

PUBLIC NOTICE FOR
THE MARYLAND DEPARTMENT OF TRANSPORTATION

BCS 2021-17

Contract Claims & Scheduling Review Services

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 architects or engineers for the following project(s).

Firms interested in being considered for work on any Project must submit an Expression of Interest (EOI) for that Project as set forth herein. The EOI must be electronically submitted via eMaryland Marketplace Advantage (eMMA) at emma.maryland.gov. The EOI will indicate the firm's desire to perform services and indicate the specific tasks or areas of expertise, which will be subcontracted, and to whom. Interested firms must submit the material required herein or the interested firm will not be considered for the Project.

Of all the firms expressing interest in this advertisement, those adjudged most qualified will be requested to submit Technical Proposals. Additional information will be supplied to the selected firms so that they can prepare such proposals for the Project. The firms that submit the highest rated Technical Proposals will be requested to submit Price Proposals. This project will be federally funded and Price Proposal cost limitations on payroll burden and overhead do not apply. Contracts resulting from this solicitation will be structured as indefinite delivery, indefinite quantity (IDIQ) and payment methods will include cost plus fixed fee and unit cost rates. Additional information regarding payment methods will be provided to the selected firms in the Request for Price Proposals and subsequent secondary qualifications-based selection (QBS). MDOT reserves the right to require that split payroll burden and overhead rates be submitted appropriate for the type of services to be provided (example, Home-Office Rate for planning/design activities and Field-Office Rate for construction inspection). If negotiations with the firm are timely and successful, a contract may be awarded to that firm.

All firms, including Joint Ventures, must be in good standing with the Maryland Department of Assessments and Taxation at the time of EOI submittal. Foreign corporations may also qualify for an equivalent certificate of good standing through the Maryland Department of Assessments and Taxation at <http://www.dat.state.md.us/SDAT%20Forms/forcp.pdf>. If an interested firm is requested to submit proposals, their proposals should substantially reflect the same composition and area of involvement as their EOI. If a Joint Venture (JV) responds to a project advertisement, MDOT SHA will not accept separate EOIs from the JV constituents. A firm will not be permitted to submit on more than one (1) JV for the same project advertisement. Also, a firm that responds to a project advertisement as a prime or a prime JV constituent may not be

included as a designated subconsultant to another 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 firms involved. The above does not preclude a firm from being set forth as a designated subconsultant to more than one (1) prime responding to the project advertisement.

MDOT State Highway Administration (MDOT SHA) reserves the right to cancel this solicitation due to insufficient participation or firms are deemed not qualified to perform the services regardless of how much time and effort was spent on responses.

All questions concerning submissions and procedures must be submitted via eMMA at emma.maryland.gov, no later than 12:00 pm two (2) weeks prior to the due date. Post under the specific solicitation's Discussion Q&A tab.

All addenda to this advertisement will be posted *only* on eMMA and on MDOT SHA's website (<http://www.roads.maryland.gov/>) under Business → Contracts, Bids & Proposals → Architectural / Engineering Contracts.

Consultants will have the ability to provide background investigation results for their personnel assigned to work on MDOT SHA projects.

Special Provisions

Title VI

MDOT SHA, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Consultants interested in submitting an EOI must comply with the **“SPECIAL PROVISIONS, AFFIRMATIVE ACTION REQUIREMENTS, UTILIZATION OF DISADVANTAGED BUSINESSES, THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987, ISTEAD OF 1991, MAP 21 OF 2012, AND FAST ACT 2015.”** (See Attachment VI of the MDOT SHA Request for Proposal located at <https://www.roads.maryland.gov/ohd/RFPAGEGuidelines.pdf>).

Disadvantaged Business Enterprise (DBE)

It is the goal of MDOT that disadvantaged business enterprises participate in all federal-aid contracts. Each contract will be evaluated for the placement of a goal for DBE participation on a contract-by-contract basis. MDOT-certified Small Business Enterprise (SBE) / DBE firms are encouraged to respond to this solicitation. The MDOT DBE website is [Small, Minority & Disadvantaged Business - MDOT \(maryland.gov\)](http://www.maryland.gov)

I. Project Title and Description:

Scope of Services are for MDOT State Highway Administration, District 2 Construction Office, for services to review Baseline Critical Path Method (CPM) Schedules and subsequent updates for various contracts that require Constructability Review. Services may include, but not limited to Review IFB and Drawings, Review Contractor's Baseline and Revisions, Review of Updates and Design Revisions, Attend Meetings and Report on Schedule Progress, Prepare and Submit Written Reviews and Reports, and Assist in Negotiation of Time Impacts.

MDOT SHA may award up to two (2) open-ended, task-order based contract(s) for these services. The duration of each contract will not exceed five years. The total funding authority for all two (2) contracts will not exceed \$2,000,000. MDOT SHA reserves the right to modify the number of contracts and the total funding authority as deemed appropriate based on complying with 23 CFR 172 and the Brooks Act. Consistent with competitive qualifications-based selection, a secondary qualifications-based selection will be employed for all task-order assignments. Awarded task-assignments will be negotiated as stand-alone assignments terminating when the task budget is exhausted, or the task time frame has expired, or the task has been completed. No minimum amount of work or funds is guaranteed under these contracts.

This Contract will be administered solely by MDOT SHA's District 2 Office located at 615 Morgnec Road Chestertown, MD 21620, to support the Statewide Architectural and Engineering needs of MDOT SHA and will be funded with both State and Federal Funds. The services of this contract are expected to be performed within the geographical region listed above, but assignments may be made anywhere in the State to support MDOT SHA's needs with the prior approval of the MDOT SHA Deputy Administrator. In addition, this contract may be used to provide services to the MDOT's The Secretary's Office, or any of the MDOT Transportation Business Units (TBUs), at the direction and with the express prior written authorization of the Secretary of Transportation or the Secretary's designee. Any tasks 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.

II. Consultant Services Required:

To provide construction contract claims review, constructability review, and schedule analysis services for MDOT SHA District 2 Office of Construction.

Firms with expertise in construction contract claims and scheduling review services to provide, but not limited to, the following services for:

- **Baseline Critical Path Method (CPM) Scheduling Analysis**
- **Review CPM Schedules and subsequent updates for various projects that**

- **require constructability review**
- **Construction Project Claims Review**
- **Constructability Reviews at Various Stages of the Design and Construction Process**
- **Render Claims Advice and other Technical Services as Assigned**

and all other engineering professional services related to construction contract claims and scheduling review services.

Some examples of work include, but are not limited to the following:

- **Review IFB and Drawings**
 - **Review contractor's Baseline and revisions**
 - **Review of Updates and Design Revisions**
 - **Attend meetings and report on schedule progress**
 - **Prepare and submit written reviews and reports**
 - **Assist in negotiation of time impacts**
 - **On-Site Consultant Staff is not required as this contract is event and solution driven.**
- and all other engineering professional work related to construction contract claims and scheduling review services.

The following computer hardware and software shall be used to perform the services required and include, but not limited to:

- **Computer**
- **Microsoft Office Suite;**
- **Primavera Expedition (Contract Manager);**
- **Microstation**
- **Modeling type software; and**
- **Scheduling software.**

NOTE: The consultant is required to certify in the EOI that it can perform all elements of the project's scope through its own forces and those of its subconsultants.

III. Potential Restrictions:

The firm(s) selected for a given Contract may be required to provide architectural and/or engineering services for any MDOT SHA design and construction project, including Design/Build projects. This may limit the firm's potential for pursuing work with a consultant on the same Design/Build project after advertisement. State law, including State Finance and Procurement Article 13-212. I of the Annotated Code of Maryland will dictate the Consultant's eligibility to pursue work on Design/Build projects after advertisement.

As per State Finance & Procurement, State Government Article 17-701 - 17-707 of the Annotated Code of Maryland the firm(s) selected for a given Contract will be required to provide "Certification Regarding Investments in Iran". Furthermore, selected firms must comply with the State of Maryland Executive Order 01.01.2017.25 Prohibiting Discriminatory Boycotts of Israel in State Procurement. See below 4(f).

IV. Required Information:

The Consultant shall submit electronically the documents outlined below. One (1) complete .pdf file of the EOI submittal, with subfolders containing the associated, individual .pdf files for each section required herein. Subfolders and sections must be clearly named. All .pdf documents must have the naming convention of [BCS #-Prime/JV Name]-Name Identifying the Document (i.e., BCS XXXX-XX – ABC Firm – Letter of Interest).

The EOI comprises the following:

- A. One (1) Letter of Interest** – Limited to one (1) page which must contain the address of the firm's closest location to MDOT SHA's District 2 Office at 615 Morgnec Road Chestertown, MD 21620; information supporting the assertion that the Consultant has the financial capacity to provide the services requested; has measures in place to protect the State against errors and omissions; and provide the names, contact numbers and email addresses of the Primary Liaison, Disadvantaged Business Enterprise (DBE) Consultant Liaison Officer for Minority Affairs, and your firm's contact person for this procurement process. The Primary Liaison, DBE Liaison Officer, and the firm's procurement contact may be the same or different individuals.

NOTE: All pages (except for pages in Standard Form (SF) 330, and pages specified as 11"x17") included within your submittal are required to be standard 8 ½" x 11" size with a minimum of a one-inch margin on all sides and no smaller than 11-point Times New Roman font. SF 330 forms, 11"x17" charts and all matrices must be no smaller than 10-point Times New Roman font. SF 330 Forms are to be completed without any changes to the electronic format. The first page of the document must clearly display the BCS Number, Project Services Title, Firm's Name. Sections in the EOI submittals must be labeled. Graphics and photos are acceptable but will not be considered in the evaluation process.

B. One (1) SF 330

(Please note that U.S. 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 must not be altered.)

The SF 330 must be completed in its entirety, with special attention to the following:

1. **Part I, Section E:** Key Staff. A separate Section E form should be completed

for each Key Staff proposed not to exceed five (5) pages total. At least three (3) years of the required years of experience for each individual Key Staff shall be recent experience performed within the last three (3) years. The Consultant must document in writing in the SF 330 Section E that the Key Staff individuals meet the following requirements:

- a) **Key Staff 1:** A *Professional Engineer* (PE) registered in the State of Maryland with a minimum of 10 years of experience performing Highway and Bridge Claims Analysis; employed by the Prime/JV or any of the Subconsultants who will serve as the Project Manager and the Primary Liaison.
- b) **Key Staff 2:** A *Claims Analyst* with a minimum of 10 years of experience performing construction contract claims analysis; employed by the Prime/JV or any of the Subconsultants.
- c) **Key Staff 3:** A *CPM Scheduling Analyst* with a minimum of 10 years of experience performing Baseline Critical Path Method (CPM scheduling) analysis; employed by the Prime/JV or any of the Subconsultants.
- d) **Key Staff 4:** A *Civil, Structural, Hydraulic, Environmental or Highway Design Engineer* with a minimum of 10 years of experience performing Constructability Review of projects and schedules; expertise in constructability and schedule review of Civil, Structural, Hydraulic, Environmental and Highway project design and specifications; employed by the Prime/JV or any of the Subconsultants.

NOTE: Where Maryland Registrations are required for the professional Key Staff, the Consultant shall include in Section E, #17 of 18 on the SF 330 the words "**Maryland Registered**" and the Maryland License Registration Certificate Number for the individual. Section E, #17 of 18 of the SF 330 shall also include any required Licenses, including **Type of License, License Number, year it was initially issued and expires**, and any required Certifications, including Certification Type, Certification Number (if applicable) and the year it was issued and expires.

In addition to items **a.** and **b.** in Section E of the SF 330, Years of Experience shall document the total number of years of experience performing work in the required areas of expertise specified for this procurement.

Failure of the Consultant to document properly Key Staff requirements in writing may result in the firm being precluded from further consideration for the Project.

2. **Part II, General Qualifications.** The Consultant shall document personnel by discipline presently employed at the work location proposed. If more than one (1) location is being proposed by the Consultant, the Consultant should use a separate form for each location proposed and show the total number of personnel by discipline for all locations proposed. **Subconsultant personnel are not to be included.**
3. **Outside Key Consultants** (Sub-Consultants) should be documented in Part I, Section C of the SF 330. Please follow the directions provided in Step VI below, Special Requirements – DBE Provisions to complete Section C 11 for MDOT certified MBE/DBE firms.

It is not anticipated that any of the Key Staff will be required to provide contract claims and scheduling review services on-site at MDOT SHA facilities.

4. **Part I, Section D** – Organizational Chart shall be limited to an 11 X 17-inch page with Times New Roman font size 10-point or larger. In addition, a separate Matrix is required to be placed behind Section D in the SF 330 that lists support personnel by name on the vertical axis with up to three lines of text explaining their experience relative to the projects needs on the horizontal axis. The support Personnel Matrix shall be limited to an 11 X 17-inch page with Times New Roman Font size 10-point or larger and one-inch margins.
5. **Section F – Example Projects:** Limited to five (5) example projects, each example project is limited to two (2) pages for a total not to exceed ten (10) 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 Example Projects set forth shall be recent experience performed within the past five (5) years. (Information provided in this section shall become part of the rating/evaluation criteria for this project).
6. **Section H – Additional Information:** This section shall be limited to one (1) page and must certify that the Key Staff individuals meet the education, experience, registration/licensure, expertise, and all other professional qualifications specified in this advertisement. Please exclude any confidential personal information. Any information presented in Section H will be considered in the evaluation of the EOI.

C. Financial Responsibility and Insurance

1. The consultant shall include a letter addressed to MDOT SHA setting forth evidence that the consultant has the financial capacity to provide the services and has measures of protection for the State against errors and omissions.
2. The Consultant shall include a copy of the firm's current certification(s) of insurance, which should contain, at minimum, the following:

- Carrier (name and address)
 - Type of insurance
 - Amount of coverage, which must include at a minimum of \$1,000,000 per occurrence of Professional Liability
 - Period covered by insurance; and
 - Any exclusions
3. The amount of proposed coverage to be carried by a firm for each of the four (4) areas of insurance required shall be clearly stated on the insurance certificate. (i.e., Comprehensive General Liability Insurance, Professional Liability Insurance, Workers Compensation Insurance and Comprehensive Automobile Liability Insurance).
 4. Insurance coverage will be one (1) of the areas evaluated during the EOI review. Failure of the consultant to submit satisfactorily to these requirements may result in the EOI being deemed not responsible, per COMAR 21.06.01.01. If your firm is technically selected for this project, the amount of insurance coverage may be the subject of negotiations. Any resultant contract will set forth the dollar amounts required for each area of insurance.

D. Special Requirements

1. **Investment Activities in Iran:** As per State Finance and Procurement, State Government Article 17-701 – 17-707 of the Annotated Code of Maryland, a firm engaging in investment activities with companies appearing on the Investment Activities in Iran list is ineligible for bid/proposal/award. The Investment Activities in Iran list is located at www.bpw.md.gov of the Maryland Board of Public Works (BPW) web site. As per the BPW Advisory No.: 2013-11, Date Issued January 1, 2013, an officer of the Prime/JV firm shall provide a signed original certification as per language listed on the BPW Advisory page.

In preparing its bid/proposal on this project, the Bidder/Offeror has considered all bid/proposals submitted from qualified, potential subconsultants and suppliers, and has not, in the solicitation, selection, or commercial treatment of any subconsultants, 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 Bidder/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 bid/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 bid/proposal submitted by the Bidder/Offeror on this project, and terminate any contract awarded based on the bid/proposal.

2. DBE Provisions

The Maryland Department of Transportation (MDOT) hereby notifies all proposers that in regard to any contract entered pursuant to this advertisement; DBEs will be afforded full opportunity to submit an EOI in response to this notice 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 and 49 CFR and Section 504 of the Rehabilitation Act of 1973).

It is the goal of MDOT that certified businesses participate in all contracts. Each contract may contain a goal for DBE participation, on a contract-by-contract basis. Consultants interested in submitting an EOI must comply with the “SPECIAL PROVISIONS. AFFIRMATIVE ACTION REQUIREMENTS, UTILIZATION OF DISADVANTAGED BUSINESSES. THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987, ISTEA OF 1991, MAP 21 OF 2012. AND FAST ACT 2015.

To comply with the aforesaid SPECIAL REQUIREMENTS, Consultants who submit EOI's must clearly set forth the DBE Prime firm(s) ***and*** DBE subconsultant(s) proposed for goal attainment indicating:

- Firm's name and address,
- The proposed work,
- Percentage of total work,
- MDOT certification number, and
- Applicable NAICS

NOTE: DBE firms **must be** certified for the specific work to be performed to count their participation towards meeting the DBE participation goal. Only include applicable NAICS Code(s) for the services/work the DBE firm is proposed to perform in support of the project.

Proposed DBE firms **must be** certified by MDOT in those NAICS Code(s) **at the time** of the EOI submission and **remain certified** through contract award by MDOT to participate on federally funded Projects. When a certified DBE firm participates as a prime (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 DBE firm performs with its own forces toward fulfilling up to one hundred percent (100%) of the contract's DBE participation goal.

The Consultant's failure to **submit all** the required DBE information, in the specified areas, may result in the Consultant being disqualified from further consideration for the Reduced Candidate List on this Project, unless it is in the

best interests of the State to seek clarification or additional information from the Consultant.

Contract Goals

For the purposes of this contract, a goal of Thirteen percent (13%) has been established for DBE participation. DBE proposers must meet the established DBE goal by either utilizing their own forces or approved DBE Subconsultant(s). Per 49 CFR 26.55(b), when a DBE 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 DBE performs with its own forces, toward the DBE goals and the proposed participation must be listed in Section C-11 of SF 330.

In addition to listing the DBE's, consultants must also list each non-DBE firm proposed in Section C of the SF 330 including the proposed work and percentage of work in Section C-11 of the SF 330.

- E. Additional Information:** MDOT SHA reserves the right to develop a Reduced Candidate List from those firms responding to this advertisement.

Offerors should give specific attention to the clear identification of those portions of its Offer that it considers confidential and/or proprietary commercial information or trade secrets, and provide justification why such materials, upon request, should not be disclosed by the State under the Public Information Act, Md. Code Ann., General Provisions Article, Title 4. This information should be identified by page number and placed in the Transmittal Letter with the Offer.

Offers shall be available for public inspection, except to the extent the Offeror designates trade secrets or other proprietary data to be confidential as set forth in this solicitation. Material so designated as confidential shall accompany the Offer and shall be readily separable from the Offer to facilitate public inspection of the non-confidential portion of the Offer, including Total Price.

For requests for information made under the PIA, the Procurement Officer shall examine the Offers to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. Nondisclosure is permissible only if approved by the Office of the Attorney General.

- F. Electronic Transfer:** By submitting a response to this solicitation, the Consultant agrees to accept payments by electronic funds transfer unless the State Comptroller's Office grants an exemption. The selected Consultant shall register with the EFT Registration, General Accounting Division using the COT/GAD X-10 Vendor Electronic Funds (EFT) Registration Request Form, available at <https://www.marylandtaxes.gov/divisions/gad/eft-program.php>. Any request for exemption must be submitted to the State Comptroller's Office for approval at the

address specified on the COT/GAD X-10 form and must include the business identification information as stated on the form and include the reasons for the exemption.

G. Rating Criteria

1. **EOI:** The criteria to be used in evaluating EOIs for the creation of a Reduced Candidate List (RCL) are:

- a) **Key Staff, rated on a 30-point scale**

The **Key Staff** submitted in the EOI will be evaluated to determine if they meet the minimum qualifications set forth herein. , MDOT SHA will carry forward the scores for the **Key Staff** (and Specialized Expertise, if applicable) into the Technical Proposal phase.

- b) **Example Projects, rated either (A)acceptable, (U)nacceptable, across all projects submitted**

- (A) Acceptable-Response demonstrates they meet requirements
- (U) Unacceptable-Response fails to demonstrate they meet requirements

2. **Technical Proposal:**

Firms selected for the RCL will be invited to submit a Technical Proposal under a Request for Technical Proposals Letter (RFTP). The evaluation and scoring criteria will be outlined therein.

H. Key Staff Replacement: Replacing Key Staff is allowed *at any stage in the evaluation process*. To replace a Key Staff submission:

Send a letter, on firm/JV letterhead, explaining the reason for the change and the name(s) of the Key Staff involved. Each new Key Staff must be submitted according to the requirements listed in Section B above.

- If a Key Staff has not been scored at the time the request is received, *the replacement Key Staff will be scored, and the original will not be evaluated.*
- If a Key Staff has been scored at the time the request is received, the replacement's score must be **equal to or higher than** the originally proposed Key Staff *or* the most recently approved Key Staff, if subsequent replacement requests for the same Key Staff are received.
- MDOT SHA will keep **the identity and scoring of** all Key Staff replacements confidential **during the evaluation of proposals.**

I. Electronic Submission on eMMA

1. Only electronic copies of the EOI will be accepted. **No response received after 12:00 P.M. (NOON) on the date specified for a Project will be accepted, no matter how transmitted.**
2. The EOI submittal is uploaded into the General envelope, including:
 - a) One (1) file containing the full and complete EOI document, and
 - b) Individual section files.
3. Each file uploaded can be up to 300 MB.
4. There is no limit to the number of files that can be uploaded in a single solicitation and no total limit to the size of all files uploaded in a single solicitation.
5. eMMA accepts zipped files, but each zipped file is limited in size to 300 MB.
6. The following information must be written in the Response Information box.
 - a) In “Project Description,” enter **BCS XXXX-XX, Project Title.**
 - b) In the main box, enter **EOI Due Date and Time, Firm Name, Firm Address and Contact Person** for the submission.
7. Each contract series has a designated Procurement Officer, included in the eMMA listing. Please contact them directly using the information provided regarding specific contract series.
8. Technical questions regarding eMMA submission must be directed to the eMMA Help Desk at eMMA.helpdesk@maryland.gov.
9. **Emailed submissions will not be accepted.**
10. **Please respond by December 23, 2021 prior to 12:00 P.M. (NOON)**

Address general inquiries to:

Ms. Jada J. Wright
Director, Office of Procurement and Contract Management (OPCM)
707 North Calvert Street, Mail Stop C-405
Baltimore, Maryland 21202