for a total not to exceed three (3) pages. Photos are acceptable; however, all photos count in the overall space limitations for the page and are considered illustrations and are not rated. The Relevant Projects set forth shall be recent experience performed within the past ten (10) years but preferred to be performed within the last five (5) years. (Information provided in this section shall become part of the rating/evaluation criteria for this project). Relevant Project #1 shall be a P3 highway, tolled facility project brought to successful commercial and financial close. Relevant Project #2 shall be a P3 project brought to successful commercial and financial close. Relevant Project #3 shall be a P3 or Design-Build highway project where the Consultant Firm functioned as an owner representative.
- vii. Section H of the SF 330 shall be limited to two (2) page(s) and must address the Consultant Firm’s **specialized expertise** in the development and delivery of P3 projects or programs. Any information presented in Section H will be considered in the evaluation process.

Additional Information regarding Key Staff replacements after Final Selection:

Key Staff changes may only be requested after final selection if the Key Staff is no longer available to perform on the contract or at the request/agreement of MDOT SHA. A letter outlining the reason for the change and the names of the Key Staff involved in the replacement request must be in writing on the firm's/joint venture's letterhead along with a one (1) page resume per the requirements outlined in this Request for Proposal.

- i. Substitutions will be evaluated using the same Competitive Technical Rating Criteria and the Key Staff replacement's score must be equal or higher than the original Key Staff's score in order to be accepted/approved by MDOT SHA. All scores will remain confidential by MDOT SHA. Instructions for completing a resume are included in Section 9 B – Key Staff of this Request for Proposal.

C. Scope of Services and Work Plan - not to exceed one (1) page:

The Scope of Services, Examples of Work, Certifications and Engineering Standards and Guidelines have been described previously in this RFP. The Prime Consultant Firm/Joint Venture must submit a maximum of one (1) page letter certifying the following:

- Has read and fully understands the requirements set forth to be provided for this contract;
- The Prime Consultant Firm/Joint Venture and proposed team possesses the expertise, resources, knowledge and technical ability to perform and deliver all the requirements set forth for this contract;
- Acknowledges this is an open-ended work-order based contract and understands that work-orders will be assigned with schedules and/or deadlines to provide deliverables, services, etc.;
- The Prime Consultant Firm/Joint Venture and proposed team understands and has the capability to perform multiple simultaneous project assignments;
- Has a detailed work plan in place to ensure schedules and/or deadlines will be met as well as achieving the MBE goal;
- The work plan includes a comprehensive quality assurance and quality control program; and;
- Other statements are at the discretion of the Prime Consultant Firm/Joint Venture as this is not an all-inclusive list.

The one (1) page maximum certification letter must be on the Prime Consultant Firm's/Joint Venture's letterhead and must be dated and signed by the Principal of the Prime Consultant Firm/Joint Venture. The format and overall content other than the required certification statements outlined above are that the Prime Consultant Firm's/Joint Venture's discretion.

D. **Subcontractors Commitment – no page limits as this section may vary:**

The Technical Proposals are to be explicit with respect to the work to be performed by all subcontractors proposed. A Letter of Commitment is required for each proposed Sub-Consultant. While the format and overall content is at the firm's discretion, a Letter of Commitment must at a minimum:

- Be on the Sub-Consultant's letterhead;
- List the services proposed to be provided;
- Certify the firm is able to provide the required resources, services, etc.;
- List the applicable NAICS Codes for the services/work to be performed in support of the project, and overall percentage of work to be performed for the contract;
- NAICS Codes must be the same as those listed in Section C 11 of the SF 330 for each Sub-Consultant
- Be signed and dated by the Principal/President of the firm, and;
- If a firm is a MDOT Certified MBE, include the MDOT Certification number. and applicable NAICS codes consistent with the work to be performed.

E. **MBE Compliance - the Consultant Firm shall include the executed "MDOT MBE Forms (A&B)" – no page limits as this section may vary:**

A contract goal of **twenty percent (20%)** has been established for MBE participation. MDOT SHA has further established that, within the contract goal, there shall be a sub-goal of a minimum of seven **percent (7%)** participation by firms classified as African American-owned firms, a sub-goal of a minimum of **zero percent (0%)** participation by firms classified as Asian American-owned firms, a sub-goal of a minimum of **two percent (2%)** participation by firms classified as Hispanic American-owned firms, a sub-goal of a minimum of **nine percent (9%)** participation by firms classified as Women-owned firms, and a sub-goal of a minimum of **one percent (1%)** participation by firms classified as Veteran-owned firms.

This section must include an introduction letter listing all the proposed MDOT Certified MBE firms, associated MDOT Certification Numbers, proposed work and percentages, NAICS codes applicable to the work to be performed, and the name and contact information of the DBE Consultant Liaison Officer for Minority Affairs. The introduction letter is not required to be on the Consultant Firm's letterhead or signed and dated. The format is at the Consultant Firm's discretion.

F. **Time Distribution" - not to exceed one (1) page consisting of the following:**

The Consultant Firm shall not include man-hour estimates in the Technical Proposal. The Consultant Firm shall include a one (1) page listing of those classifications proposed for services and the percentages of time estimated for

each classification. Percentages shall total one hundred percent (100%). A column of percentages of time estimated for each classification are to be shown for the Prime Consultant, for each subcontractor proposed, and one (1) column showing totals which are to add up to 100%. When multiple firms are used, the total for each firm must add up to something less than 100%. The following classifications and estimated percentages of time to be used for the contract assignments are:

<u>Classification</u>	<u>Est. Office</u>	<u>Est. Field</u>	<u>Total</u>
Senior Program Lead	0.5%	5.5%	6%
Program Lead	0.5%	7%	7.5%
Senior Program Advisor	0.5%	7%	7.5%
Senior Technical Provisions Professional	4%	12%	16%
Technical Provisions Professional	9%	10%	19%
Senior Specialist	11.5%	12%	23.5%
Technical Manager	8%	8%	16%
Surveyor	0%	1%	1%
Technician	0%	0.5%	0.5%
Party Chief	0%	0.5%	0.5%
Instrument Person	0%	0.5%	0.5%
Chain/Rod Person	0%	0.5%	0.5%
Senior Construction Manager	0%	0.75%	0.75%
Construction Manager	0%	0.75%	0.75%
<u>Total</u>	<u>34%</u>	<u>66%</u>	<u>100%</u>

This percentage is applicable to the total dollar amount of the Price Proposal to be developed at a later date, and not to time estimates. No overtime work shall be performed unless directed by MDOT SHA.

G. Insurance Requirements:

A copy of the Prime Consultant Firm's current certificate(s) of insurance. A copy of the Prime's current certificate(s) of insurance, which should contain, as a minimum, the following:

- i. Carrier (Name and Address)
- ii. Type of Insurance
- iii. Amount of Coverage
- iv. Period covered by Insurance
- v. Any exclusions

Insurance coverage will be one (1) of the areas evaluated when Technical Proposals are reviewed. Failure of the Consultant Firm to submit satisfactorily to these requirements may result in MDOT SHA rejecting the proposal(s). MDOT

SHA requires the following minimum levels of insurance coverage for this contract:

a. Worker's Compensation and Employer's Liability

The Consultant Firm shall, at all times, maintain and keep in force such insurance as will protect him from claims under the Worker's Compensation Act of the State of Maryland and maintain and keep Employer's Liability Insurance at a limit of One Million Dollars (\$1,000,000.00). The \$1,000,000 employer liability can be satisfied by an Umbrella/Excess Policy, as long as it is specific to "Employer's Liability".

b. Commercial General Liability Insurance

The Consultant Firm shall maintain Commercial General Liability Insurance in the amount of at least One Million Dollars (\$1,000,000.00) Combined Single Limit for Bodily Injury Liability and Property Damage Liability Insurance per occurrence, and Two Million Dollars (\$2,000,000.00) in the aggregate.

c. Comprehensive Automobile Liability Insurance

The Consultant Firm shall maintain Comprehensive Automobile Liability Insurance (including all automotive equipment owned, operated, rented, or leased), in the amount of at least One Million Dollars (\$1,000,000.00) Combined Single Limit for bodily injury and property damage.

d. Professional Liability Insurance

The Consultant Firm shall maintain Professional Liability Insurance in the amount of at least One Million Dollars (\$1,000,000.00).

H. **Potential Restrictions:**

As per State Finance and Procurement Article 17-701 – 17-707 of the Annotated Code of Maryland, a Consultant Firm engaging in investment activities with companies appearing on the Investment Activities in Iran list is ineligible for bid/proposal/award. The Investment Activities list is located at www.bpw.state.md.us of the Maryland Board of Public Works (BPW) website. As per the BPW Advisory No.: 2013-1, Date Issued January 1, 2013, an officer of the Consultant Firm shall provide a signed original certification as per language stated on the BPW Advisory page. If the Consultant Firm is a joint venture, officers from all companies forming the joint venture shall provide a signed original certification.

In preparing its proposal on this project, the Offeror has considered all proposals submitted from qualified, potential subcontractors and suppliers, and has not, in the solicitation, selection, or commercial treatment of any subcontractor, vendor, or supplier, refused to transact or terminated business activities, or taken other actions intended to limit commercial relations, with a person or entity on the basis of Israeli national origin, or residence or incorporation in Israel and its territories. The Offeror also has not retaliated against any person or other entity for reporting such refusal, termination, or commercially limiting actions. Without limiting any other provision of the solicitation for proposals for this project, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the State to reject the proposal submitted by the Offeror on this project, and terminate any contract awarded based on the bid/proposal

10. **Oral Presentation**

The Consultant Firm will be required to provide an Oral Presentation which will consist of the following:

- Oral Presentations will be scheduled on September 21, 2018 and September 24, 2018. **Only those Consultant Firms that have been determined by MDOT SHA to have met the minimum Key Staff and Relevant Projects requirements will be scheduled for an Oral Presentation.**
- Attendance will be limited to ten (10) individuals. The presentation shall be led by the proposed GEC Director and all Key Staff shall present as part of the Oral Presentation. The remainder of the individuals attending the Oral Presentation and level of participation is up to the Consultant Firm; however, all attendees shall be employees of the Prime Consultant Firm/Joint Venture and/or Sub-Consultants. No additional individuals will be allowed to attend to Oral Presentations, even in a support role. No access to the presentation room will be provided prior to the Oral Presentation start time.
- The Oral Presentation will be a total of two (2) hours. Set-up and breakdown times are included within the two hours.
- MDOT SHA will provide a screen for the presentation. All other equipment shall be provided by the Consultant Firm.
- The Consultant Firm shall provide one electronic copy on a Flash Drive and six (6) hard copies of all presentation materials for MDOT SHA's use.

The Oral Presentation shall address the following:

- The approach the Consultant Firm will utilize to provide the services necessary to deliver the I-495 & I-270 P3 Program;
- How the expertise of the Key Staff and support staff will ensure successful delivery of the I-495 & I-270 P3 Program;

- How the organization of the Consultant Firm will ensure successful delivery of the I-495 & I-270 P3 Program;
- The staffing levels that will be dedicated to the I-495 & I-270 P3 Program to be provided both on-site and off-site;
- How the Consultant Firm will adapt to the ever-evolving needs to the I-495 & I-270 P3 Program;
- How the Consultant Firm will integrate with the MDOT SHA I-495 & I-270 P3 Office, including other consultants (NEPA consultant, Blackwater, PRR, Inc., CDM Smith, McCormick Taylor) and financial and legal advisors, and lead the successful delivery of the I-495 & I-270 P3 Program; and
- How the Consultant Firm will develop the I-495 & I-270 P3 Program with minimal MDOT SHA oversight while ensuring MDOT SHA is updated of progress and provided the necessary information and time to make decisions.

11. **Services/Materials to be provided by MDOT SHA:**

MDOT SHA will furnish those services and information as set forth in Volume II, Section IV of the “Specifications for Consulting Engineers’ Services” to complete the environmental documents for the I-495 & I-270 Managed Lanes Study and for the subsequent study along I-270 from I-370 to I-70. The Consultant Firm will have access to all information generated to provide the services noted in this RFP in support of these efforts.

A list of services by MDOT SHA for each specific project assignment will be provided at the time the Consultant Firm’s services are requested. Assignment will generally require the Consultant Firm to independently provide a full range of services necessary to address MDOT SHA’s needs. MDOT SHA will allow the Consultant Firm access to MDOT SHA properties, where required for program work. MDOT SHA will provide all computer equipment and programs for staff working at the I-495 & I-270 P3 Office.

This is not an all-inclusive list. MDOT SHA may provide additional services/materials as appropriate.

11. **Progress Reports:**

The Consultant Firm must submit monthly progress reports for assigned projects (including a detailed account of work performed that is being billed, outstanding issues, summary of additional work requests, percent completed, any anticipated delays, etc.). This report must be submitted with the monthly invoice.

12. **Records, Work-Orders and Notice to Proceed:**

The Consultant Firm shall keep accurate records documenting the time, material, and transportation utilized, etc. Contract payment(s) to Consultant Firm for work completed will be made on this basis only.

The Consultant Firm must provide all work-order proposals to MDOT SHA's I-495 & I-270 P3 Office within five (5) business days or as otherwise directed.

The Consultant Firm must be able to provide prompt consultant services within five (5) working days of notification.

No work shall be performed on contract by the Consultant Firm until a written Notice to Proceed (NTP) is received by the Consultant Firm from MDOT SHA.

The Consultant Firm must provide the required services within five (5) business days of an NTP for an approved assignment.

13. **Completion Date:**

The Contract will terminate on the expiration date.

14. **Other Requirements**

MDOT SHA must be notified in writing, by email to Mark Riesett at mriesett@sha.state.md.us, of any deletions, additions, and/or substitutions of proposed Sub-Consultants after Technical Proposals have been submitted.

15. **RESPOND BY SEPTEMBER 6, 2018 prior to 12:00 p.m.**

RESPOND TO:

Mark Riesett

Office of Procurement and Contract Management, Fourth Floor, MS C-405
707 North Calvert Street
Baltimore, MD 21202