



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Shannon Valentine  
Chairperson

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*Agenda item # 7*

### **RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD**

**September 16, 2020**

#### **MOTION**

**Made By: Mr. Rucker, Seconded By: Mr. Johnsen**

**Action: Motion Carried, Unanimously**

**Title: Authority to Award Consultant Services for Project Management and Engineering/Design Oversight Support for Transforming Passenger Rail in Virginia**

**WHEREAS**, the Code of Virginia, Section 33.2-209, titled “Construction and maintenance contracts and activities related to passenger and freight rail and public transportation” grants the Commonwealth Transportation Board (CTB) the power and duty to let all contracts to be administered by the Department of Rail and Public Transportation (DRPT) for all activities related to passenger and freight rail in excess of \$5M; and

**WHEREAS**, DRPT desires to obtain services in support of Transforming Passenger Rail in Virginia initiatives, including support for design and construction activities of the Long Bridge and related I-95 corridor capacity projects which will improve railroad right of way and increase passenger rail capacity in the Commonwealth as part of the VTRANS vision for a multimodal transportation network in corridors of statewide significance (“Project”); and

**WHEREAS**, DRPT issued a solicitation for consultant services for Project management and Project oversight of the \$3.7 billion Transforming Passenger Rail in Virginia initiatives; and

**WHEREAS**, DRPT desires to award a contract with an initial term of one year and two one-year options to renew and anticipates that the value of the contract will be in excess of \$5M; and

**WHEREAS**, the desired contract will provide DRPT with a consultant capable of rendering a comprehensive and broad range of program management, Project management, and

engineering oversight related to implementation of the Transforming Passenger Rail in Virginia program of projects; and

**WHEREAS**, the desired contract would include services such as reviewing engineering drawing, performing constructability reviews, conducting value engineering, oversight for design and construction management, providing strategic assistance in the development of various agreements, preparing environmental documentation, planning operating schedules, coordinating public and stakeholder feedback and involvement, and other tasks as needed to implement a large program of rail development projects; and

**WHEREAS**, DRPT recommends that the CTB approve DRPT to complete its procurement and recommends that CTB allocate funding for a contract in the Six Year Improvement Program for FY 2020- FY 2025.

**NOW THEREFORE, BE IT RESOLVED** that the Board authorizes DRPT to complete its procurement and award a resulting contract for Consultant Services for Project Management and Engineering/Design Oversight Support for Transforming Passenger Rail in Virginia; and

**BE IT FURTHER RESOLVED** that the Board allocates up to \$9,975,000 for the contract.

####

## CTB Decision Brief

### **Authorization to Award Consultant Services for Project Management and Engineering/Design Oversight Support for Transforming Passenger Rail in Virginia** **September 16, 2020**

**Issue:** DRPT has been conducting a procurement for program management services to support the Transforming Passenger Rail in Virginia initiative. DRPT seeks approval to award a contract greater than \$5M.

**Facts:** The current Program Manager contract for items related to the previous “Atlantic Gateway” program is near a close. The Atlantic Gateway program, which was a \$525 million program of projects primarily located in Northern Virginia, has been consumed into the \$3.7 billion Transforming Passenger Rail in Virginia initiative announced by Secretary Valentine and Governor Northam on December 19, 2019. To continue to have program support services available, DRPT issued a request for proposal on May 22, 2020 for “Program Management, Project Management and Engineering/Design Oversight Support for Transforming Passenger Rail in Virginia”. The scope of work sought under this procurement includes, but is not limited to:

- Engineering and Design Oversight Support, including: conducting engineering services, review of others’ design drawing and specifications, value engineering reviews, design oversight and construction management.
- Program and Project Management Support, including: contracting and agreements, environmental planning and permitting, public engagement, research and due diligence work, risk assessment, and assistance with project financing and financial controls.

Proposals are currently under review for a one-year contract, with two one-year options to renew. DRPT requests that up to \$9,975,000 be allocated for a contract resulting from this procurement.

**Recommendation:** DRPT recommends approval of the attached resolution.

**Action Required by CTB:** Approval of the attached resolution.

**Options:** Approve, Deny or Defer.

# **REQUEST FOR PROPOSAL**

## **Program Management, Project Management and Engineering/Design Oversight Support for Transforming Passenger Rail in Virginia**

**There will be a Mandatory pre-proposal conference for this solicitation. The pre proposal will be held via a teleconference using the GOTOWebinar service. The mandatory pre-proposal will be June 3, 2020 at 1PM. Step by step instructions on how to attend the meeting will be in an attachment after the RFP as well as in section IX of this RFP.**

**Notice: The Virginia Department of Rail and Public Transportation (DRPT) is releasing this RFP, but due to passage of HB 1414 by the Virginia General Assembly, a Virginia Passenger Rail Authority (VPRA) will be created as of July 1, 2020. Therefore, this RFP allows for assignability to VPRA at any stage in the procurement process or after award of procurement.**

**Vendor Registration: In order to receive an award, the firm must be a registered vendor with eVA before the RFP submission due date and time. See section XIII page 16 - eVA Vendor Registration Requirements.**

**Note: This public body does not discriminate against faith based organizations in accordance with the Code of Virginia, § 2.2-4343.1 or against an Offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.**

# REQUEST FOR PROPOSALS

Issue Date: May 22, 2020

RFP# 505-601

Title: Project Management and Engineering/Design Oversight Support for Transforming Passenger Rail in Virginia

Issuing Agency and Address: Commonwealth of Virginia  
Department of Rail and Public Transportation  
600 East Main Street, Suite 2102  
Richmond, Virginia 23219  
ATTN: Melissa Myers

Location of Work: Statewide

Period of Contract: Date of award through two (2) years with two (2) optional one (1) year renewals

All inquiries for information should be directed in writing to Melissa Myers, Procurement Officer at [melissa.myers@drpt.virginia.gov](mailto:melissa.myers@drpt.virginia.gov). All questions must be received no later than June 5, 2020 by 3:30pm

Sealed proposals for furnishing the services described herein will be received until **3:00 p.m. Eastern time on June 24, 2020. All proposals must received via eVA. Instructions on how to do this are included in this RFP**

In compliance with this Request For Proposal (RFP), which includes the attached Table of Contents and all provisions and appendices attached and referenced therein, and subject to all the terms and conditions set forth herein, the undersigned offers and agrees to furnish the services **described in the RFP cited above and submit this signed proposal which includes this completed and signed page, the completed and signed Forms AE-1, AE-2, AE-3, AE-4, AE-5 and AE-6 and other data as required by the RFP.** It is understood that this proposal and the scope of services may be modified, by mutual agreement in subsequent negotiations.

Name and Address of Offeror:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (in Ink)

\_\_\_\_\_  
FEI/FIN Number

\_\_\_\_\_  
Printed or Typed Name of Above

\_\_\_\_\_  
E-mail

\_\_\_\_\_  
Phone

**TABLE OF CONTENTS**

<b><u>Section No.</u></b>	<b><u>Description</u></b>	<b><u>Page No.</u></b>
I.	Purpose .....	4
II.	Background .....	4
III.	Applicability of the CPSM – 2014 edition Rev 1 (A/E Manual).....	5
IV.	Scope of Work.....	6
V.	Proposal Requirements.....	8
VI.	Evaluation and Award of Contracts.....	10
VII.	Policy on Small Businesses and Businesses owned by Women or Minorities .....	11
VIII.	License and Registration.....	11
IX.	Mandatory Pre Proposal.....	12
X.	Award Of Contract... ..	13
XI.	Reporting and Performance .....	14
XII.	Time Schedule .....	14
XIII.	Fees .....	15
XIV.	Contract Term .....	15
XV.	Task Orders .....	15
XVI.	Conflict of Interest.....	15
XVII.	eVA Vendor Registration .....	15
XVIII.	Special Terms and Conditions.....	16

**ATTACHMENTS**

Attachment A	A/E forms .....	20
Attachment B	Small Business Forms .....	30
Attachment C	SCC Form .....	37

**Note:** Electronic copies of A/E Data Forms (AE-1 through AE-6) forms are available for download at <https://dgs.virginia.gov/search/documents-and-forms/?filter=AE>

# I. PURPOSE

The Department of Rail and Public Transportation (DRPT), an agency of the Commonwealth of Virginia, is issuing this Request for Proposal (RFP) to solicit sealed proposals from qualified single entities or a team of firms offering as one single entity to establish a contract through competitive negotiation for the purchase of Program Management, Project Management and Engineering/Design Oversight Support services for expanding passenger rail services statewide, with a specific focus on the Transforming Rail in Virginia program of projects.

The objective of this contract is to provide DRPT with a consultant (“Consultant”) capable of rendering a comprehensive and broad range of program management, project management, engineering/design oversight and related services for the Program.

A single award under this solicitation will be made based on proposal evaluation criteria described in Section VI.



# II. BACKGROUND

On December 19, 2019, Governor Ralph Northam announced a landmark agreement launching a once-in-a-lifetime opportunity transforming rail in the Commonwealth. The agreement between the Commonwealth and CSX outlines a \$3.7 billion investment that includes:

- Building a new Virginia-owned Long Bridge across the Potomac River, with tracks dedicated exclusively to passenger and commuter rail;
- Acquisition of more than 350 miles of railroad right-of-way and 225 miles of track; and
- 37 miles of new track improvements, including a Franconia-Springfield bypass.

The Commonwealth has negotiated improvements with CSX to increase service levels. These improvements will be phased in over 10 years, resulting in the additional service:

- Doubling the number of Virginia Amtrak trains;
- Providing nearly hourly Amtrak service between Richmond and Washington, D.C.;
- Increasing Virginia Railway Express (VRE) service by 75 percent along the I-95 corridor, with 15-minute intervals during peak periods and adding weekend service;
- Increasing Amtrak service to Newport News and allowing for improved schedule of the third Amtrak train to Norfolk;
- Laying the foundation for Southeast High Speed Rail (SEHSR) through the acquisition of the abandoned S-Line which runs from Petersburg into North Carolina; and
- Preserving an existing freight corridor between Doswell and Clifton Forge for future east-west passenger service.

The Commonwealth is bringing together federal, state, and regional partners to fund the proposal, with Amtrak playing a critical role. The Amtrak Board of Directors has approved a Memorandum of Understanding (MOU) with the Commonwealth that outlines their commitment to this program.

DRPT will utilize Consultant staff to help draft, review and negotiate various agreements between DRPT, CSX Transportation (CSX), Norfolk Southern Railroad, Amtrak, VRE, shortline railroads and DRPT as well as grant agreements and amendments with the FRA in coordination with the Virginia Office of the Attorney General. Due to the interconnected nature of existing and future agreements, the scope of consultant support for these services may extend beyond the specific projects and segments of rail identified in the Transforming Rail in the Commonwealth program of projects.

DRPT has grants/program management and oversight responsibilities for all Federal and State funds used to implement the Program. As such, DRPT is responsible for ensuring all applicable Federal and State requirements are met. DRPT will utilize Consultant services to help with project development and monitor project delivery.

DRPT intends to establish a Program office in the Northern Virginia area reasonably close to the I-95 rail corridor. It is anticipated that meetings between DRPT staff and Consultant staff will take place at this Program office and that workspace for a core number of Consultant staff will be provided in the Program office.

### **III. APPLICABILITY OF THE A/E MANUAL**

The rights and duties of the Owner and Architect/Engineers (A/E) applicable to State projects are set forth in the Terms and Conditions of the A/E Contract (CO-3a) and the A/E Manual as defined in the current edition of the Construction and Professional Services Manual (CPSM), as amended. The Terms and Conditions are available at:

<http://www.dgs.virginia.gov/LinkClick.aspx?fileticket=swKJBa3MNko%3d&tabid=823&portalid=0&mid=1673>.

Offeror's attention is directed to Chapter 2, Definitions of the CPSM, for definitions of terms used in this RFP. The terms "Agency" and "DRPT" are used interchangeably in the material referenced in this RFP and mean the Department of Rail and Public Transportation, the public body issuing this solicitation for services and with whom the successful A/E Offeror will enter into an agreement or its assigns.

## **IV. SCOPE OF WORK**

The scope of work includes two broad categories of services:

- Engineering and Design Oversight Support; and
- Program and Project Management Support.

### **A. Engineering and Design Oversight Support**

This category includes, but is not necessarily limited to the following services:

1. Review engineering drawings and specifications prepared by others for civil, track, structures and signals for thoroughness, reasonableness, fatal flaws, staying within approved project scope, consistency with program standards, identification of unapproved betterments, etc.;
2. Perform constructability reviews;
3. Perform value-engineering reviews;
4. Review and comment on geotechnical reports prepared by others; and make recommendations; and
5. Provide oversight of design and construction management to include attending meetings, conducting site visits, reviewing technical aspects of project documents such as change orders and writing field reports.

### **B. Program and Project Management Support**

This category of consultant services will be utilized Program-wide and at the project level and may include, but is not necessarily limited to the following services:

1. Provide strategic assistance with contract negotiations including grant agreements, Memorandum of Agreements, MOUs, and other types of legal agreements between DRPT and the Federal Government, State partners, owner/operators of the railroad and other stakeholders;
2. Provide assistance with grants management functions including administrative tasks associated with reporting requirements, invoice reviews, and financial tracking;
3. Develop and implement comprehensive public participation programs and stakeholder outreach activities;
4. Coordinate and conduct public meetings, workshops, hearings, and coordinate with state and local officials;
5. Develop special reports and studies, presentations, or brochures including graphics, drawings, and concept visualization, may include environmental actions and train schedule and operational considerations;

6. Assist in securing and managing necessary permits, including railroad rights-of-entry, temporary easements, etc.;
7. Assistance with utility relocation activities;
8. Support due diligence activities, including geotechnical exploration, land surveying, land assessment, entitlement research, real estate brokerage and real estate transactional services, and utility location services;
9. Develop, produce, and implement research, marketing, and public relations programs associated with the Program;
10. Perform financial planning activities including development of project cash flows, monitoring the sources/uses of funds, evaluating the sustainability of funding, and identifying additional funding opportunities and/or mechanisms as needed;
11. Provide technical assistance on document reviews, reports preparation, evaluations, meetings, and special tasks as assigned;
12. Perform project control functions related to the Program and individual project budgets and schedules within the Program, including the development and maintenance of master schedules (using Microsoft Project or equivalent), project budgets and variance reports;
13. Perform risk management functions including risk assessment workshops, development and management of risk registers, and contingency management plans;
14. Review and provide recommendations on Grantee's project management plans that impact the Commonwealth's program of projects, including their technical capacity to successfully deliver projects, their coordination with Commonwealth projects, and their risk management / project control processes;
15. Lead detailed top-to-bottom reviews of individual projects and conduct periodic cost-to-complete studies for discreet projects within the Program;
16. Develop and distribute high level weekly progress reports and detailed monthly progress reports in a format acceptable to DRPT;
17. Provide general administrative support including document control , technical support for public and internal websites and technical support for the program, and meeting coordination; and
18. Assist with other tasks necessary to negotiate and finalize rail acquisitions and further development of the Transforming Rail in Virginia project.

**Services procured under this contract will be done on a Purchase Order basis. No commitment is made until an eVA Purchase Order is issued.**

On an annual basis, DRPT will issue a Task Order to the Consultant for a core level of engineering/design oversight, and program management/project management support based on an assessment of Program activities expected to occur during the year. This annual Task Order will outline the services to be provided and will be issued on a not-to-exceed basis. It is expected that the Consultant and DRPT will work collaboratively to develop this annual Task Order. DRPT may supplement the annual Task Order with additional task-specific Task Orders to the Consultant, as needed. DRPT reserves the right, at its sole discretion, to issue Requests for

Proposals or issue Task Orders for work related to Transforming Rail in Virginia to other consulting firms.

## V. PROPOSAL PREPARATION AND SUBMISSION REQUIREMENTS

### A. General Requirements

#### 1. RFP Response

In order to be considered for selection, Offerors must submit a complete sealed electronic response to this RFP. RFP must be submitted electronically using eVA. <https://eva.virginia.gov/index.html> If you are not registered in eVA, you must do so in order to submit a proposal and have a contract with the state of Virginia.

Proposals must be received in eVA by June 24, 2020 by 3pm.

In addition, the Offeror may be required to make a subsequent oral presentation detailing how the Offeror would approach the specific elements outlined in the Scope of Work.

#### 2. Electronic Proposal Preparation

- A. Proposals shall be electronically signed by an authorized representative of the Offeror. All information requested should be submitted. Failure to submit all information requested may result in the DRPT requiring prompt submission of missing information and/or giving a lowered evaluation of the proposal. Proposals, which are substantially incomplete or lack key information, may be rejected by the DRPT at its discretion.
- B. Proposals should be organized in the order in which the requirements are presented and follow the requirements in Section V: Specific Proposal Requirements of this RFP. All pages of the proposal should be numbered. The proposal should contain a table of contents which cross-references the RFP requirements. Information which the Offeror desires to present that does not fall within any of the requirements of the RFP should be inserted at an appropriate place or be attached at the end of the proposal and designated as additional material. Proposals that are not organized in this manner risk elimination from consideration if the evaluators are unable to find where the RFP requirements are specifically addressed.
- C. Proposals should be prepared simply and economically, providing straightforward concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Each tab must be submitted separately as an attachment in eVA. Each attachment can be no more than 60MB. You can submit up to five attachments at a time and as many as necessary. Elaborate brochures and other representations beyond that sufficient to present a complete and effective proposal are neither required nor desired. Proposals should use a font size of 12 (or larger) and have no less than 3/4" margins. **No proposal, in its entirety, should exceed 50 pages one- sided.**

## **B. SPECIFIC PROPOSAL REQUIREMENTS**

Proposals should be as thorough and detailed as possible so that DRPT may properly evaluate the Offerors capabilities to provide the required services. Offerors are required to submit the following items in order for their proposal to be considered complete.

**RFP Cover Sheet** – The RFP Cover Sheet (page 2 of this RFP) shall be completely filled out and signed as required.

### **Tab 1: Introduction and Executive Overview (2 Page Maximum)**

The Offeror must concisely highlight the most relevant and noteworthy elements of their proposed approach, experience and qualifications to perform the work outlined in Section IV of this RFP.

### **Tab 2: Understanding of Work and Plan for Providing Services (10 Page Maximum)**

The Offeror must provide a detailed description of its understanding of the services to be provided with descriptions of the approach and procedures employed on similar projects elsewhere. The Offeror must describe the process it will follow to respond to a specific purchase order request from DRPT. The Offeror should also describe the management procedures it will follow to oversee work by its personnel and work by sub-consultants.

### **Tab 3: Experience and Qualifications (25 Page Maximum)**

The Offeror must describe the skills and qualifications it has available to perform the various types of tasks described in the Scope of Work. The key personnel who will be assigned to these various tasks need to be identified. DRPT recognizes that due to the long term nature of the agreement that will be issued as the result of this RFP, Offerors may not be able to guarantee that all of the individuals identified in the proposal will be available for assignment when a specific purchase order request is issued. The Offeror must therefore demonstrate that it has sufficient personnel with the various types of skills needed to perform the work.

The Offeror shall provide all of the following information concerning its company, sub-consultants and personnel qualifications:

- 1) A detailed statement indicating the organizational structure under which the firm proposes to conduct business. If more than one firm is involved in this project, state the type of arrangement between the firms and the percentage of work to be performed by each.
- 2) A list of the key personnel including sub-consultants who could be assigned to the various tasks identified. Give the relevant experience record of each and include resumes and any certifications.
- 3) A list of references to include name, address, telephone number, project, and amount of project.

### **Tab 3: Virginia Department of Small Business and Supplier Diversity (DSBSD/SWAM) Participation**

The Offeror shall indicate the percentage of DSBSD/SWAM participation and specify the

types of work to be performed by DSBSD/SWAM sub-Consultant. In order to be considered for the selection of this Request for Proposals, the Offeror must submit a copy of the Small Business Subcontracting Plan in the proposal. A blank copy of this document is included as Attachment B.

All DSBSD/SWAM Offerors must be certified with the Virginia Department of Small Business and Supplier Diversity. If the DSBSD/SWAM is not certified they must demonstrate that they are eligible to be certified, and they must receive such certification prior to the solicitation due date. The Virginia Department of Small Business and Supplier Diversity can be contacted at (804) 786-6585. The DSBSD/SWAM goal for this contract is **10%**; if the DSBSD/SWAM is the Prime Offeror, the Offeror will receive full credit for planned involvement.

**Tab 4: Contact Person**

The primary Offeror must identify the name, telephone number and e-mail address for the contact person who will be responsible for coordinating the efforts and personnel of all parties and/or sub-Consultants involved in the proposal.

**Tab 5: Staffing Plan**

Offerors shall identify key staff positions for the services described in the Statement of Work, and listed pursuant to Tab 2. Final pricing/rates will be addressed in the negotiation phase.

**Tab 6: AE Forms and all other forms**

## **VI. EVALUATION CRITERIA AND CONTRACT AWARD**

### **A. Evaluation Criteria**

Proposals shall be evaluated by DRPT using the following criteria:

**Offeror's Approach to Performing the Scope of Services (30 points):**

- Offeror has a well-developed, pragmatic approach to managing and delivering the scope of services;
- Offeror demonstrates a clear understanding of the scope of services required under the solicitation and demonstrates the ability to deliver those services;
- Offeror clearly outlines how the Offeror will provide QA/QC of their services, including written deliverables, reports, etc.; and
- Offeror demonstrates clear understanding of the necessary staff resources to provide an adequate and timely approach to project needs.

**Offeror's Capability, Past Experience (30 points):**

The Offeror's demonstrated track record in providing similar services including:

- Expertise and past experience of the Offeror in providing services on other contracts or on projects of similar size, scope and features as those required for the scope of services on this RFP.
- Offeror's experience in providing services in conformance to the Commonwealth's construction and capital outlay procedures including codes, standards, accessibility

and building efficiency, as applicable.

- Demonstrated experience with completed major rail and transportation infrastructure projects including examples of jurisdictional coordination in Virginia, North Carolina, and the District of Columbia.

**Qualifications of Key Staff (20 points):**

The expertise, experience, and qualifications of the Offeror's personnel and proposed sub-consultants in each discipline listed in the Scope of Work.

**Small Business Utilization (10 points):**

Use of small businesses and businesses owned by women and minorities as consultants, subcontractors, suppliers or support services.

**Quality of Proposal (10 points):**

Clear and concise organization of the proposal including completeness, appearance, and quality.

**VII. POLICY ON SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES:**

It is the policy of the Commonwealth of Virginia to contribute to the establishment, preservation and strengthening of small businesses and businesses owned by women and minorities and to encourage their participation in state procurement activities. The Commonwealth encourages contractors to provide for the participation of small businesses and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, or other contractual opportunities. Submission of a report of past efforts to utilize the goods and services of such businesses is required with any proposal for A/E services where the total A/E contract amount may exceed \$100,000. Since the potential for Task Orders under the contract exceeds \$100,000, the Offeror must provide information on its past utilization of Small, Women, and Minority Owned disadvantaged businesses, and must also state any plans to utilize such businesses and the manner in which they may be utilized under this Contract.

A list of Virginia Department of Small Business and Supplier Diversity (DSBSD) certified Small, Women-owned, and Minority-owned Business ("SWAM") firms are maintained at [www.DSBSD.virginia.gov](http://www.DSBSD.virginia.gov) under the SWAM Vendor Directory link.

**VIII. LICENSE AND REGISTRATION:**

All business entities, except for sole proprietorships, are required to register with the State Corporation Commission. Foreign Professional corporations and Foreign Professional Limited Liability Companies (i.e., organized or existing under the laws of a state or jurisdiction other than Virginia) must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation, professional limited liability company, or sole proprietorship that does not employ other individuals for which licensing is required must be registered in the

Commonwealth of Virginia with the Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects (“Board”) of the Department of Professional and Occupational Regulation (“DPOR”). Board regulations require that all branch offices of professional corporations and business entities located in Virginia that offer or render any professional services relating to the professions regulated by the Board be registered as separate branch offices with the Board. All offices, including branches, that offer or render any professional service must have at least one full-time resident professional who is responsible and in charge who is licensed in the profession offered or rendered at that office. All firms that are to provide professional services must meet these criteria prior to submitting a Proposal to DRPT. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the *Code of Virginia*.

Each business entity (prime and sub-consultants) on the proposed team that is practicing or offering to practice professional services in Virginia, including, but not limited to, those practicing or offering to practice engineering, surveying, hydrologic and hydraulic analysis, geotechnical analysis and landscape architecture, must provide evidence in the Proposal, including full size copies of appropriate commercial professional registrations and licenses for all main and branch offices proposed for this Project, and for appropriate individual registrations/licenses for those professional occupations per the requirements listed below. The Proposal should convey the requested information for each registrant by the use of a concise table or matrix. Full size copies of the State Corporation Commission and DPOR supporting registration will not count towards the page restriction.

- The State Corporation Commission registration detailing the name, registration number, type of corporation and status of the business entity.
- The DPOR registration information for each office practicing or offering to practice any professional services in Virginia, including the business name, address, registration type, registration number, expiration date.
- The DPOR license information for each of the Key Personnel practicing or offering to practice professional services in Virginia, including the name, address, type, registration number, and expiration date. Provide the office location where each of the Key Personnel is offering to practice professional services.
- The DPOR license information for those services not regulated by the Board, such as real estate appraisal, including the business name, address, registration type, registration number, and expiration date.

Failure to comply with either state or federal law with regard to requirements in Virginia regarding the Offeror’s organizational structure, any required registration with governmental agencies and/or entities, and any required governmental licensure, whether business, individual, or professional in nature, may render the Proposal submittal, in the sole and reasonable discretion of the Agency, non-responsive. In that event, the Proposal submittal may be returned without any consideration or evaluation.

## **IX. MANDATORY PRE-PROPOSAL CONFERENCE**

There will be a Mandatory pre-proposal conference for this RFP on June 3, 2020 at 1:00pm. The pre proposal will be held via teleconference using the GOTOWebinar service. The Step by step instructions on how to attend the meeting will be in an attachment after the RFP.

DRPT is requesting only two representatives from each firm be on phone/registered. Please register for Rail Project Oversight Project Manager Mandatory Pre Proposal on Jun 3, 2020 1:00 PM EDT at: <https://attendee.gotowebinar.com/register/3561940892964493068>

Call in number is 562/247-8321 Attendee Code is 203-667-958

After registering, you will receive a confirmation email containing information about joining the webinar.

Please make sure you are able to log in, register, and are familiar with the gotowebinar service in advance. If you dial in late you will miss important information and DRPT will not go back over what has already gone over.

Any changes resulting from this conference will be issued as a written addendum to the RFP.

## **X. AWARD OF CONTRACT:**

For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man- hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to the public body, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until

such a contract can be negotiated at a fair and reasonable price.

## **XI. REPORTING AND PERFORMANCE REQUIREMENTS**

### **A. MEETINGS AND REVIEWS –**

DRPT shall hold an initial conference with the contractor at a place and time selected by DRPT for the purpose of reviewing the contractor's schedules, procedures, methods, and to clarify any ambiguities that may then exist. The contractor's Principal Officer and others requested by DRPT shall attend the conference. DRPT may request additional reviews during the contract period to evaluate vendor performance and provide feedback.

### **B. PROGRESS REPORTS**

Offerors must meet all due dates on all tasks assigned. To provide feedback to DRPT concerning this requirement, the Offeror shall submit monthly progress reports providing detailed information on the status of the work effort on each of the various project tasks. The progress reports shall include total authorized funds and expended funds to date, broken down by task order. The total expended must be broken down by amounts paid to SWAM and non- SWAM businesses each month and paid to date. It shall summarize all work efforts in the reporting period including personnel utilization and hourly rates. It shall also discuss any anticipated difficulties and proposed resolution.

### **C. SWAM REPORTING AND DELIVERY REQUIREMENTS**

The contractor shall provide to DRPT, in a form as required by DRPT, documentation that the contractor has utilized SWAM businesses in accordance with the contractor's SWAM utilization plan (**Attachment B** of the RFP). Said documentation shall be provided semi-annually or as required by DRPT.

The contractor shall use **Attachment B** (Monthly DSBSD/SWAM Certified Subcontractor Report) or other form approved by DRPT to report amounts paid to SWAM and non-SWAM businesses on a monthly basis as well as paid to date. Said attachment or other approved form shall be submitted with the monthly progress reports addressed above.

### **D. FEDERAL REQUIREMENTS**

Review the document at [http://www.fra.dot.gov/rpd/passenger/fp\\_FFATA\\_Reporting.shtml](http://www.fra.dot.gov/rpd/passenger/fp_FFATA_Reporting.shtml) for requirements under the Federal Funding Accountability and Transparency Act (FFATA). These requirements relate to DRPT's reporting requirements and contractors will be required to supply requested information to the DRPT to facilitate our reporting requirements.

## **XII. TIME SCHEDULE:**

The items that are asterisked below are approximate dates and may be changed.

Pre-Proposal: June 3, 2020 at 1pm  
Questions due: June 5, 2020 at 3:30 pm  
Proposals due: June 24, 2020 at 3 pm  
Interviews with top three Offerors: July 17-21, 2020\*  
Negotiations start: July 31, 2020\*  
Awarded by: August 30, 2020\*

\*These dates are subject to change

**XIII. FEES:**

The MOU prepared by the Agency will document the negotiated acceptable labor rates for the various A/E classifications/disciplines/skill levels. These rates will be used by the Agency in arriving at any hourly rate work that is authorized by the Agency for Task Orders issued under the Term Contract resulting from this solicitation.

**XIV. CONTRACT TERM:**

Contract is set from date of award through two (2) years with optional two (2) one year renewals.

**XV. TASK ORDERS:**

Task Orders will be issued against this contract for tasks and project elements as outlined in the Detailed Scope of Work (Section IV). A single task order may contain multiple tasks and project elements.

**XVI. CONFLICT OF INTEREST:**

It is the responsibility of the Offerors to submit with the proposal if they are currently working on related projects/contracts. It is at the sole discretion of the Agency to determine if there is a conflict of interest.

**XVII. eVA VENDOR REGISTRATION:**

The eVA Internet electronic procurement solution, web site portal [www.eVA.virginia.gov](http://www.eVA.virginia.gov), streamlines and automates government purchasing activities in the Commonwealth. The eVA portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution by completing the free eVA Vendor Registration. All bidders or offerors must register in eVA and pay the Vendor Transaction Fees specified below; failure to register will result in the bid/proposal being rejected. Vendor transaction fees are determined by the date the original purchase order is issued and the current fees are as follows: a. For orders issued July 1, 2014, and after, the Vendor Transaction Fee is:

- (i) DSBSD-certified Small Businesses: 1%, capped at \$500 per order.

- (ii) Businesses that are not DSBSD-certified Small Businesses: 1%, capped at \$1,500 per order. b. Refer to Special Term and Condition “eVA Orders and Contracts” to identify the number of purchase orders that will be issued as a result of this solicitation/contract with the eVA transaction fee specified above assessed for each order. For orders issued prior to July 1, 2014, the vendor transaction fees can be found at [www.eVA.virginia.gov](http://www.eVA.virginia.gov).

The specified vendor transaction fee will be invoiced, by the Commonwealth of Virginia Department of General Services, typically within 60 days of the order issue date. Any adjustments (increases/decreases) will be handled through purchase order changes.

## **XVIII. SPECIAL TERMS AND CONDITIONS:**

- 1. AUDIT:** The contractor shall retain all books, records, and other documents relative to this contract for five years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The agency, its authorized agents, and/or state auditors shall have full access to and the right to examine any of the materials during this period.
- 2. LATE PROPOSALS:** To be considered for selection, the proposal must be received in eVA by the designated date and hour. The official time used in the receipt of the proposal is the time set by eVA. Proposals received in eVA after the date and hour designated are automatically disqualified and will not be considered. The Agency is not responsible for delays with eVA or any other technology the offerer uses. It is the sole responsibility of the Offerer to insure that its bid is received correctly in eVA by the designated date and hour.
- 3. CANCELLATION OF CONTRACT:** The Agency reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 days written notice to the contractor. In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.
- 4. SUBCONTRACTS:** No portion of the work shall be subcontracted without prior written consent of the purchasing agency. In the event that the contractor desires to subcontract some part of the work specified herein, the contractor shall furnish the purchasing agency the names, qualifications and experience of their proposed subcontractors. The contractor shall, however, remain fully liable and responsible for the work to be done by its subcontractor(s) and shall assure compliance with all requirements of the contract.
- 5. STATE CORPORATION COMMISSION IDENTIFICATION NUMBER:** Pursuant to Va. Code Ann. § 2.2-4311.2(B), a bidder or offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 is required to include in its bid or proposal the identification number issued to it by the State Corporation Commission. Any bidder or offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50, or as otherwise required by law, is required to include in its bid

or proposal a statement describing why the bidder or offeror is not required to be so authorized.

**For assistance in complying with the above requirement please read the following:**

The link below takes you to the State Corporation Commission document which provides information for foreign firms pertaining to exclusions to the requirement to register with the State Corporation Commission. Note that a foreign firm is defined as “*organized or existing under the laws of a state or jurisdiction other than Virginia.*”

<http://www.scc.virginia.gov/clk/befaq/forinva.aspx#a1>

## **6. INTELLECTUAL PROPERTY RIGHTS:**

The Virginia DRPT shall have exclusive rights to all data and intellectual property generated in the course of the project Intellectual property, which includes all inventions subject to the U. S. Patent System. This shall be inclusive but not limited to, new processes, materials, compounds and chemicals, and all creations subject to the U. S. Copyright Act of 1976, as amended, including but not limited to printed material, software, drawings, blueprints, and compilations such as electronic databases.) Furthermore, DRPT shall have all rights, title, and interest in or to any invention reduced to practice pursuant to a resulting contract. Proposals should recognize the requirements of public sector agencies and of public policy generally, including the Freedom of Information Act, State statutes and agency rules on release of public records, and data confidentiality.

All copyright material created pursuant to this contract shall be considered work made for hire and shall belong exclusively to DRPT. Neither DRPT nor the contractor intends that any copyright material created pursuant to the contract, together with any other copyright material with which it may be combined or used, be a “joint work” under the copyright laws. In the case that either whole or part of any such copyright material not be deemed work made for hire, or is deemed a joint work, then contractor agrees to assign and does hereby irrevocably assign its copyright interest therein to DRPT. DRPT may reasonably request documents required for the purpose of acknowledging or implementing such assignment.

The contractor warrants that no individual, other than regular employees and subcontractors of the contractor or DRPT regular employees, agents, or assigns while working within the scope of their employment or contracted duty, shall participate in the creation of any intellectual property pursuant to the contract. If this situation should arise, such individual and his or her employer, if any, must agree in writing to assign the intellectual property rights, as described herein, for work performed under this contract to DRPT either directly or through the contractor.

DRPT shall have all rights, title and interest in or to any invention reduced to practice pursuant to this contract. The contractor shall not patent any invention conceived in the course of performing this contract. The contractor hereby agrees that, notwithstanding anything else in this contract, in the event of any breach of this contract by DRPT, the remedies of the contractor shall not include any right to rescind or otherwise revoke or invalidate the provisions of this section. Similarly, no termination of this contract by DRPT shall have the effect of rescinding the provisions of this section.

DRPT is only entitled to the intellectual property rights for deliverables and associated documentation produced by the contractor for which DRPT has fully paid the contractor as the contract is completed or as the contract is terminated for any reason.

Copyright or pre-existing work of the contractor shall remain the property of the contractor. The contractor grants to DRPT a perpetual, royalty-free, irrevocable, worldwide, non-exclusive license to use such pre-existing work in connection with exercising the rights of ownership granted to DRPT pursuant to this section.

Notwithstanding anything herein to the contrary, DRPT acknowledges that as part of the contractor's provision of services hereunder, the contractor may license third-party software or acquire proprietary works of authorship (collectively referred to as "products"), which have been developed by third parties. DRPT must approve the third-party license agreements and the acquisition of these third-party products prior to their use by the contractor and DRPT agrees that these products will remain the sole property of the third party.

The contractor shall grant DRPT license to use all software developed by the contractor under this contract in other applications within Virginia as DRPT sees fit. Should the contractor desire to re-use software developed under this contract for other projects (both DRPT contracts and others), DRPT must be notified in writing 60 days prior to such use. Furthermore, DRPT shall be justly compensated for the re-use of such software. Compensation shall be negotiated and agreed upon prior to DRPT releasing software rights. Typically, DRPT prefers increased software capabilities and/or functionality instead of monetary compensation.

7. **SUBCONTRACTOR APPROVAL:** DRPT reserves the right to approve any personnel or subcontractors proposed for the work described in this RFP and/or any subsequent contract resulting from this RFP. DRPT will provide written justification to the contractor when approval is not granted.
  
8. **PATENT RIGHTS:** If any invention, improvement or discovery, of the Consultant or any of its Sub consultants, is conceived or first actually reduced to practice in the course of or under this Project, which invention, improvement or discovery may be patentable under the Patent Laws of the United States of America or any foreign country, the Consultant shall immediately notify DRPT and provide a detailed report. The rights and responsibilities of the Consultant, his Sub consultants and the Department with respect to such invention will be determined in accordance with applicable Federal laws, regulations, policies, and waivers thereof.
  
9. **KEY PERSONNEL:** People identified in terms of this RFP as "key personnel" who will work on the service contract, must continue to work on this contract for its duration so long as they continue to be employed by the Consultant unless removed from work on the Contract with the consent of the purchasing agency.
  
10. **ASSIGNABILITY:** Neither party may assign its rights or obligations under this Agreement without the prior written consent of the other party. Consent will not be unreasonably withheld or delayed. Notwithstanding this general prohibition against assignment, DRPT may assign any portion of this Agreement to any other state agency, authority or department without offeror consent. All of the terms and conditions of this Agreement shall remain in full force and effect and will be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

<b>DGS-30-004</b> (Rev. 10/10)	<b>ARCHITECTURAL / ENGINEERING FIRM DATA</b> SYNOPSIS OF RESPONDING FIRM	RFP #																																																																						
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<b>TELEPHONE:</b> _____ <b>FAX:</b> _____ <b>FEIN / SSN:</b> _____	<b>3) NAME AND ADDRESS OF PARENT COMPANY / HOME OFFICE:</b> _____ _____ _____																																																																							
<b>4) SPECIFIC TYPE OF OWNERSHIP:</b>		MBE SBE WBE																																																																						
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CONTINUE SYNOPSIS OF RESPONDING FIRM ON FORM AE-1A

DGS-30-004 (Rev. 10/10)	<b>ARCHITECTURAL / ENGINEERING FIRM DATA</b>	RFP #
SYNOPSIS OF RESPONDING FIRM (continued)		

Submitted By (Firm Name):

8) LIST PROFESSIONAL LIABILITY INSURANCE CARRIER, LIMITS OF LIABILITY, AND DEDUCTIBLE:

9) DESCRIBE PROPOSED PARTICIPATION OF SBE, MBE, & WBE BUSINESSES: (Function and % of fee involved)

10a) LIST STATE AGENCIES FOR WHICH THE FIRM HAS HAD A PRIME CONTRACT: (w ithin the last five years)

<u>AGENCY</u>	<u>PROJECT</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

10b)

11) LIST NOT MORE THAN FIVE PROJECTS DESIGNED WITHIN THE LAST FIVE YEARS WHICH HAVE SIMILAR SCOPES OR FEATURES TO THIS PROJECT. ATTACH A REPRESENTATIVE PROJECT FORM AE-5 FOR EACH.

<u>PROJECT</u>	<u>LOCATION</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The foregoing is a statement of fact.

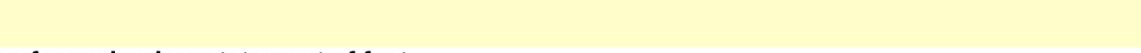
Typed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





**The foregoing is a statement of fact.**

Typed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

DGS-30-004  
(Rev. 10/10)

**ARCHITECTURAL / ENGINEERING FIRM DATA**  
PROJECT STAFFING ORGANIZATION

RFP #

Submitted By (Firm Name):

Submittal For (Project Title):

1) KEY PERSONNEL DESIGNATED FOR THIS PROJECT: (Include Form AE-4 for Each)

<u>Function</u>	<u>Name</u>	<u>Title</u>	<u>Firm / Office</u>
Project Manager			
Architect			
Structural Engineer			
Mechanical Engineer			
Electrical Engineer			
Civil Engineer			

2) DESCRIBE AVAILABILITY OF STAFF AND CONSULTANTS TO WORK ON THIS PROJECT:

3) DESCRIBE PROJECT METHODOLOGY, I.E., HOW WILL THE WORK FUNCTIONS, RESPONSIBILITIES AND COORDINATION BE PERFORMED?

4) DESCRIBE THE METHOD OF QUALITY ASSURANCE YOU WILL USE FOR THE DOCUMENTS FOR THIS PROJECT.

The foregoing is a statement of fact.

Typed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

<b>DGS-30-004</b> (Rev. 10/10)	<b>ARCHITECTURAL / ENGINEERING FIRM DATA</b> PERSONNEL QUALIFICATIONS	RFP # _____
-----------------------------------	--	----------------

Submitted By (Firm Name): \_\_\_\_\_

Submittal For (Project Title): \_\_\_\_\_

**BRIEF RESUME OF KEY INDIVIDUAL PROPOSED FOR THIS PROJECT. PROVIDE ONE FORM FOR EACH PERSON.**

1) NAME: \_\_\_\_\_  
 TITLE: \_\_\_\_\_  
 TYPICAL DUTY OR ASSIGNMENT: \_\_\_\_\_

2) ASSIGNMENT FOR THIS PROJECT: \_\_\_\_\_

% OF TYPICAL 40 HOUR WORKWEEK THIS PERSON WOULD SPEND ON THIS PROJECT: \_\_\_\_\_ PERCENT

3) EMPLOYEE OF: \_\_\_\_\_

4) YEARS OF EXPERIENCE: \_\_\_\_\_ YEARS TOTAL EXPERIENCE      \_\_\_\_\_ YEARS WITH THIS FIRM

5) EDUCATION: COLLEGE / DEGREE(S) / YEAR / SPECIALIZATION:  
\_\_\_\_\_

6) ACTIVE REGISTRATION: Year first registered / State / Discipline or Type  
\_\_\_\_\_

COMMONWEALTH OF VIRGINIA 6-DIGIT REGISTRATION / CERTIFICATE / LICENSE NUMBER:

ARCHITECT # \_\_\_\_\_ or ENGINEER # \_\_\_\_\_

**7) EXPERIENCE AND / OR QUALIFICATIONS RELEVANT TO THIS PROJECT:**

( List up to six (6) relevant projects and indicate your role and responsibility for each. )

<u>Project</u>	<u>Role / Responsibility</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**The foregoing is a statement of fact.**

Typed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

DGS-30-004  
(Rev. 10/10)

**ARCHITECTURAL / ENGINEERING FIRM DATA**  
REPRESENTATIVE PROJECT DATA

Submitted By (Firm Name):

Submittal For (Project Title):

1) PROJECT NAME:

PROJECT TYPE:

LOCATION:

2) OWNER:

Project Administrator:

Address:

Title:

Phone Number:

FAX Number:

3) PRIME CONTRACTOR:

(if applicable)

Project Manager:

Superintendent:

Phone Number:

FAX Number:

4) NAMES OF KEY DESIGNERS/PROJECT MANAGERS STILL WITH THE FIRM AND THEIR SPECIFIC PROJECT RESPONSIBILITIES:

<u>Discipline</u>	<u>Firm / Employer</u>	<u>Individual</u>	<u>Assignment on Project</u>
Prime A/E			
Architectural			
Structural			
Mechanical			
Electrical			
Civil			

5) NAMES OF APPLICABLE CODES: (Place "X" in all codes that applied to this project)

Other (describe)

VUSBC      BOCA      IBC      SOUTHERN      LIFE SAFETY      UFAS      ADAAG

6) DESCRIPTION OF RELEVANT PROJECT FEATURES:

8) DESCRIBE ANY SBE, MBE, AND WBE PARTICIPATION ON THE DESIGN PHASE (Firm, Function, and Percentage of fee).

The foregoing is statement of fact.

Typed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DGS-30-004  
(Rev. 10/10)

**ARCHITECTURAL / ENGINEERING FIRM DATA**

RFP #

SUPPLEMENTAL INFORMATION

Submitted By (Firm Name):

Submittal For (Project Title):

**The foregoing is a statement of fact.**

Typed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **Attachment B – Small Businesses and Businesses Owned by Women and Minorities Data Form**

### **Form DGS-30-360 Instructions**

Form DGS-30-360 is a format for use in reporting participation in State procurement transactions by small businesses and businesses owned by women and minorities.

**Note:** An electronic version of this form is available for download on BCOM's website at [http://www.dgs.virginia.gov/FormsCenter/BCOMForms/tabid/823/Default.aspx?udt\\_1673\\_param\\_detail=271](http://www.dgs.virginia.gov/FormsCenter/BCOMForms/tabid/823/Default.aspx?udt_1673_param_detail=271)

"Part I" on page 28: View definitions and other general information before completing the remaining parts of this form.

"Part II" on page 31: Enter data on the firm submitting the proposal.

"Part III" on page 32: Enter data on past utilization of disadvantaged businesses by the Offeror. Submission of Past Utilization Reports for multiple projects is encouraged. Submit separate "Part III" forms for each past project.

"Part IV" on page 33: Enter data on disadvantaged businesses proposed for utilization on this Project.

When complete, print out the "Definitions" sheet and "Parts I, II, and III" and submit all sheets as part of the proposal.

**FORMAT FOR DATA ON**  
**PARTICIPATION IN STATE PROCUREMENT TRANSACTIONS**  
**BY**  
**SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES**

The Offeror is required to provide responses to the following inquiries concerning its status regarding SWAM Business certification and also the status of the subcontractors, suppliers, consultants and vendors which have been used on past projects and those proposed for use on this Project. Complete the information required for each of the three categories of businesses contained in this form: (1) participation by small businesses; (2) participation by businesses owned by women; and (3) participation by businesses owned by minorities. Failure to complete and return this form with the RFP response will require the firm to be considered "Non-responsive."

Certification of SWAM vendors is necessary in order to obtain accurate and easily accessible data on SWAM Procurement and to assure a consistent and appropriate approach to compliance issues. In the past, many SWAM vendors saw no benefit in becoming certified so failed to do so. These new programs will provide important incentives to SWAM vendors to encourage them to become certified.

**PART I. DEFINITIONS**

**Definitions.** The definitions set forth below shall be applicable to SWAM vendors doing business with the Commonwealth, although federal definitions shall govern with respect to meeting federally funded highway construction and other applicable federally financed programs goals. They shall also apply if the Governor proposes legislation to codify these definitions for the purpose of this SWAM procurement program.

**Certified Vendors:** Beginning October 1, 2004, for the purposes of state procurement rules, no vendor shall be considered a Small Business Enterprise, a Minority Owned Business Enterprise or a Women-Owned Business Enterprise, or be entitled to the benefits of the state SWAM procurement opportunities, unless certified as such by the Commonwealth. All certified SWAM vendors shall be assigned a specific identification number and, through that process, standardized reports will be able to be generated from CARS, eVA and other state reporting systems. No vendor shall be required to certify under this program and no vendor shall be excluded from doing business with the Commonwealth because of their failure to certify as a SWAM vendor. However, a qualified vendor who fails to certify shall be disqualified for participation in the applicable SWAM procurement programs.

**Minority-Owned Business Enterprise:** A business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more

minority individuals.

**Minority Individual:** "Minority" means a person who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

"Asian Americans" means all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Marinas, the Philippines, U. S. territory of the Pacific, India, Pakistan, Bangladesh and Sri Lanka and who are regarded as such by the community of which these persons claim to be a part.

"African Americans" means all persons having origins in any of the original peoples of Africa and who are regarded as such by the community of which these persons claim to be a part.

F. "Hispanic Americans" means all persons having origins in any of the Spanish speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who are regarded as such by the community of which these persons claim to be a part.

"Native Americans" means all persons having origins in any of the original peoples of North America and who are regarded as such by the community of which these persons claim to be a part or who are recognized by a tribal organization.

"Eskimos and Aleuts" means all persons having origins in any of the peoples of Northern Canada, Greenland, Alaska, and Eastern Siberia and who are regarded as such in the community of which these persons claim to be a part.

**Small Business Enterprise:** "Small business enterprise" shall mean an independently owned and operated business which, together with affiliates, has 250 or fewer employees, or average annual gross receipts of \$10 million or less averaged over the previous three years. Nothing in this provision prevents a program, agency, institution or subdivision from complying with the qualification criteria of a specific state program or a federal guideline to be in compliance with a federal grant or program.

**Woman-Owned Business Enterprise:** A business concern which is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more women, and whose management and daily business operations are controlled by one or more of such individuals.

**Disadvantaged Business Enterprise:** A small business concern which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

**Period:** The specified 12-month period for which the information provided in this list is applicable and valid. The period will be specified as month and year.

**Firm Name, Address and Phone Number:** The name, address and business phone number of the small business, women-owned business or minority-owned business with which the Offeror has contracted or done business over the specified period or plans to involve on this contract, as applicable.

**Contact Person:** The name of the individual in the specified small business, women-owned business or minority-owned business who would have knowledge of the specified contracting and would be able to validate the information provided in this list.

**Type of Goods or Services:** The specific goods or services the Offeror has contracted for from the specified small, women-owned or minority-owned business over the specified period of time or plans to use in the performance of this contract, as applicable. **The Offeror will asterisk (\*) those goods and services that are in the Offeror's primary business or industry.**

**Percent of Total Contract:** Calculated by dividing the estimated dollars planned for the indicated firm on this contract by the total Offeror estimated price of this contract or by a similar calculation involving work distribution.

**PART II**  
**DATA ON FIRM SUBMITTING PROPOSAL**

**PROPOSER:**

Firm Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

DPOR Registration # : \_\_\_\_\_

**PARTICIPATION STATUS:**

**DMBE Certificate #**

Is the Proposer a "Small Business Enterprise" as defined in Part I ?

Is the Proposer a "Woman-Owned Business Enterprise" as defined in Part I ?

Is the Proposer a "Minority-Owned Business Enterprise" as defined in Part I ?

**PROPOSAL FOR:**

Agency: \_\_\_\_\_

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

Sub-Project: \_\_\_\_\_

**REMARKS / COMMENTS:**

**PART III  
LISTING OF PAST UTILIZATION OF DISADVANTAGED BUSINESSES BY  
OFFEROR**

(Rev. 11/04)

OFFEROR:

Firm Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

Date Form Completed: \_\_\_\_\_

PROJECT UTILIZATION REPORT FOR PAST PROJECT:

Agency: \_\_\_\_\_  
 Project: \_\_\_\_\_  
 Sub-Project: \_\_\_\_\_

List small businesses, businesses owned by women, and businesses owned by minorities with which the Offeror has contracted or done business with on the project noted above.

Also list the dollar amount spent with each of these businesses. Offerors are encouraged to provide additional information and expand upon the following format.

Firm Name	Firm Address	Contact Person/ Phone Number	DPOR Registration # (if applicable)	DMBE Certificate #	Services or Materials Provided	Contract Amount	% Of Total Contract

Firm Type		
Small Business	Minority-Owned Business	Woman-Owned Business

LISTING OF DISADVANTAGED BUSINESSES PROPOSED FOR THIS PROJECT

OFFEROR:

Firm Name: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

Date Form Completed: \_\_\_\_\_

PROPOSAL FOR PROJECT:

Agency: \_\_\_\_\_  
 Project: \_\_\_\_\_  
 Sub-Project: \_\_\_\_\_

List Offeror's plans to involve small businesses, businesses owned by women, and businesses owned by minorities in the performance of this contract either as part of a joint venture, as a partnership, as subcontractors, as consultant, or as suppliers. Offerors are encouraged to provide additional information and expand upon the following format.

Firm Name	Firm Address	Contact Person/ Phone Number	DPOR Registration # (if applicable)	DMBE Certificate #	Services or Materials Provided	Estimated Contract Amount ...	... or % of Total Contract
						N/A	
						N/A	
						N/A	
						N/A	
						N/A	
						N/A	

Firm Type		
Small Business	Minority-Owned Business	Woman-Owned Business

## Attachment C

### State Corporation Commission Form

*STATE CORPORATION COMMISSION FORM: Required of all bidders pursuant to Title 13.1 or Title 50 (See Appendix B, Section II, 64.). Include SCC Form, Annex 6-J, in Invitation for Bids.*

#### **Virginia State Corporation Commission (SCC) registration information. The bidder:**

is a corporation or other business entity with the following SCC identification number:

**-OR-**

is not a corporation, limited liability company, limited partnership, registered limited liability partnership, or business trust **-OR-**

is an out-of-state business entity that does not regularly and continuously maintain as part of its ordinary and customary business any employees, agents, offices, facilities, or inventories in Virginia (not counting any employees or agents in Virginia who merely solicit orders that require acceptance outside Virginia before they become contracts, and not counting any incidental presence of the bidder in Virginia that is needed in order to assemble, maintain, and repair goods in accordance with the contracts by which such goods were sold and shipped into Virginia from bidder's out-of-state location)

**-OR-**

is an out-of-state business entity that is including with this bid an opinion of legal counsel which accurately and completely discloses the undersigned bidder's current contacts with Virginia and describes why those contacts do not constitute the transaction of business in Virginia within the meaning of § 13.1-757 or other similar provisions in Titles 13.1 or 50 of the Code of Virginia.

**\*\*NOTE\*\*** >> Check the following box if you have not completed any of the foregoing options but currently have pending before the SCC an application for authority to transact business in the Commonwealth of Virginia and wish to be considered for a waiver to allow you to submit the SCC identification number after the due date for bids (the Commonwealth reserves the right to determine in its sole discretion whether to allow such waiver):