



NOTICE TO ALL CONSULTING ENGINEERING FIRMS

Solicitation Number S-147-14

On Call Geotechnical Engineering Consulting Services

The **SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT)** requests a letter of interest and a current resume of qualifications from all interested consulting firms experienced in providing **Geotechnical Explorations, Testing, and Engineering in accordance with the SCDOT Geotechnical Design Manual (GDM)**, and other related materials testing to provide on an on-call basis the necessary engineering and testing services for various projects. Requested services to be provided in accordance with the SCDOT GDM include, but are not limited to:

- Subsurface investigation for bridge, highway, and other construction,
- Laboratory testing of soil, rock, and geosynthetic materials. (All laboratory testing must be conducted by laboratories and personnel accredited by the AASHTO Accreditation Program.),
- Analysis and reporting of geotechnical data for structure foundation design, pavement design, slope stability, settlement, and other typical geotechnical engineering problems, including seismic analysis,
- Sampling and testing of various other materials associated with highway and bridge construction.

The proposed solicitation will span a three (3) year time frame. The SCDOT will select maximum of five (5) firms with a total award amount of up to \$6,000,000.00. Consultants will be evaluated and ranked based on their score during the selection process. Consequently, work under each On-Call will initially be assigned based on the consultant's ranking. Once the list has been exhausted, work will then be assigned to best maintain equity in the value of work unless an exception is approved. Exceptions are warranted when specialized experience or knowledge to specific project is required and will require justification (see supplemental information). The work will be conducted at locations throughout South Carolina.

RFP information associated with this solicitation is located at the following link: http://www.scdot.org/doing/constructionLetting_Services.aspx.

For questions, please contact the SCDOT Contracting Officer, Roberta B. Mack, at (803) 737-1256 or via email at Mackrb@scdot.org. Electronic Submissions are due no later than 2:00 PM, September 11, 2014.

PROFESSIONAL CONSULTANT SERVICES REQUEST FOR PROPOSAL

AGENCY	South Carolina Department Of Transportation (SCDOT)
DESCRIPTION:	On Call Geotechnical Engineering Consulting Services
SOLICITATION NUMBER	S-147-14
ADVERTISEMENT DATE	August 18, 2014
CONTRACTS OFFICER (CO)	Wendy Hollingsworth (803) 737-0746 or Roberta Mack (803) 737-1256
SUBMIT YOUR RFP TO:	All electronic proposal submissions and the letter of interest should be submitted via ProjectWise electronic submittal system no later than 2:00 PM (EST), September 11, 2014 . No proposals shall be accepted after the date and time specified.

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A. PURPOSE OF REQUEST:

The **SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT)** requests a letter of interest and a current resume of qualifications from all interested consulting firms experienced in providing **Geotechnical Explorations, Testing, and Engineering in accordance with the SCDOT Geotechnical Design Manual (GDM)**, and other related materials testing to provide on an on-call basis the necessary engineering and testing services for various projects. Requested services to be provided in accordance with the SCDOT GDM include, but are not limited to:

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SCDOT will use a one-step evaluation process to select a consultant which to execute a contract for this Project. After evaluating the submitted RFP, the Selection Committee will recommend the top-ranked firms in order to the Deputy Secretary for Engineering. The Deputy Secretary for Engineering will have final approval. The determination regarding how many Proposers to recommend is not subject to review or protest. Cost is NOT a factor in the ranking of consultants to provide services herein. DO NOT include any reference to consultant costs in the RFP response. Any RFP response with any discussion of cost will be disqualified. Consultants are advised that this evaluation and selection process is a competition and not simply a prequalification. The contract will be cost plus a fixed fee with a contract maximum, or lump sum, or approved unit cost at the discretion of the SCDOT. There is no guarantee of any specific amount of work.

NOTE: Work awarded under this solicitation includes projects that are being administered by SCDOT and funded by other governmental entities pursuant to an IGA or LPA agreement between the SCDOT and the governmental entity. In those cases, a separate agreement between that governmental entity and the consultant will be prepared and administered by SCDOT to cover the services.

B. SCOPE OF SERVICE:

I. GENERAL

The South Carolina Department of Transportation intends to engage an engineering firm/firms which have in-house laboratory facilities that are accredited by AASHTO to furnish geotechnical engineering services as described herein on an "as-needed" basis. The scope of services will include conducting subsurface investigations; laboratory testing of soil samples; performing data analysis; and providing reports of the results of the investigations, testing and analysis. The particular services which will be required of the engineering firm will be dependent upon the ability of the SCDOT to handle the workload in this area with Department personnel and equipment and may vary considerably from project to project. In general, the geotechnical engineering services will be conducted on and for proposed and active construction and maintenance projects within South Carolina.

The Department will notify the engineering firm in writing as to the services required when the need occurs. The Department will furnish all necessary plans, specifications and other information as needed for providing the geotechnical engineering services desired.

II. SERVICES

All sampling, testing, and engineering will be performed in accordance with the latest version of the SCDOT Geotechnical Design Manual (GDM) and following standard AASHTO, ASTM or Department procedures, as designated by the SCDOT. The services to be provided include but may not be limited to:

A. Subsurface Investigation

1. Crew and equipment mobilizations (truck, ATV, marsh buggy, barge)
2. Auger/wash borings over land and water
3. Manual/hand auger borings
4. Standard penetration tests
5. Cone penetration tests
6. Pore pressure dissipation tests
7. Flat plate dilatometer tests
8. Field vane shear tests
9. Pressuremeter tests

10. Dynamic cone penetrometer tests
11. Disturbed soil sampling
12. Undisturbed soil sampling
13. Double-ring infiltrometer tests
14. Setting casing
15. Rock coring
16. Pavement and deck coring
17. Grout sealing
18. Water table determination
19. Installation and monitoring of geotechnical instrumentation (inclinometers, piezometers, settlement plates, etc.)
20. SPT hammer energy measurements
21. Geophysical testing (Downhole/crosshole, Suspension Logging, Seismic Refraction, Seismic Reflectivity, Electrical Resistivity, Gamma/Spontaneous Potential, Ground Penetrating Radar, MASW, SASW, acoustic televiewer, etc.)
22. Vibration and crack monitoring
23. Land surveying
24. Traffic control
25. Mechanized/hand clearing
26. Private utility locating

B. Laboratory Testing

1. UD Prep
2. Unit weight
3. Atterberg Limits
4. Grain size analysis (Sieve, hydrometer and/or elutriation)
5. Soil classification
 - a. AASHTO
 - b. Unified
6. Moisture content
7. Soil & rock density
8. Triaxial shear (Consolidated and Unconsolidated)
9. Direct shear
10. Consolidation
11. Swell test
12. Shrinkage limit
13. Specific gravity
14. Proctors (standard and modified)
15. Unconfined compressive strength
16. Compressive strength of rock cores
17. Resonant Column
18. Torsional shear
19. Permeability
20. California Bearing Ratio
21. Organic content
22. Mica content
23. Geotextile fabric testing
24. Electrical resistivity and pH, sulfate & chloride ion content of soils
25. Bituminous mixture extraction
26. Aggregate sieve analysis
27. Lead and asbestos testing
28. Erosion Function Apparatus

C. Data Analysis

1. Field and laboratory test results interpretation
2. Structure foundation design
3. Slope stability analysis

4. Settlement Analysis
5. Earth retaining structure design
6. Monitor foundation load test
7. Seismic and/or Liquefaction design
8. Site-specific response analysis (SSRA)
9. Ground improvement design
10. Pavement design

D. Reports (to be submitted in accordance with latest version of the GDM)

1. Geotechnical Subsurface Data Report
2. Geotechnical Base Line Report
3. Preliminary Geotechnical Engineering Report
 - a. Road
 - b. Bridge
 - c. Miscellaneous Structure
4. Final Geotechnical Engineering Report
 - a. Road
 - b. Bridge
 - c. Miscellaneous Structure
5. Site-Specific Seismic Response Analysis Report
6. Geotechnical Plan Sheets and Special Provisions
7. Geotechnical construction support and oversight

E. Miscellaneous

1. Provide educational material and training, i.e. software, method-specific analysis
2. Coordinate predefined field testing with South Carolina Geological Survey
3. Provide peer review of SSRA report by third-party entity, who shall have been an independent sub-consultant
4. Retain field test samples until project construction is complete
5. Obtain right-of-way permissions and encroachment permits
6. Clear, locate, and protect underground and overhead utilities
7. Obtain any necessary environmental permits in order to perform required testing

III. OTHER SAMPLING, TESTING, AND INSPECTION

The Department of Transportation may desire that the consultant perform certain sampling, testing, inspection, engineering, and design services not specifically described in this scope of services or covered by previously agreed upon rates. In such instances, rates shall be established and approved by the Department of Transportation before such work begins.

IV. WORK ORDERS, INVOICES, PAYMENT, AND PERSONNEL

- A. Work Orders: The Contract Manager will provide a project-specific detailed scope of work along with a blank quantity estimate spreadsheet. The Consultant shall provide an estimate of quantities required to complete the anticipated scope of work. If necessary, a negotiating meeting or conference call will be held to negotiate final quantities. Once authorized, the Contract Manager will send the Work Order Form and the SCDOT Scope of Services to the approved Consultant.
- B. Invoices: Invoices shall reference submitted reports and show exactly the pay quantities as described on the previously agreed upon schedule of payments for the services performed. The Consultant shall submit one copy of each invoice on a monthly basis to the SCDOT representative requesting the services. No further copies to the Department will be necessary. A formatted blank invoice will be provided.
- C. Payment: Checks for payment of services rendered will be drawn to the order of the official name of the Consultant at the specified address. Payments will be based on approved invoices and will be processed monthly.

- D. Personnel: The Consultant Firm shall assign a sufficient number of competent, qualified personnel to the work under this agreement to secure completely adequate services during all phases of the work. The Consultant Firm shall designate a "contact person" to serve as a point of contact for the Department of Transportation.

C. METHOD OF PROCUREMENT:

This is a qualifications-based selection and the contract will be competitively negotiated. Award will be given to the most responsible, responsive and most highly qualified consultant firms. Procedures for this procurement are identified in Section H, INSTRUCTIONS TO CONSULTANTS. This qualification-based selection is based on the Brooks Act (40 U.S.C. 11).

D. SUBMITTAL FORMAT:

All responding firms must utilize ProjectWise, SCDOT's electronic proposal submission process. Information regarding Project Wise can be found @ http://www.scdot.org/doing/constructionLetting_ProjectWise.aspx. Please contact Eric Stuckey at 803-737-1003 or StuckeyEC@scdot.org to set up an account to begin utilizing the electronic submittal process. Consultants are REQUIRED to upload their submittals online through ProjectWise. Only one completed submittal per team will be accepted and shall be uploaded by lead consulting firm. Please be advised of the time required to set up new account. All requests for new accounts must be received 72 business hours prior to the proposal deadline indicated in the milestone schedule. More information is available at http://www.scdot.org/doing/constructionletting_projectwise.aspx. In the event that a consultant is unable to submit its RFP response through ProjectWise, consultant shall contact the CO to request authorization to submit the RFP response in another format. RFP responses which do not have prior SCDOT authorization to deviate from the ProjectWise format may be considered non-responsive.

All questions regarding the scope of work in the RFP must be submitted by e-mail to the CO or as directed in the RFP. Questions shall be received a minimum of five (5) business days prior to the date and time that the proposal is due unless otherwise stated in RFP. No further questions shall be accepted after that time specified. SCDOT will strive to place all questions and their answers as an amendment on the SCDOT website within 48 hours of receipt of the questions. The names of the consultant/vendors submitting questions will not be disclosed. Oral explanations or instructions will not be binding.

The RFP response must be submitted by the date and time listed in this RFP. The response shall contain no more than twenty-five (25) double spaced pages, typed on one side only, excluding appendices. Minimum font size shall be 12-point. Responses should address each of the following proposal content requirements in the same order as listed below. The consultant may wish to include additional information. If a consultant does not submit responses to these items, their submittal may be considered non-responsive and returned without further review/evaluation. Consultants are advised that SCDOT reserves the right to conduct an independent investigation of any information, including prior experiences, identified in the responses. Consultants are responsible for effecting delivery by the deadline date and time; late submissions will be rejected without opening. SCDOT accepts no responsibility for misdirected or lost proposals. Responses shall be explained and identified within the twenty-five (25) pages. Appendices may only be used to support or supplement the detailed answers, but cannot be used as a substitute for the required narrative response.

E. PROPOSAL CONTENT:

The following is included in the 25-page RFP response:

1. **Letter of Interest:** The Letter of Interest should be no longer than one (1) page and shall contain the following items:
 - a. An expression of the Prime Consultant's interest in being selected for the project.
 - b. A statement confirming the commitment of key personnel identified in the submittal to the extent necessary to meet SCDOT's quality and schedule expectations.
 - c. Provide the name of the Prime Consultant Principal, Officer of the Firm or Project Manager responsible for this contract and has authority to sign the contract for consultant.
 - d. A summary of key points regarding the Prime Consultant's qualifications.
 - e. Signing the letter of interest constitutes authorization of consultant to submit qualification for the purpose of negotiating and entering a contract with SCDOT.

- f. Certification of authorized submitter that information contained within is correct by including: “I certify that the information included within this document, is to the best of my knowledge, correct as of the date indicated”.
2. **Project Organization Chart:** - Limited to one (1) side of one sheet of paper. This chart must include the names of the key individuals selected for this project, their roles on the project, the names of the consultant by which they are employed, and the lines of communication, to include functional structure, levels of management and reporting relationships for Key Individuals, and major functions to be performed in managing and designing the project. It shall also indicate the people who will be points of contact with the SCDOT Project Manager.
3. **Qualifications for key individuals.**
4. **Names and qualifications for other key individuals** that are considered critical to the success of this project in addition to those identified above. Qualifications should include information on experience related to similar projects and previous project work.
5. **A direct response to each of the selection criteria** identified below.
6. The consultant must provide a **chart indicating the present workload of all key personnel** to include all active projects (concurrent projects with other entities such as cities, other state agencies, counties, COGs MPOs, private sector) and their percentage availability for this project.

APPENDICES

1. Standard Form 330 (SF 330) as required by the Federal Acquisitions Regulations. All parts of the SF 330 must be completed in its entirety for the prime consultant, any sub-consultants and any sub-contractors. Additionally, all proposals must clearly list the percentage of work for prime consultant and sub-consultant(s) that will be performing work as part of the project. Also, indicate if the prime consultant has previously worked with the proposed sub-consultant and give a brief example of the previous relationship(s). The Form 330s will not count against the maximum page limit and can be included in the appendices.
2. Provide a list of References who have personal knowledge of the prime consultant’s and the sub-consultant’s previous performance. Provide three (3) client references each for both the prime and the sub-consultant(s). The references must include verified addresses, email addresses and telephone numbers, contact persons, and a brief description of services that have been provided similar to those described by SCDOT for this project. References shall be shown on separate sheets (limited to one (1) single-sided sheet; one sheet for the prime and one sheet for each sub proposed).
3. Size and description of firm. Identify the needed resources specific to this project and how those resources will be secured for the project.

F. SELECTION CRITERIA AND EVALUATION PROCESS:

A selection committee comprised of 3-6 subject matter experts will be established by SCDOT to review the RFP responses and rank the firms. The selection committee will receive copies of each responsive RFP response submitted and will review and draft preliminary scores based on the selection criteria. The selection committee will then meet to discuss the RFPs and determine if interviews are necessary. If interviews will not be conducted, members finalize their individual scores and submit them to the Contract Selection Manager (CSM). If the selection committee determines interviews are necessary prior to selection, consultants will be short-listed based on the preliminary scoring and invited to participate in interviews. The selection committee will develop the format for the interviews which will be used to refine and fill in gaps from their preliminary scoring. Upon conclusion of the interviews, the committee will reconvene to discuss the interviews, finalize their individual scores and submit them to the CSM. The CSM will compile the scores, rank the firms, and send up the highest ranked firms up to the maximum specified, based upon a discernable break in scoring, to the DSE with a recommendation to begin contract negotiations with those firms. The DSE may approve entering into contract negotiations with the recommended top ranked firms, or reject the selection altogether (in which case the project may be re-solicited).

Consultants are advised that the SCDOT may use all information provided by the consultant and information obtained from other sources in the assessment of past performance. Past performance information on contracts not listed by the consultant, or that of named subcontractors, may also be evaluated. SCDOT may contact references other than those identified by the consultant and information received may be used in the evaluation of the consultant’s past performance. While SCDOT may elect to consider information obtained from other sources, the burden of providing current, accurate, and complete past performance information rests with the consultant. The criteria shown below will determine the consultant’s qualification score.

The relative point value and selection criteria follow:

35%	Past performance of the Prime Consultant’s firm/team on similar type projects designed in accordance with the latest version of the SCDOT Geotechnical Design Manual with emphasis on the number of projects successfully completed
30%	Familiarity of the Prime Consultant’s firm/team with State Transportation Agency practices and procedures, specifically those outlined in the latest version of the SCDOT Geotechnical Design Manual with emphasis on firm’s approach to executing geotechnical services on a transportation project
15%	The proposed staff’s qualifications and technical competence with the type of work required; Team makeup and ability of the firm to perform all aspects of the services while minimizing the need for sub-consultants
10%	Responsiveness to the SCDOT, and the availability/readiness of the proposed staff
10%	DBE utilization plan

G. FINAL SELECTION AND NOTIFICATION:

At the conclusion of these selection discussions and/or tie breaker, each committee member will finalize his/her scores. During evaluation, any proposal determined by the CSM with input from the Selection Committee to be non-responsive will not be scored. Once the selection of the top ranking firms is approved by the appropriate Deputy Secretary, the CSM will send notification letters to all firms indicating selection status. The intent is to enter into a contract with the top ranked firms (up to the specified maximum), delineated by a “discernable break”, pending successful negotiations. All awards will be posted on the SCDOT website.

H. TIE BREAKER:

Final evaluation scores are determined from the average of the voting selection committee member’s scores. If consultants have equal final scores, the following methodology will be used to break the tie: Final scores will be rounded to the nearest whole number. In the event of a tie, the order of negotiation among the tied firms will be determined based on the value of contracts awarded during the previous 24-month period. The firm with the lowest dollar value of actual projects/tasks awarded during the period will be designated as number one in the order of negotiation. The firm with the next lowest dollar value of contracts will be deemed as number two in the order and so forth.

I. WORK ALLOCATION METHODOLOGY

As Consultant firms are evaluated and ranked based on their score during the selection process, work under each On-Call will initially be assigned based on the consultant’s ranking. Once the list has been exhausted, work will then be assigned to best maintain equity in the value of work unless an exception is approved. In rare instances, exceptions will be entertained when specialized experience or specific project knowledge is necessary and will require justification.

J. INSTRUCTIONS TO CONSULTANTS:

ADDITIONAL INFORMATION: SCDOT reserves the right to request or obtain additional information about any and all responses to the RFP.

AMENDMENT: Any amendment will be posted at the SCDOT website. The RFP may be amended at any time prior to the RFP response submittal date. All actual or prospective consultants should monitor the SCDOT website for issuance of amendments. Consultants shall acknowledge receipt of any amendment to this RFP (1) by signing and returning the amendment, (2) by letter; or (3) by submitting a RFP response that indicates in some way that the

consultant received the amendment. If this RFP is amended, than all terms and conditions which are not modified remain unchanged. It is the consultant's responsibility to check the website regularly for updates and modifications.

AUDITS: Prior to contract award, an audit may be conducted by SCDOT of the selected consultant. This audit will be for the purpose of ensuring the selected firm is financially capable of performing the contract, the cost information and prices quoted are reasonable and the selected consultant had adequate accounting practices to ensure accurate tracking of contract costs.

AUTHORIZATION TO BEGIN WORK: No work shall commence until after contract execution and issuance of a Notice to Proceed (NTP). Violations of NTP may result in non-payment of work performed, termination of an impending contract, or loss of federal funds, if applicable. Consultant billing shall not date prior to contract and/or modification of execution date.

AWARD: Contract award will occur after successful negotiations with the selected firm are reached. All selected firms and awards will be posted on SCDOT website. Award will be made to the top ranked firm that has successfully negotiated a contract.

CEI CONFLICT: No member of the consulting firm, its subsidiaries and/or affiliates, shall be selected for CEI services on a design build project if they are part of the design build team. If a sub-consultant is on the design build team, the CEI consultant candidate shall request approval from SCDOT to replace the conflicting sub-consultant prior to CEI contracting.

CERTIFICATION FORMS: Submission forms located in 'Appendix A' of this document must be completed, signed, and notarized and submitted with the RFP response. Failure to submit these forms may result in the RFP response being deemed nonresponsive.

CLARIFICATIONS: SCDOT, at its sole discretion, shall have the right to seek clarifications from any consultant to fully understand information contained in their responses to the RFP.

COMMUNICATION: Effective the date of the advertisement of this contract, no further contact is allowed with any SCDOT personnel concerning this project except for questions of an administrative or contractual nature that shall be submitted in writing to the attention of the CO. This restriction is in effect until the selection has been announced. The employees of the proposing consultant may not contact any SCDOT staff including members of the Selection Committee, other than the CO to obtain information on the RFP. Such contact may result in disqualification.

CONFLICT OF INTEREST: By submitting a proposal, proposer agrees that, if an organizational conflict of interest is discovered after the proposal is submitted, the proposer must make an immediate and full disclosure to SCDOT that includes a description of the action that the proposer has taken or proposes to take to avoid or mitigate such conflict. SCDOT considers it a conflict of interest for a consultant to represent more than one party in relation to any given project regardless of which phases of the service are involved. If after award of the contract an organizational conflict of interest is determined to exist, SCDOT may, at its discretion, cancel the contract. If the proposer was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to SCDOT, then SCDOT may terminate the contract for default. Consultant must complete and submit a DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION certifying it does not have any financial or other interest in the outcome of the project, that it has no agreement, enforceable promise, or guarantee with any individual or company to provide any work on the project, that it does not have any association or professional or business relationships with anyone who has a financial interest in the outcome of the project, nor does anyone with a financial interest in the outcome of the project, exercise any control over the consultant's pay, employment, bonuses, or other area subject to external influence.

CONFLICT OF INTEREST (NEPA): For all Environmental Impact Statement (EIS) and Environmental Assessment (EA) consultant selections, a DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION WILL be required from each firm of the project team (prime and all sub-consultants). Consultants will be required to disclose any financial or other interest they may have in the outcome of the environmental document, in accordance with Council on Environmental Quality Regulation, 40 C.F.R. §1506.5(c) (1999). The DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION is included in the Appendix to this RFP.

COST RATE: Consultants and sub-consultants must have an SCDOT approved indirect cost rate prior to contract execution. Please refer to the following link for additional information: http://www.scdot.org/doing/contractor_Audit.aspx.

DBE QUALIFICATION: To qualify as a DBE on this project, the firm must be listed as approved for the type of work to be performed in the South Carolina Unified DBE Directory at the time of the bid submittal. Consultants shall comply with Title VI of the Civil Rights Act of 1964. The SCDOT strongly encourages the use of and involvement of Disadvantaged Business Enterprises (DBE) on this project. The directory can be found at the following link: http://www.scdot.org/doing/doingPDFs/businessDevelop/UCP_DBE_Directory.pdf.

DEBARMENT CERTIFICATION: Federal regulations require certification by prospective consultants as to current history regarding debarment, eligibility, indictments, convictions, or civil judgments. Consultant is required to submit the Debarment certification with its RFP response. Any individual, business, organization, corporation, consortium, partnership, joint venture, or any other entity including sub-consultants currently debarred or suspended is ineligible to participate as a candidate for this process. Any entity ineligible to conduct business in the State of South Carolina for any reason is ineligible to respond to the RFP. **A CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS** is included in the Appendix to this RFP.

DEBRIEFING: If a non-selected consultant would like to schedule a debriefing, consultant will have three (3) working days from the date of notification of non-selection. Only written requests (emails are acceptable) for a debriefing will be scheduled. If a consultant chooses to schedule a debriefing prior to contract signature, they can no longer be considered for award of this contract. However, the option exists to schedule a post-award debrief which will not jeopardize their opportunity for contract award should negotiations with the selected firm(s) prove unsuccessful.

DRUG FREE WORK PLACE CERTIFICATION – by submitting an RFP response, consultant certifies that, if awarded a contract, consultant will comply with all applicable provisions of the Drug-free Workplace Act, Title 44, Chapter 107 of the South Carolina Code of Laws, as amended.

ETHICS CERTIFICATION: By submitting this RFP, the consultant certifies that the consultant has and will comply with South Carolina's Ethics, Government Accountability, and Campaign Reform Act of 1991, as amended. The following statutes require special attention: (a) Offering, giving, soliciting, or receiving anything of value to influence action of public employee - §8-13-790, 8-13-705, 8-13-720; (b) Recovery of kickbacks - §8-13-790, (c) Offering, soliciting, or receiving money for advice or assistance of public official - §8-13-720, (d) Use or disclosure of confidential information - §8-13-725, (e) Persons hired to assist in the preparation of specifications or evaluation of bids - §8-13-1150, (f) Solicitation of state employees - §8-13-755, §8-13-760 and §8-13-725. The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision.

FORMER SCDOT EMPLOYEES: If a firm lists someone who has not yet left SCDOT's employment, even if the employee plans to retire or quit soon, the RFP response will be disqualified. If a firm lists a former SCDOT employee on an RFP response who officially left SCDOT employment prior to the date of submittal of the RFP response, the firm will not be disqualified provided there are no ethical violation or conflict of interest.

INSURANCE and BONDS: Consultant is responsible to obtain all required statutory and contractual insurance and bonds, including but not limited to Professional liability insurance and Error and Omissions insurance, and shall be submitted to the SCDOT prior to execution of contract.

JOINT VENTURES: If consultant is a partnership, limited partnership, joint venture or other association (hereinafter joint venture), provide a copy of the organizational document or agreement committing to form the organization. Provide documentation from its surety company acknowledging the formation of a joint venture for the purpose of completing the project and that the joint venture is capable of obtaining a performance bond and payment bond in the estimated amount of the contract. Provide a statement executed by all general partners, joint venture members, or other association members, as applicable, evidencing agreement to be fully liable for the performance under the contract. Provide documentation evidencing the person signing the contract has authority to sign the contract on behalf of the joint venture. This information may be included in the appendices and will not be counted against the maximum page limitation. **PROPOSERS** are reminded that each individual joint venture partner must be prequalified with SCDOT prior to submission of the RFP response.

KEY INDIVIDUALS: Key individuals are those personnel deemed critical to the success of the project. They often vary from project to project. It is incumbent on the prime consultant to make a determination as to who they deem “key”. In general terms, it can include, but not limited to: the project manager and those individuals listed as leads for each functionally specific discipline on the project organization chart.

KEY INDIVIDUAL CHANGES: If during the selection process, the CO is notified by the consultant that key individuals are not available, action must be taken as follows: (1) if notified before scoring is complete, but after deadline for submittal, the consultant can submit the resume of the person who would be replacing the key individual. The selection committee will score using the new key individual; (2) if notified after the scoring is complete, but prior to final approval, and the change involves the top scoring consultant, the consultant can submit the resume of the person who will replace the key individual. The selection committee must then determine if the new person would affect the selection results. If not, the CO will notate the change and the justification for keeping the selection results. If it does, the selection committee will re-score the top consultant and change the selection; or (3) if a consultant notifies the CO of a key individual change any time after the final approval, the SCDOT must determine if the new key individual is acceptable. If not, the consultant will be rejected and the next highest qualified consultant selected. To qualify for SCDOT’s authorization to replace a key individual, the firm must submit a written request explaining the reason for the change and must document that the proposed removal and replacement will provide services and/or management of the Project equal to or better than that submitted with the proposal. SCDOT will use the criteria specified in the advertisement and the qualification submitted by the firm to evaluate all requests. SCDOT reserves the right to reject the firm from further consideration if the new member is not approved. Firms that are found to consistently propose personnel who are not available are subject to temporary or permanent loss of their prequalification in that category, and may lose the right to submit proposals to SCDOT. SCDOT acknowledges that there are times where key individuals have to be changed due to change in employment or unanticipated work load shifts or schedule changes. All changes in key individuals must be approved by SCDOT in writing.

LAWS AND REGULATIONS: It is the responsibility of consultant to know and understand state and federal contracting and project regulations, rules, policies and procedures. Consultants shall conform to all state and federal requirements.

MULTIPLE PROPOSALS: Consultants are prohibited from submitting on multiple proposals as the prime consultant in response to this advertisement.

OWNERSHIP: All materials and written qualifications submitted pursuant to this RFP shall become the property of SCDOT and will not be returned. All responders must visibly mark as “CONFIDENTIAL” each part of their submission that they consider to contain proprietary information the release of which would constitute an unreasonable invasion of privacy. All unmarked pages will be subject to release in accordance with law. Proposer should be prepared, upon request, to provide justification of why such materials should not be disclosed under the South Carolina Freedom of Information Act, S.C. Code Section 30-4-10, et seq.

PREPARATION OF RFP: Consultants and/or sub-consultants who assist the owner in the preparation of a RFP document will not be allowed to participate in this RFP or join a team submitting a proposal in response to the RFP. However, SCDOT may determine there is not an organizational conflict of interest for a consultant or sub-consultant where: (a) The role of the consultant or sub-consultant was limited to provision of preliminary design, reports, or similar “low-level” documents that will be incorporated into the RFP, and did not include assistance in development of instructions to proposer or evaluation criteria, or (b) Where all documents and reports delivered to the agency by the consultant or sub-consultant are made available to all consultants.

REQUIRED PERCENTAGE OF WORK FOR PRIME CONSULTANTS: Consultant must perform work valued at not less than 30% of the total work, excluding specialized services, with its own staff. Specialized services are those services or items not usually furnished by a consultant performing a particular type of services requested.

RESPONSIBLE: Award of the contract will be to firms who have the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance which may be substantiated by past performance.

RESPONSIVENESS: Any RFP response which fails to conform to the material requirements of the RFP may be rejected as nonresponsive. Reasons for determining a proposal to be non-responsive may result from, but are not limited to, the following: failure to provide all information requested in RFP, conflict of interests, conditional

proposals, and failure to provide complete and honest information. Proposers will not be given an opportunity to correct any material nonconformity. Any deficiency resulting from a minor informality may be clarified or waived at the sole discretion of the SCDOT.

RFP PREPARATION COSTS: SCDOT assumes no liability and will not reimburse costs incurred by firms (whether selected or not) in developing responses to this RFP or participating in interviews.

RIGHT TO MODIFY and AMEND RFP: SCDOT reserves the right to modify or amend any provision of this RFP, including the determination of its intent to award a contract pursuant to this RFP. Interested engineering consultants are cautioned to rely solely on the contents of this RFP and subsequent written amendments in preparing any list of qualifications. SCDOT shall not be bound by any oral instructions, comments, or recommendations of any kind.

RIGHT TO REJECT: SCDOT reserves the right, in its sole discretion, to reject any and all RFP responses if its determines that such rejection is in the best interest of the State

RIGHT TO CANCEL: SCDOT reserves the right to cancel the advertisement, negotiations, or contract at any time in the best interest of the State.

TERMS OF CONTRACT: The boilerplates terms for all SCDOT contracts are non-negotiable.

VALIDITY OF INFORMATION: Consultant shall be held responsible for the validity of all information supplied in its proposal, including that provided by potential subcontractors. Should subsequent investigation disclose that the facts and conditions were not as stated, the proposal may be rejected or contract terminated for default if after award, in addition to any other remedy available under the contract or by law.

APPENDIX A - REQUIRED FORMS

The following completed forms are required to be returned with each proposal:

- Certificate Of Non-Collusion
- Certification Of Primary Participant Regarding Debarment, Suspension, And Other Responsibility Matters
- Certification Of Restrictions On Lobbying
- Certification Of Consultant
- Disclosure Of Potential Conflict Of Interest Certification

CERTIFICATE OF NON-COLLUSION

By submission of proposal, each person signing on behalf of any consultant certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- 1) The proposal is submitted without collusion, consultation, communication, or agreement for the purpose of restricting competition, with any other bidder or with any competitor;
- 2) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.

Company Name

Authorized Signature

Date

SWORN AND SUBSCRIBED before me
this _____ day of _____, 201____.

My commission expires _____.

Notary Public

CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The prime consultant, _____ certifies to the best of its knowledge and belief, that it and its principals:

- 1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- 2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- 3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
- 4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or Local) terminated for cause or default.

If the prime consultant is unable to certify to any of the statements in this certification, the consultant shall attach an explanation to this certification.

The primary consultant , _____ certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Sections 3801 et seq, are applicable thereto.

Signature and Title of Authorized Official

Date

CERTIFICATION OF RESTRICTIONS ON LOBBYING

The consultant certifies, to the best of its knowledge and belief, that:

1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a Federal department or agency, a Member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a Member of the U.S. Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification thereof.

2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions (as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)).

3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

THE CONSULTANT, _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND DISCLOSURE, IF ANY. IN ADDITION, THE CONSULTANT UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 U.S.C. §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND DISCLOSURE, IF ANY.

_____ Signature of the consultant's Authorized Official

_____ Name and Title of the consultant's Authorized Official

_____ Date

CERTIFICATION OF CONSULTANT

I hereby certify that I am the duly authorized representative of CONSULTANT and that neither I nor the above CONSULTANT I here represent has:

- a) employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above CONSULTANT) to solicit or secure this contract;
- b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or
- c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above CONSULTANT) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract except as here expressly stated (if any);
- d) either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted proposal.

By execution of this Agreement, CONSULTANT certifies CONSULTANT and all sub-consultants, contractors, employees and agents will comply with South Carolina’s Ethics, Government Accountability, and Campaign Reform Act of 1991, as amended. The following statutes require special attention: (a) Offering, giving, soliciting, or receiving anything of value to influence action of public employee - §8-13-790, 8-13-705, 8-13-720; (b) Recovery of kickbacks - §8-13-790, (c) Offering, soliciting, or receiving money for advice or assistance of public official - §8-13-720, (d) Use or disclosure of confidential information - §8-13-725, (e) Persons hired to assist in the preparation of specifications or evaluation of bids - §8-13-1150, (f) Solicitation of state employees - §8-13-755, §8-13-760 and §8-13-725. The state may rescind any contract and recover all amounts expended as a result of any action taken in violation of this provision.

I acknowledge that this certificate is to be furnished to the Department, the Federal Highway Administration, and the U. S. Department of Transportation, and is subject to applicable State and Federal laws, both criminal and civil.

CONSULTANT

Name of Consultant

By: _____

Date: _____

Its: _____

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION

Consultant hereby indicates that it has, to the best of its knowledge and belief has:

_____ Determined that no potential organizational conflict of interest exists.

_____ Determined a potential organizational conflict of interest as follows:

Attach additional sheets as necessary.

1. Describe nature of the potential conflict(s):

2. Describe measures proposed to mitigate the potential conflict(s):

Signature

Date

Print Name

Company

If a potential conflict has been identified, please provide name and phone number for a contact person authorized to discuss this disclosure certification with Department of Transportation contract personnel.

Name

Phone

Company