

Issue Date: May 7, 2024

PUBLIC NOTICE FOR
THE MARYLAND DEPARTMENT OF TRANSPORTATION

BCS 2024-06

Federal Grant Programs – Planning and Engineering Services - Statewide - SBE

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 contracts.

The State Highway Administration (SHA) is issuing this Request for Proposals (RFP) for project design services for federally funded grant programs including Transportation Alternatives (TA), Recreational Trails (RT), Scenic Byways (SB), Congressionally Directed Spending (CDS) and efforts where Local Public Agencies (LPA) are receiving Federal-Aid Highway Program funds. Services will include planning, grant preparation technical assistance, preliminary and final design services, construction management and inspection services, and bridge inspection services, Statewide. The consultant may be required to provide engineering services on-site at SHA facilities. The Consultant Firms shall be proficient in the services listed in this RFP and shall bring an experienced and expert staff to the contracts as required. Firms interested in being considered must submit a complete Standard Form (SF) 330 concurrent with the technical proposal.

SHA anticipates awarding up to two (2) open-end, task-order based contracts that may cover multiple projects for these services. The duration of the Contracts will not exceed five (5) years. The total funding authority for all two (2) contracts shall not exceed \$5,000,000. SHA reserves the right to modify the total funding authority. No minimum amount of work or funds is guaranteed under these Contracts. The Contracts will be funded with State and Federal Funds.

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

Firms interested in being considered for work on these contracts must submit a Technical Proposal for the contracts as set forth herein. Contracts resulting from this solicitation shall be structured as indefinite delivery indefinite quantity (IDIQ) and payment methods shall 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 for task-order assignments. To standardize the method of proposal submission, and to facilitate distribution of proposal materials, it shall be necessary that all firms observe the following procedures.

All Technical Proposals shall be submitted through eMaryland Marketplace Advantage (eMMA) online at <https://emma.maryland.gov>. The submittal will consist of the complete Technical Proposal including the individual section files. The limit to the size of each individual file that is uploaded is 300 MB. 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. eMMA accepts zipped files, but each zipped file is limited in

size to 300 MB. The following information must be typed in the Response Information box. In the “Project Description,” type “BCS 2024-06 Federal Grant Programs – Planning and Engineering Services - Statewide - SBE,” Technical Proposal Due Date and Time, Firm Name, Firm Address and Contact Person for this Submission.

Proposals must be submitted electronically. Proposals will not be opened publicly.

If a Joint Venture (JV) responds to this RFP, SHA will not accept separate Proposals from the JV constituents. A firm will not be permitted to submit on more than one (1) JV for this RFP. Also, a firm that responds to this RFP as a prime or a prime JV constituent may not be included as a designated subcontractor to another firm that responds as a prime to this RFP. 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 that has not submitted as a prime from being set forth as a designated subcontractor to more than one (1) prime responding to this RFP.

All proposals received for these contracts will be reviewed on a competitive basis. The Firms that submit the highest rated Technical Proposals will be requested to submit Price Proposals. 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 Modes 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 Firms are timely and successful, contracts may be awarded to those Firms.

A Pre-Proposal meeting will be held on May 15, 2024 at 1:00 pm.

Microsoft Teams

[Join the meeting now](#)

Meeting ID: 258 015 402 917

Passcode: jdEmsj

Dial-in by phone

[+1 443-409-5228,,591434762#](#) United States, Baltimore

[Find a local number](#)

Phone conference ID: 591 434 762#

Written questions from prospective Offerors will be accepted by the Procurement Officer through eMMA only. **All questions concerning submissions and procedures must be submitted via emma.maryland.gov no later than May 20, 2024, at 12:00 PM NOON EST.** 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 addendums to this solicitation will be posted **only** on eMaryland Marketplace Advantage (eMMA) and on the Consultant Services Center page of SHA's Webpage (<https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=767>). No other contact to MDOT employees or personal visits will be accepted.

eMMA is an electronic commerce system administered by the Maryland Department of General Services. In addition to using the SHA website (<https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=767>), the solicitation, Offeror questions and the Procurement Officer's responses, addenda, and other solicitation-related information will be provided via eMMA. To receive a contract award, a firm must be registered on eMMA. Registration is free. Go to <https://emma.maryland.gov>, click on "New Vendor? Register Now" to begin the process, and then follow the prompts.

Each Offeror is requested to indicate its eMMA vendor number in the Transmittal Letter (cover letter) submitted at the time of its Proposal submission 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://sdat.dat.maryland.gov/RealProperty/Pages/default.aspx>. It is strongly recommended that any potential Offeror complete registration prior to the due date for receipt of Proposals. An Offeror's failure to complete registration with SDAT may disqualify an otherwise successful Offeror from final consideration and recommendation for contract award.

Technical Proposals must be submitted in the format outlined within the SHA Standard Request for Proposals guidelines. The SHA Standard Request for Proposals guidelines can be found on the SHA Web Page at <https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=767> by navigating to the *Standard Request for Proposals* link.

The 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 RFP, Disadvantaged Business Enterprises (DBE) 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 a Technical Proposal must comply with the SPECIAL PROVISIONS, AFFIRMATIVE ACTION REQUIREMENTS, UTILIZATION OF DISADVANTAGED BUSINESSES, THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987, ISTEAF OF 1991, MAP 21 OF 2012, FAST ACT 2015, AND INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021 located at <https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=767> and selecting *Standard Request for Proposals* link).

SHA hereby notifies all bidders/offerors that regarding any contract entered into pursuant to this RFP, the contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this

contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

It is the goal of MDOT that disadvantaged business enterprises (DBE) 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 DBE firms are encouraged to respond to this solicitation. The MDOT MBE website is <https://www.mdot.maryland.gov/tso/pages/index.aspx?pageid=91>.

Technical Proposals received after the deadline time will not be accepted, no matter how transmitted, and will be returned unopened to the Consultant.

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 Firm in connection with the preparation and presentation of Proposals.

**State Highway Administration
Federal Grant Programs – Planning and Engineering Services - Statewide - SBE
Contract Number: BCS 2024-06**

1. Project Description

The SHA is seeking consultant assistance to perform for project design services for federally funded grant programs including Transportation Alternatives (TA), Recreational Trails (RT), Scenic Byways (SB), Congressionally Directed Spending (CDS), Discretionary Grants, and efforts where Local Public Agencies (LPA) are receiving Federal Aid Highway Program funds. Services will include planning, grant preparation technical assistance, preliminary and final design services, construction management and inspection services and bridge inspection services, Statewide. The consultant may be required to provide engineering services on-site at SHA facilities. SHA may award up to two (2) open-ended, task-order based contract(s) that may cover multiple projects for these services. The duration of each contract will not exceed five years. The total funding authority for all two (2) contracts shall not exceed \$5,000,000. 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.

The contracts will be administered by SHA's Office of Planning and Preliminary Engineering. The contracts will be funded with State and Federal Funds. The services of this contract are expected to be performed statewide. Task assignments may be made to support other SHA Offices, the MDOT Transportation Secretary's Office (TSO), any of the MDOT modes, or other agencies. Any tasks assigned under these contracts must be for services as outlined in the contract scope of work and in conformance with all contract terms and conditions and payment provisions.

2. Consultant Services Required

The services to be performed under this contract will provide planning, grant preparation technical assistance services, preliminary engineering and final design services, construction management and inspection services and bridge inspection services, Statewide. The consultant may be required to provide engineering services on-site at SHA facilities. The Firms may be authorized to subcontract for specialty services with prior approval of the SHA. The Firms shall be proficient in the services and shall bring an experienced and expert staff to the project assignments.

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

Services to be provided include the following:

Grant Preparation Technical Assistance

- Federal grant application design feasibility reviews.
- Federal grant application cost estimate reviews.
- Developing training materials and conducting and facilitating grant preparation training.
- Developing and documenting standard operating procedures for federal grant programs.

Preliminary Engineering and Final Design

- Preliminary and final design services for on-road and off-road bike/ped/equestrian facilities, shared use paths, recreational trails, bike/ped bridges, and bike/ped/equine footbridges. The consultant will be responsible for including a Professional Engineer's stamp on engineered work products and be required to work both off-site and on-site.
- Coordination with other SHA offices and the LPAs throughout the design review process.
- Review of LPA design plans at 30%, 60%, 90%, final design and PSE.
- Feasibility Study development.
- Concept Plan development up to 30%.
- Surveys, including topographic data collection and metes and bounds, right of way mapping and plat creation.
- Stormwater management design, sediment and erosion control design, and stream relocation design.
- Utility relocation design and coordination with utility companies.
- Traffic engineering and analysis,.
- Urban streetscape design.
- Landscape design.
- Preparation of environmental documents, (CE, PCE, EA, EIS, FONSI), permits and studies.
- Noise analysis, structural design, and pavement design.
- Geotechnical investigations, including slope erosion and stability design.

- Constructability reviews, preparation of construction contract plans, engineering estimates, special provisions, Invitations for Bid, and other contract documents such as: project schedules, claim evaluations, change orders.
 - Public involvement including meetings, preparation and outreach support.
 - Utility designation, test pitting and engineering reviews of as-builts and shop drawings.
- Construction Management and Inspection**
- On-site construction inspection including engineers (or engineering technicians) who may be required to work at LPA project sites, and other professional engineering services contained in the scope of work, including ensuring compliance with all contract documents, traffic control, erosion and sediment control.
 - Field data collection and GIS data processing for trail construction.
 - Submitting materials clearance and source of supply data into the materials management system (MMS).
 - Inspection and testing of materials for clearance by the Office of Materials Technology.
 - Preparation of construction punch lists, performing final inspections and completion of daily construction activity reporting.
 - Assisting with project closeout and sketchbook reviews.
 - Project management work including documenting activities, controlling project schedule, cost, budget and quality and completing change orders.
 - Consultant may be required to provide services on-site at SHA facilities.

Bridge Inspection Services

- Inspection during construction of off-road timber bridges and prefabricated fiberglass bridges to ensure design plan and materials clearance compliance.
- Documenting any findings, punchlist items and recommendations.
- Completing final inspection and documentation verifying compliance.

The Firm(s) selected for contract award may be required to develop a knowledge and project transition plan that outlines a step-by-step process to reach a smooth transition from the current project delivery and support team providing SHA these services to the new Firms. The transition plan may include a combination of a series of meetings, documents, checklists, or other means to gather the information and project history and background to move forward effectively and efficiently without delay. The Firms may also be asked to develop a transition plan at the end of this five year contract or before, if needed, to facilitate a smooth transition from the Firms to the next contracts. It is critical that all projects, specifically those being delivered with alternative delivery methods, transition smoothly in order to ensure overall project success.

The Firms must use Bentley ProjectWise for data storage and management for all project files or propose an alternative system for SHA’s consideration and approval.

The Consultants shall, at their own cost, provide industry-standard software applications and platforms to perform all services required in this RFP. These applications and platforms may need to be compatible with SHA systems and may include, but are not limited to, the following functions:

- a. The Firms must use Bentley ProjectWise for data storage and management for all project files or propose an alternative system for SHA’s consideration and approval.
- b. The Consultants shall, at their own cost, provide industry standard software applications and platforms to perform all services required in this RFP. These applications and

platforms may need to be compatible with SHA systems and may include, but are not limited to, the following functions:

- i. The Consultants shall provide their employees performing services on this RFP with mobile devices with internet and phone access to send and accept phone calls/emails and connect to the internet in the office and in the field, Statewide, including smart phones, laptops, and/or tablets. The Consultants shall supply the electronic devices with mobile Internet connectivity at no additional cost to SHA;
- ii. Consultants shall install and configure antivirus/antispyware software to perform an automatic update when the system connects to the internet;
- iii. Laptops shall be compatible with SHA VPN software;
- iv. Laptops and tablets shall be compatible with the SHA Office of Construction's eMCMS program. Field staff shall have the capability to enter IDRs and take photos in eMCMS remotely;
- v. Design and drafting of plan documents will be accomplished utilizing current supported SHA Computer-Aided Design (CAD) related software, CAD standards, and sign design applications (e.g. SAi Flexi and Flexi Design);
- vi. Field data collection and GIS data processing will be accomplished utilizing the latest approved version of ArcGIS software or compatible GIS programs.
- vii. SHA approved traffic modeling applications;
- viii. Document storage and sharing will be accomplished utilizing current support versions of Microsoft products and Bentley ProjectWise.

Periodically, new guidelines, processes, laws, and mandates may require additional activities not clearly cited in the RFP. All activities required to deliver a project or program, whether new or existing, unless otherwise controlled by regulation or statute, will be completed under this contract. If special skills or services are identified that are beyond the expertise of the consultant, then new subconsultants may be required to be added to the contract to support the task assignments.

There may be instances when SHA requires the consultants to provide emergency response times for a given project or task assignment. Therefore, the consultants may be required to provide those services within 48 hours of notification or as otherwise directed by SHA.

The Consultants will keep SHA's Office of Planning and Preliminary Engineering and/or its appointed designee continually advised of the progress on the task assignments being considered. The Consultants will receive direction from either the Office of Planning and Preliminary Engineering and/or its appointed designee. Progress meetings may be held as necessary to review the tasks accomplished.

3. Certifications

All individuals supplied by the Consultants to work on-site at a SHA facility must complete the following but are not limited to the SHA Core Training courses: Americans with Disabilities Act (ADA) Awareness, Limited English Proficiency (LEP), Sexual Harassment Prevention and Awareness On-line, Sexual Harassment Prevention and Awareness In-person, and Workplace and Domestic Violence Awareness. Proof of completion of the required SHA Core Training Courses for each individual must be supplied to the Office of Planning and Preliminary Engineering before he/she can begin work on-site. The Consultant Firms must have field personnel available with the following certifications: Mid-Atlantic Region Technician Certification Program (MARTCP) materials testing certifications in Asphalt, Concrete, and Soils and Aggregates,

Maryland Department of the Environment Responsible Personnel Certification, and SHA Erosion and Sediment Control Certification.

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 Firms or the individual Consultants, not SHA. Other related training may also be required based on changing SHA policies. Consultants are expected to make reasonable accommodations for their staff to attend training.

4. Safety Items

The Consultants shall supply all required personal protective equipment and safety items including, but not limited to a hard hat, ANSI Class 3, or better, reflective safety vest and hunter blaze orange vest or other outerwear. All equipment must comply with SHA's High Visibility Apparel Policy, SHA's Office of Construction's Directive on Personal Protective Equipment (PPE), and all OSHA and MOSH regulations.

5. Equipment

The consultant shall supply hand-held rulers, measuring wheels, hand levels, smart levels, surveying equipment, and infrared thermometers as necessary to fulfill an individual's job requirements.

The consultant will be required to supply all other tools and equipment not listed in order to perform the scope of work referenced in the solicitation.

6. Engineering Standards and Guidelines

The Consultants shall perform all contract engineering services in accordance with good industry practice, all applicable laws and regulations, and 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 SHA including, but not limited to the following publications:

- a. MDOT "General Conditions for Consulting Services" dated January 1989;
- b. SHA "Specifications for Consulting Engineers' Services" dated April, 1986;
- c. SHA "Request for Proposal" dated April, 2002;
- d. Transportation Alternatives Program Manual;
- e. Recreational Trails Program Manual;
- f. Forest Service Trail Accessibility Guidelines (FSTAG);
- g. Code of Maryland Regulations (COMAR)
- h. SHA "Request for Proposal" dated April, 2002;
- i. SHA Book of Standards - for Highway & Incidental Structures;
- j. SHA Standard and Supplemental Specifications for Construction and Materials;
- k. SHA Office of Construction Construction Guide, Construction Project Engineer's Manual, Office Engineer's Guide, and Inspector's Job Guide for Construction;
- l. ADA Standards for Accessible Design;
- m. SHA Accessibility Policy and Guidelines for Pedestrian Facilities Along State Highways;
- n. SHA Bicycle Policy and Design Guidelines;
- o. Maryland Manual on Uniform Traffic Control Devices (MdMUTCD);

- p. Federal Manual on Uniform Traffic Control Devices (MUTCD);
- q. SHA Traffic Control Devices Design Manual;
- r. MD Signal Timing Manual;
- s. Maryland Standard Sign Book;
- t. AASHTO - A Policy on Geometric Design of Highways and Streets and Roadside Design Guide.
- u. National Electrical Manufacturers Association (NEMA) Standards;
- v. National Electrical Code (NEC) Standards;
- w. Occupational Safety and Health Administration (OSHA) Standards;
- x. MISS Utility and Title 12 requirements;

7. General Requirements

The Consultants shall not enter onto private property for any purpose until authorized by SHA. The Consultants must notify SHA immediately if damage occurs to property and shall be responsible for any such damages. The Consultants may also be authorized to subcontract for specialties with prior approval of SHA as direct expenses that shall be discussed during the price proposal negotiations for selected awardees. Examples may include hydraulics, endangered species identification, field surveys.

No payment for overtime work shall be made without authorization from SHA. When overtime is required and authorized, and when payment therefore may involve premium costs, there shall be no payroll additive.

Premium overtime costs are reimbursable as a direct cost when an employee works more than forty (40) hours per week on SHA projects based upon the Consultant's work week. Regularly scheduled paid company holidays may be included in the calculation of "hours worked", but time off for any other leave (e.g. vacation, personal, compensatory or sick leave) is to be excluded from "hours worked" when calculating premium time reimbursement. The fact that an employee works more than eight (8) hours in a single day does not necessarily mean that premium overtime costs are allowable as a direct cost since reimbursement is determined on a weekly basis. Any premium overtime paid to employees, but not directly billable under this policy, may be allowed as an indirect cost.

There may be instances when SHA requires the Consultant to provide emergency response times for a given project or task assignment. Therefore, the Consultant may be required to provide those services within 48 hours of notification or as otherwise directed by SHA.)

8. Special Requirements – Disadvantaged Business Enterprise (DBE) Provisions:

The MDOT hereby notifies all proposers that with regard to any contract entered pursuant to this solicitation, Disadvantaged Business Enterprise (DBE) firms will be afforded full opportunity to participate in response to this solicitation. DBE is a for-profit small business concern (1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it (49 CFR 26.5).

A socially and economically disadvantaged individual is one who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control. (49 CFR 26.5)

The MDOT hereby notifies all eligible proposers that with regard to any contract entered pursuant to this solicitation, Disadvantaged Business Enterprise (DBE) 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, and 49 CFR 27.19 and Section 504 of the Rehabilitation Act of 1973).

It is the goal of MDOT that certified DBE businesses participate in all federal-aid contracts. Each contract may contain a goal for DBE participation, on a contract-by-contract basis. Consultants interested in submitting a Technical Proposal in response to this solicitation must comply with the SPECIAL PROVISIONS, AFFIRMATIVE ACTION REQUIREMENTS, UTILIZATION OF DISADVANTAGED BUSINESSES, THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987, ISTEA 1991, MAP 21 OF 2012, FAST Act 2015, AND INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021.

To comply with the aforesaid SPECIAL PROVISIONS, Consultants who submit Technical Proposals must clearly set forth the DBE Prime firm(s) ***and*** DBE 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 #1: DBE firms must be certified for the specific work to be performed to count their participation towards meeting the DBE participation goal. Only include the applicable NAICS Code(s) for the services/work the DBE firm is proposed to perform in support of the contract.

NOTE #2: DBE 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 federally funded contracts.

NOTE #3: Guidelines Regarding DBE Prime Self-Performance. Please note that when a certified DBE firm participates as a prime contractor (including a prime participating as a JV) 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.

A current directory of certified DBE 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 <https://marylandmdbe.mdbecert.com/>. The most current and up-to-date information on DBE firms is available via this website. **Only MDOT-certified DBEs may be used to meet the DBE goals.**

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

a. Contract Goals

An overall goal has been established for DBE participation for this Contract located in Section 10 G of this RFP. DBE proposers must meet the established DBE goal by either their own forces or approved DBE Subconsultant(s). When an DBE performs as a participant in a JV (as described in 49 CFR Part 26.5), 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 DBEs, 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 SF 330.

The Contractor is encouraged to use a diverse group of subcontractors from any/all of the various DBE classifications to meet the overall DBE participation goal.

b. The following DBE participation instructions, and forms are provided on SHA's website at <https://www.roads.maryland.gov/mdotsha/pages/index.aspx?PageId=767> to assist Bidders/Offerors:

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

By submitting a response to this solicitation, the Bidder acknowledges the overall DBE subcontractor participation goal, and commits to achieving the goal by utilizing MDOT certified disadvantaged business enterprises. A Bidder/Offeror must make Good Faith Efforts to meet the DBE goal set for this procurement. If a Bidder/Offeror is unable to achieve the goal, the MDOT DBE Form E – Good Faith Efforts Guidance and Documentation must be completed 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 DBE firm, including a DBE prime, can only be counted towards the DBE participation goal(s) if the DBE firm is performing a commercially useful function on the contract.

9. Evaluation Criteria

The major factors/criteria and their relative weight of importance to be used in evaluating Technical Proposals are:

Item	Score
Technical Questions	40%
Key Staff	30%
Work Plan	30%

The following items will be rated as either one of the following:

- (A) Acceptable-Response demonstrates they meet requirements
 - (U) Unacceptable-Response fails to demonstrate they meet requirements
 - (N) Neutral-Lacks prior SHA experience. Not a barrier to award
- a. Scope of Services;
 - b. Example Projects;
 - c. Compatibility of the size of the firm with the size of the proposed project;
 - d. Past Performance working on SHA task orders when prior work history is available, including Quality and Timeliness. (Lack of prior experience with SHA is in no way considered a barrier to receiving an award);
 - e. Capacity to accomplish the proposed work in required time;
 - f. Insurance;
 - g. Financial Responsibility; and
 - h. Measures of protection for the State against errors and omissions.

*Please Note: If an offeror receives a rating of "unacceptable" on three (3) of the rating criteria above, the offeror will not be further considered. The offerors' proposal will be rejected as "not susceptible of being selected for award." COMAR 21.06.02.03(2)

10. Technical Proposal Required Information

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 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.

SHA must be notified in writing, by email to OPCM@mdot.maryland.gov, of any deletions, additions, and/or substitutions of proposed Subconsultants after Technical Proposals have been submitted.

Note: All PDF documents must follow the naming convention of (BCS #-Prime/JV Name-Name Identifying the Document (i.e.: BCS 2024-06-ABC Firm-Scope of Services);

A. Cover Letter

Cover Letter on the Firm's/JV's letterhead – limited to one (1) page, which must contain:

- i. 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.
- ii. The e-mail address of the contact person for this contract. Future correspondence related to this contract, prior to award of a contract, may be transmitted via e-mail.
- iii. The information that the Firm/JV have the financial capacity to provide the services and has measures of protection for the State against errors and omissions.
- iv. Certification that the Firm/JV have read and fully understand the requirements set forth to be provided for this RFP.
- v. Certification that the Firm/JV and proposed team possesses the expertise, resources, knowledge, and technical ability to perform all elements of the contract'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 task-based contract and understands that tasks will be assigned with schedules and/or deadlines to provide deliverables, services, etc.
- vii. Acknowledges that the Firm/JV and proposed team understand and have the capability to perform multiple simultaneous task assignments.
- viii. Certification that Key Staff individuals meet the education, experience, certification/registration and expertise requirements set forth in this RFP.
- iv. This letter shall be signed by the person or persons able to legally bind the Firm to the proposal.
- xi. Corporate Resolutions shall be included if signed by anyone other than the President of the Firm or Executive for the JV.

B. Scope

The Consultant must submit a maximum of one (1) page document certifying the contract's Scope can be performed in its entirety through its own forces and those of its subconsultants.

C. Work Plan

The Consultant must submit a maximum of three (3) page work plan detailing their ability to perform the consultant services required, scope of work, etc. to make up their Work Plan submission. Work Plan shall include, at a minimum, the following information:

- i. Has read and fully understands the requirements set forth to be provided for this contract;

- ii. The Consultant team possess the experience, resources, knowledge and technical ability to perform and deliver all the requirements set forth in this contract;
- iii. Acknowledges this is an open-ended task-based contract and understands that tasks will be assigned with schedules and/or deadlines to provide deliverables, services, etc.;
- iv. The Consultant team understands and has the capability to perform multiple simultaneous task assignments;
- v. Has a detailed work plan in place to ensure schedules and/or deadlines will be met as well as achieving the DBE goal;
- vi. The work plan includes comprehensive quality assurance and quality control program; and
- vii. Other statements are at the discretion of the Consultant as this is not an all-inclusive list.

D. Standard Form 330 Parts I and Parts II

Completed US Government Standard Forms (SF) 330 Parts I and Parts II for the Prime and for each proposed subcontractor. The SF 330 forms must be completed in their entirety paying special attention to the following:

- i. Outside Key Consultants (Sub-Consultants) should be documented in Part I, Section C of the SF 330. Please follow the directions provided in Section 8 within “Special Requirements – DBE Provisions” to complete Section C 11 for MDOT certified DBE firms.
- ii. The Organizational Chart required for Part I, Section D of SF 330 shall be placed within the *Standard Form 330 Parts I and Parts II* of the Technical Proposal and must contain, at a minimum, the Key Personnel and defining team organization with supplemental support personnel. In addition, for every individual proposed for this contract and shown on the organization chart, the chart shall clearly show their company affiliation and their permanent office location. The Organization Chart shall be limited to an 11 x 17-inch page with Times New Roman Font size 10-point or larger.

In addition, a one (1) page matrix style of support personnel shall be included in the *Standard Form 330 Parts I and Parts II* of the Technical Proposal. Matrix style is defined as names listed on the vertical axis and Relative Experience identified on the horizontal axis. The support personnel descriptions are limited to two (2) lines per individual. The support personnel Matrix shall be limited to an 11 x 17-inch page with no smaller than 10-point Times New Roman Font size and one-inch margins.

- iii. 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) Key Staff per page, not to exceed three (3) pages total. **The experience for each individual Key Staff as described below shall be recent experience performed within the last eight (8) years.** Years of experience and applicable licenses and certifications,

such as a Professional Engineer (PE) license and/or Certified Construction Manager (CCM), shall be clearly documented on each resume.

It is anticipated that the Key Staff individuals may be required to provide services on-site at SHA facilities or designated offices by SHA.

The Consultant must document in writing in the SF 330 Section E that the Key Staff individuals meet the following requirements:

1. **Key Staff 1:** Project Manager / Professional Engineer (PE) registered in the State of Maryland with a minimum of ten (10) years' experience performing construction management of traditional and innovative construction contracts including transportation related projects of varying sizes and managing construction inspection staff on a daily basis; a Bachelor of Science (or higher) from an accredited college or university in Civil Engineering or Construction Management; and employed by the Prime/JV or any of the Subconsultants; who will serve as the Project Manager and the Primary Liaison. Preferred qualifications include Certified Construction Manager (CCM) or Project Management Professional (PMP) credentials.
2. **Key Staff 2:** A Construction Manager with a minimum of eight (8) years of experience in transportation construction; expertise in construction inspection of TCDs and ITS, concrete structures, constructability reviews, and structure remedial engineering; a Bachelor of Science (or higher) from an accredited college or university in Civil Engineering or Construction Management; knowledge and skills to lead a team of certified inspectors and construction office support staff performing inspection of traffic control devices and administration of traffic control device construction contracts, employed by the Prime/JV or any of the Subconsultants. Preferred qualifications include Certified Construction Manager (CCM) credentials.
3. **Key Staff 3:** Professional Engineer (PE) registered in the State of Maryland with four (4) years of experience managing Civil Engineering projects as a professional engineer (a minimum of eight (8) years of total experience in Civil Engineering); expertise in traffic engineering, remedial engineering, MicroStation/CADD, and traffic control device plan development and revision, as-builts; a Bachelor of Science (or higher) from an accredited college or university in Civil or Traffic engineering; employed by the Prime/JV or any of the Subconsultants. Preferred qualifications include a Professional Traffic Operations Engineer (PTOE) certification.

Where Maryland Registrations are required for the professional Key Staff, the Consultant 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 Firm proposes an out of state professional engineer or architect, the 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 Firm to properly document Key Personnel requirements in writing will result in the firm being precluded from further consideration for the contract.

- iv. SF 330 Section F – Example Projects Which Best Illustrate Proposed Team’s Qualifications: Limited to three (3) example 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 Example Projects set forth shall be recent relevant experience performed within the past three (3) years. (Information provided in this section shall become part of the rating/evaluation criteria for this project).
- v. SF 330 Section H – 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.

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 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/JV’s letterhead along with a one (1) page resume per the requirements outlined in this RFP.

Substitutions will be evaluated using the same qualifications-based 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 SHA. All scores will remain confidential by SHA. Instructions for completing a resume are included in Section 9 D – *Standard Forms Part I and II* of this RFP.

General Requirements and other requirements related to the on-site consultant staff at SHA facilities:

- a. The Consultants shall be responsible for furnishing and/or providing all engineering safety equipment necessary for its performance of the services listed above. Required safety equipment includes, but shall not be limited to, a hard hat, ANSI Class 3, or better, reflective safety vest and hunter blaze orange safety vest or other outerwear. All equipment must comply with SHA’s High Visibility Apparel Policy, SHA’s Office of Construction’s Directive on Personal Protective Equipment (PPE), and all OSHA and MOSH regulations. The Consultant shall provide all necessary field engineering tools and equipment such as, but not limited hand-held rulers, measuring wheels, hand levels, smart levels, surveying equipment, and infrared thermometers as necessary to fulfill an individual’s job requirements.
- b. No payment for overtime work shall be made without authorization from SHA. When overtime is required and authorized, and when payment therefor may involve premium costs, there shall be no payroll additive.

Premium overtime costs are reimbursable as a direct cost when an employee works more than forty (40) hours per week on SHA projects based upon the Consultant's work week. Regularly scheduled paid company holidays may be included in the calculation of "hours worked", but time off for any other leave (e.g. vacation, personal, compensatory or sick leave) is to be excluded from "hours worked" when calculating premium time reimbursement. The fact that an employee works more than eight (8) hours in a single day does not necessarily mean that premium overtime costs are allowable as a direct cost since reimbursement is determined on a weekly basis. Any premium overtime paid to employees, but not directly billable under this policy, may be allowed as an indirect cost.

E. Technical Questions:

Technical question responses shall not exceed a total of five (5) pages, limited to one (1) page per question.

Reference the question number at the top of each page and use the remainder of the page for the response to the question (for example, "Question #1:"):

1. What are the most significant differences between designing a shared use path for ADA compliance and one that only needs to meet ADA accessibility standards for recreational trails?
2. What approaches would your firm use when working on final design milestones with inexperienced local governments and nonprofit organizations?
3. Your firm will often take on the role of overseeing the work of another firm on behalf of the LPA. How might you work with this firm when they receive significant repeated comments on a 60% review from the SHA Americans with Disabilities Act (ADA) subject matter experts?;
4. What approaches would you take to complete a feasibility study for an off-road multi use trail with various alignment and right of way options ?
5. Inexperienced municipalities and contractors are often unsure of how to complete the materials QA/QC requirements for lumber and fiberglass. ~~process~~. What steps would you take to assist them in understanding and completing the process?

F. 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 contract, 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 subconsultant;
- Be signed and dated by the Principal/President of the firm; and
- If a firm is a MDOT Certified DBE, include the MDOT Certification number and applicable NAICS codes consistent with the work to be performed.

G. DBE Compliance – the Consultant shall include the executed “MDOT DBE Forms (A&B)” – no page limits as this section may vary:

There is a **twenty-seven percent (27%)** DBE goal established for this contract. DBE proposers must meet the established DBE goal by either their own forces or approved DBE subcontractor(s).

This section must include an introduction letter listing all the proposed MDOT Certified DBE 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 firm’s/JV’s letterhead or signed and dated. The format is at the firm’s discretion.

H. Time Distribution – not to exceed one (1) page consisting of the following:

The Consultant 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%). The Consultant *shall not* include man-hour estimates in the Technical Proposal. 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 add up to 100%. When multiple firms are used, the total for each firm must add up to something less than 100%. These percentages are applicable to the total dollar amount of the Price Proposal to be developed separately by the selected firm(s). The percentages are not applicable to time estimates. The Consultant shall indicate the number of simultaneous project assignments the Consultant and each Subconsultant could handle individually.

The following classifications and estimated percentages of time to be used for the contract assignments are:

Classification	Est. Office	Est. Field	Total
Construction Manager	2%	2%	4%
Project Manager	2%	2%	4%
Design Engineer	30%	2%	32%
CADD/Draftsman	9%	0%	9%
Hydraulics Engineer	1%	0%	1%
Structural Engineer	16%	5%	27%
Construction Engineer	20%	3%	21%
Construction Field Support Staff	0%	3%	1%
Construction Office Support Staff	3%	0%	1%
Total	83%	17%	100%

I. Financial Responsibility and Insurance Requirements:

1. The consultant shall include a letter addressed to 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

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

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

a. Worker's Compensation and Employer's Liability

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

c. Comprehensive Automobile Liability Insurance

The Contractor 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). Combined Single Limit for bodily injury and property damage.

d. Professional Liability Insurance

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

J. Proposal Affidavits:

As per State Finance and Procurement 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 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 Firm shall provide a signed original certification as per language stated on the BPW Advisory page. If the Firm is a JV, officers from all companies forming the JV shall provide a signed original certification. NOTE – the Investment Activities in Iran certification is included in the bid/proposal affidavit.

In preparing its proposal on this contract, 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 contract, 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 contract, and terminate any contract awarded based on the bid/proposal.

All offerors are required to submit the following completed affidavits with their technical proposal within the *Proposal Affidavits* section. Both documents are available on the SHA OPCM website at <https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=767>

- Bid / Proposal Affidavit
 - Form is located under “Affidavits” section of the website
- Certification Regarding Discriminatory Boycotts of Israel
 - Form is located under the “Certification Regarding Discriminatory Boycotts of Israel” section of the website

11. Services/Materials to be provided by SHA:

A list of services by SHA for each specific project assignment will be provided at the time the Firm’s services are requested. Assignment will generally require the Firm to independently provide a full range of services necessary to address SHA’s needs.

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

12. Direct Expenses:

SHA has allocated the following direct expenses associated with the scope of work:

- | | |
|-------------------------------------|---------|
| a. Local Travel (mileage and tolls) | \$8,000 |
| b. Printing | \$1,200 |
| c. Postage | \$250 |

d. Maintenance of Traffic (MOT) Services

\$5,000

13. Progress Reports:

The Consultant 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.

14. Records, Tasks and Notice to Proceed:

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

The Consultant 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 until a written Notice to Proceed (NTP) is received by the Consultant from SHA.

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

15. Task Assignments

Task Assignments will be issued based upon, but not limited to:

- Qualification
- Scope of Work
- Past Performance
- Staff Availability
- Quality Control
- Timeliness
- Workload capacity of the firms

16. Completion Date:

The contract will terminate on the expiration date.

17. Prompt Payment

Pursuant to 49 CFR §26.29, MDOT requires prime contractors to pay subcontractors, at any tier, for satisfactory performance of their contracts no later than 30 days from receipt of each payment that MDOT makes to the prime contractor. When SHA has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed. To the extent that it is not inconsistent with federal law, all prime contractors shall also comply with all Maryland laws and regulations regarding the prompt payment to subcontractors.

18. Due Date Deadline for Submissions

RESPOND BY June 24, 2024, prior to 12:00 PM NOON EST. Only eMMA submissions of the Technical Proposals submitted through <https://emma.maryland.gov/> will be accepted as described above.

The Procurement Officer and sole point of contact for this solicitation, unless directed otherwise within this solicitation or by SHA, is:

Jada J. Wright
Office of Procurement and Contract Management,
707 North Calvert Street, Mailstop C-405
Baltimore MD 21202
opcm@mdot.maryland.gov