



NOTICE TO ALL CONSULTING ENGINEERING FIRMS

Solicitation Number: S-232-18 **On-Call Environmental NEPA and Permitting Services**

The **SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT)** requests a letter of interest and a proposal containing qualifications from all interested consulting firms experienced in providing **Environmental NEPA and Permitting Services** on an on-call basis necessary to provide support to SCDOT Staff in accordance with Federal and State laws and regulations. Requested services include but are not limited to the following Primary Objectives: (1) NEPA studies and documentation. (2) Jurisdictional determinations. (3) Public Involvement. (4) Permit submittals. (5) Development and Implementation of mitigation plans.

These services will be provided under a three (3) year statewide On-Call contract on an "as needed" basis. The SCDOT will select up to five (5) firms to provide these services, with a total maximum On-Call amount for the three (3) year period not to exceed \$10,000,000.00 to be distributed among the selected firms. Consultants will be evaluated and ranked based on their score during the selection process. Work under this on-call will be assigned based on the consultant's qualifications for the project being assigned for an individual task order/work order. The project team should be capable of providing all services outlined above.

RFP information associated with this solicitation is located at the following link:
http://info2.scdot.org/SCDOTProfessionalServ/SitePages/constructionLetting_Services.aspx#tabs-5

For questions, please contact the SCDOT Contracting Officer, Wendy Hollingsworth at (803) 737-0746 or via email at Hollingswg@scdot.org. or Diane Stubbs at (803) 737-4901 or via email at Stubbsdg@scdot.org. Electronic Submissions are due no later than 2:00 PM, April 2, 2018.

PROFESSIONAL CONSULTANT SERVICES REQUEST FOR PROPOSAL

AGENCY	South Carolina Department Of Transportation (SCDOT)
DESCRIPTION:	On-Call Environmental NEPA and Permitting Services
SOLICITATION NUMBER	S-232-18
ADVERTISEMENT DATE	March 12, 2018
CONTRACTS OFFICER (CO)	Wendy Hollingsworth (803) 737-0746 or Diane Stubbs (803)737-4901
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), April 2, 2018 . 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 proposal containing qualifications from all interested consulting firms experienced in providing **Environmental NEPA and Permitting Services** on an on-call basis necessary to provide support to SCDOT Staff in accordance with Federal and State laws and regulations. Requested services include but are not limited to the following Primary Objectives: (1) NEPA studies and documentation. (2) Jurisdictional determinations. (3) Public Involvement. (4) Permit submittals. (5) Development and Implementation of mitigation plans.

These services will be provided under a three (3) year statewide On-Call contract on an “as needed” basis. The SCDOT will select up to five (5) firms to provide these services, with a total maximum On-Call amount for the three (3) year period not to exceed \$10,000,000.00 to be distributed among the selected firms. Consultants will be evaluated and ranked based on their score during the selection process. Work under this on-call will be assigned based on the consultant’s qualifications for the project being assigned for an individual task order/work order. The project team should be capable of providing all services outlined above.

SCDOT will use a one-step evaluation process to select a consultant with which to execute a contract for this Project. After evaluating the submitted RFP, the Selection Committee will recommend the top-ranking firms in order to the Chief Procurement Officer (CPO). The Chief Procurement Officer (CPO) 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. Note that any Task Order, or Work Order issued under this On-Call will utilize one of the following methods of compensation: cost plus fixed fee with a contract maximum, specific rates of compensation/unit rates with a contract maximum, or lump sum.

NOTES:

1. 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.
2. SCDOT may elect to procure services similar or identical to those outlined in this RFP through small purchase programs (23 CFR 172.7), even after firms are selected for this RFP. In such cases the total contract costs will not exceed the Federal simplified acquisition threshold (48 CFR 2.101). Firms selected for this RFP will be eligible to respond to small purchase solicitations.

B. SCOPE OF SERVICE:

**National Environmental Policy Act (NEPA),
Section 404/401 of the Clean Water Act (CWA) Permitting, and Compliance
General Scope of Services**

In the development of the subject project, the CONSULTANT shall be responsible for NEPA compliance in accordance with 23 CFR Parts 771 and 772, as well as any related, current/latest guidance promulgated by Federal Highway Administration (FHWA), as of the date of executed contract. In addition the CONSULTANT shall be responsible for compliance with section 404/401 of the Clean Water Act. The below general scope of services shall be considered and referenced when scoping detailed work assignments and any associated assumptions.

TASK 1: Environmental Project Management

- A. In order to provide consistent communication and updates throughout the life of the project, status meetings will be held. It is anticipated that the CONSULTANT leads for both NEPA and Permitting will attend the project status meetings.

Assumptions:

- # of project status meetings _____
- # of consultant attendees _____
- # of hours per meeting (including meeting prep & travel) _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- # of project status meetings summaries _____

- B. Team Meetings, for environmental, will be used in order to address outstanding, complex, or sensitive issues that arise during the development of the project requiring special attention. It is anticipated that the CONSULTANT leads for both NEPA and Permitting will attend the team meetings.

Assumptions:

- # of Team Meetings _____
- # of consultant attendees _____
- # of hours per meeting (including meeting prep & travel) _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- # of team meeting summaries _____

TASK 2: Initial field surveys and project initiation

- A. ESTABLISH STUDY AREA – THE CONSULTANT SHALL DEFINE THE PROPOSED STUDY AREA TO BE UTILIZED DURING THE ENVIRONMENTAL ANALYSIS AND REVIEW. THE CONSULTANT WILL COORDINATE WITH PROJECT ENGINEERS, PROJECT MANAGERS, AND ENVIRONMENTAL STAFF TO ENSURE THAT THE STUDY AREA ENCOMPASSES PROPOSED DESIGN ALTERNATIVES TO THE EXTENT PRACTICABLE.

Assumptions:

- # of hours to establish study area _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated
-

- B. DESKTOP SURVEY - THE CONSULTANT SHALL PERFORM A DESKTOP INCLUDING BUT NOT LIMITED TO: ASSESSING READILY AVAILABLE GIS DATA (SOILS, HYDROGRAPHY, NATIONAL WETLANDS INVENTORY).

Assumptions:

- # of hours to complete desktop survey _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

- C. AGENCY MEETINGS - AS DIRECTED BY THE SCDOT, THE CONSULTANT SHALL ATTEND THE AGENCY COORDINATION EFFORT (ACE) MEETINGS TO DISCUSS THE PROJECT. IN ADDITION, AS DIRECTED BY SCDOT, THE CONSULTANT WILL SCHEDULE AN ONSITE MEETING WITH APPROPRIATE STATE AND FEDERAL AGENCIES TO REVIEW THE PROPOSED PROJECT, DISCUSS ANY PARTICULAR REGULATORY CONCERNS, AND ESTABLISH A TIMETABLE FOR ACQUISITION OF THE PERMIT. THE CONSULTANT SHALL MAKE DETERMINATION OF THE AQUATIC SIGNIFICANCE OF THE STREAM, AND CONFIRM THESE FINDINGS WITH RESOURCE AND REGULATORY AGENCY PERSONNEL.

Assumptions:

- # of ACE meetings project will be presented at _____
- # of consultants to attend ACE meeting(s) _____
- # of hours per consultant for ACE meeting (including prep & travel) _____
- # of consultant attendees for onsite agency meeting _____
- # of hours per consultant (including prep & travel) _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- # of agency meeting summaries _____

D. JURISDICTIONAL WETLANDS AND WATERS OF THE U.S. - AS REQUIRED BY THE POTENTIAL PRESENCE OF WETLANDS AND WATERS OF THE US, THE CONSULTANT SHALL DELINEATE WETLANDS AND WATERS OF THE US UTILIZING THE THREE-PARAMETER APPROACH (HYDRIC SOILS, HYDROPHYTIC VEGETATION AND WETLAND HYDROLOGY) SET FORTH IN THE 1987 USACOE WETLAND DELINEATION MANUAL. IDENTIFICATION AND MARKING OF ANY UPLAND/WETLAND BOUNDARIES WITH SEQUENTIALLY NUMBERED FLAGS. ADDITIONALLY, USING SUB-METER GPS OR SURVEY DATA, THE CONSULTANT WILL PLOT THE WETLAND BOUNDARIES ON BOTH A SURVEYED MAP (IN A MANNER CONSISTENT WITH SCDOT ROAD DESIGN CUSTOM LINE STYLE FOR WETLANDS AND OTHER WATERS OF THE U.S.), AND A DIGITAL ORTHO QUAD OR OTHER ACCEPTABLE AERIAL PHOTOGRAPHY BASED DIGITAL IMAGE. WITHIN 2 WEEKS OF COMPLETION OF THE DELINEATION, THE CONSULTANT SHALL PROVIDE AN ELECTRONIC COPY OF THE JURISDICTIONAL BOUNDARY IN STATE PLAN COORDINATE SYSTEM TO SCDOT ENVIRONMENTAL OFFICE.

Assumptions:

- # of consultants attendees for delineation _____
- # of hours per consultant (including prep & travel) _____
- # of field days _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- Electronic Microstation file

E. JURISDICTIONAL DETERMINATION - THE CONSULTANT SHALL PROVIDE AN ASSESSMENT AND DOCUMENTATION OF SITE CONDITIONS AS TO THE PRESENCE AND/OR ABSENCE OF JURISDICTIONAL AREAS. IF JURISDICTIONAL WATERS OF THE U.S. ARE IDENTIFIED AND ARE BEING IMPACTED BY THE PROJECT, THEN THE CONSULTANT WILL PREPARE AND SUBMIT A REQUEST FOR JURISDICTIONAL DETERMINATION (JD) PACKAGE TO THE SCDOT ENVIRONMENTAL OFFICE FOR REVIEW AND SUBSEQUENT SUBMITTAL TO THE UNITED STATES ARMY CORPS OF ENGINEERS (USACE). THE JD REQUEST IS TO INCLUDE ALL NECESSARY DOCUMENTATION FOR USACE APPROVAL. THE JD REQUEST PACKAGE WILL INCLUDE THE PROJECT SITE LOCATION FIGURES (COUNTY MAP, USGS TOPOGRAPHY MAP, AND NRCS SOIL SURVEY MAP), AND AERIAL PHOTOGRAPHY FIGURE DEPICTING THE SURVEYED JURISDICTIONAL BOUNDARIES OF WATERS OF THE U.S. INCLUDING TIDALLY INFLUENCED WATERS AND ANY FRESHWATER WETLANDS. OTHER ITEMS TO BE PREPARED AND SUBMITTED WITH THE JD REQUEST PACKAGE WILL INCLUDE REPRESENTATIVE PHOTOGRAPHS OF EACH WETLAND AREA OR WETLAND TYPES DELINEATED WITHIN THE PROJECT STUDY AREA AND WETLAND DETERMINATION DATA FORMS OF EACH WETLAND AREA AND THE ADJACENT UPLAND.*

Assumptions:

- # of hours to complete jurisdictional determination _____
- No overnight stays or direct costs required

Deliverables:

- Request for Jurisdictional Determination (JD) package

TASK 3: Environmental Analysis and Review

A. IF AN ENVIRONMENTAL ASSESSMENT IS REQUIRED, THE CONSULTANT SHALL PREPARE A LETTER OF INTENT (LOI) AND MAP OF THE STUDY AREA IN THE STYLE/FORMAT OF AN EXAMPLE LOI, TO BE FURNISHED BY SCDOT AND, FOLLOWING SCDOT APPROVAL OF THE LOI, DISSEMINATE THE LOI TO THE APPROPRIATE PERSONS/ENTITIES, AS OUTLINED IN 23 CFR PART 771, TOGETHER WITH ADDITIONAL PERSONS/ENTITIES AS DIRECTED BY SCDOT, AND PROVIDE COPIES OF THE CORRESPONDENCE TO SCDOT.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- Electronic MSWord file of LOI

B. LAND USE - THE CONSULTANT WILL INCLUDE A DISCUSSION OF THE EXISTING LAND USES WITHIN THE PROJECT STUDY AREA AND ANY FUTURE LAND USE PLANS FOR THE AREA.

Assumptions:

- # of hours to complete _____
- Direct costs assumed (mileage or per diem) _____
- No overnight stays required

Deliverables:

- No specific deliverables anticipated

C. FARMLANDS – CONSULTANT WILL INCLUDE A DISCUSSION OF FARMLAND IMPACTS, INCLUDING A DETERMINATION OF THE PRESENCE OF PRIME OR UNIQUE FARMLANDS OR FARMLANDS WITH STATEWIDE IMPORTANCE. COORDINATION WITH THE NRCS, INCLUDING COMPLETION OF FORM AD-1006, AND REVIEW OF THE ALTERNATIVES PURSUANT TO THE FARMLAND ACT WILL BE COMPLETED.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- Form AD-1006 for environmental document appendix

D. CULTURAL RESOURCES (HISTORICAL, ARCHAEOLOGICAL) – INVESTIGATIONS SHALL BE CONDUCTED AS REQUIRED. CULTURAL RESOURCE REPORTS WILL COMPLY WITH STATE AND FEDERAL REQUIREMENTS. HOWEVER, WITH FINDINGS OF UP TO FIVE NON-SIGNIFICANT SITES, A FORM REPORT FORMAT (PROVIDED BY SCDOT) WILL BE UTILIZED. ALL SHPO COORDINATION SHALL OCCUR THROUGH SCDOT.

Assumptions:

- # of consultants attendees for field investigations _____
- Type of report anticipated (short form or full report) _____
- # of field days _____
- # of hours to complete documentation _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- Electronic PDF Version of Cultural Resource Report
- # of hard copies of Cultural Resource Reports _____

E. SECTION 4(F) / 6(F) - CONSULTANT SHALL IDENTIFY PROPERTIES WITHIN THE PROJECT CORRIDOR THAT ARE PROTECTED UNDER SECTION 4(F) OR SECTION 6(F) AND THE IMPACTS OF THE PROJECT ON THE RESOURCE(S). IF NECESSARY, A DRAFT AND FINAL SECTION 4(F) EVALUATION AND/OR DE MINIMUS/PROGRAMMATIC 4(F) SHALL BE PREPARED.

Assumptions:

- # of consultants attendees for field investigations _____
- Type of 4(f) evaluation _____
- # of field days _____

- # of hours to complete documentation _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- Electronic PDF Version of Draft, Final Section 4(f) and/or programmatic 4(f)
- # of hard copies of Draft Section 4(f) and/or programmatic 4(f) _____
- # of hard copies of Final Section 4(f) and/or programmatic 4(f) _____

F. PARKS AND RECREATIONAL AREAS – CONSULTANT SHALL IDENTIFY THESE AREAS WITHIN THE PROJECT AREA AND THE IMPACTS OF THE PROJECT ON THE RESOURCE(S).

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

G. SOCIAL AND ECONOMIC - CONSULTANT SHALL DEVELOP A DESCRIPTION OF THE EXISTING DEMOGRAPHIC, SOCIAL, AND LAND USE CONDITIONS.

Assumptions:

- # of hours to complete _____
- Direct costs assumed (mileage or per diem) _____
- No overnight stays required

Deliverables:

- No specific deliverables anticipated

H. DISPLACEMENTS – CONSULTANT WILL PERFORM A RELOCATION STUDY TO IDENTIFY ALL POTENTIAL BUSINESS AND RESIDENTIAL RELOCATIONS THAT WILL OCCUR AS A RESULT OF THE PROJECT

Assumptions:

- # of hours to complete _____
- Direct costs assumed (mileage or per diem) _____
- No overnight stays or direct costs required

Deliverables:

- Electronic PDF Version of Relocation Study
- # of hard copies of Relocation Study _____

I. ENVIRONMENTAL JUSTICE - CONSULTANT SHALL IDENTIFY ANY LOW-INCOME AND/OR MINORITY AREAS WITHIN THE GENERAL PROJECT AREA, USING US CENSUS DATA AND DETERMINE IF THERE ARE POTENTIALLY DISPROPORTIONATELY HIGH AND ADVERSE EFFECTS ON THESE POPULATION AS A RESULT OF THE PROJECT.

Assumptions:

- # of hours to complete _____
- Direct costs assumed (mileage or per diem) _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

J. NOISE - THE CONSULTANT SHALL PERFORM NOISE ANALYSES ACCORDING TO 23 CFR PART 772 AND THE SCDOT TRAFFIC NOISE ABATEMENT POLICY. IN ACCORDANCE WITH THE SCDOT TRAFFIC NOISE ABATEMENT POLICY THE CONSULTANT WILL UTILIZE THE

LATEST SOFTWARE SPECIFIED BY THE FHWA, IDENTIFY SENSITIVE RECEIVERS IN THE PROJECT CORRIDOR, MEASURE EXISTING NOISE LEVELS AND PREDICT FUTURE NOISE LEVELS FOR ALL BUILD ALTERNATIVES UNDER CONSIDERATION IN NEPA DOCUMENT. THIS INCLUDES ALL REASONABLE ALTERNATIVES, BUT NOT ALTERNATIVES REJECTED FOR DETAILED ANALYSIS BECAUSE THEY ARE NOT REASONABLE. THE PRELIMINARY NOISE ANALYSIS WILL MODEL THE MOST CONSERVATIVE NOISE ENVIRONMENT TO DETERMINE THE FEASIBILITY AND REASONABILITY OF NOISE ABATEMENT FOR ANY NOISE IMPACTS. IF NOISE ABATEMENT IS DETERMINED TO BE NEEDED, THE CONSULTANT SHALL CONSIDER THE FOLLOWING NOISE ABATEMENT MEASURES AS A MEANS TO REDUCE OR ELIMINATE THE TRAFFIC NOISE IMPACTS.

1. No Build.
2. Changing the project's horizontal and vertical alignment
3. Traffic control measures
 - i. Traffic control devices
 - ii. Signing for prohibition of certain vehicle types
 - iii. Time-use restrictions for certain vehicle types
 - iv. Modified speed limits
 - v. Exclusive lane designations
4. Construction of a noise barrier, either an earthen berm or freestanding wall

Once a preferred alternative is recommended, the Consultant shall complete a detailed noise analysis for any noise abatement that was determined feasible and reasonable during the preliminary noise analysis.

If a noise barrier is determined to be feasible and reasonable based on the detailed noise analysis, then a detailed noise barrier analysis will be completed. If applicable, the Consultant shall be responsible for holding a public involvement meeting to solicit viewpoints from the benefitted receptors.

The Consultant will be responsible for preparing a complete noise analysis document in accordance with the SCDOT Traffic Noise Abatement Policy. The documentation should clearly describe each alternative under study and detail the adjacent land uses. The report shall be formatted into the following general sections:

1. Executive Summary – Not necessary for reports less than 10 pages in length.
2. Table of Contents - Not necessary for reports less than 10 pages in length.
3. Introduction and Project Information
4. Methodology and Assumptions
5. Traffic Noise Impacts
6. Consideration of Abatement
7. Construction Noise
8. Coordination with Local Officials
9. Appendices

Assumptions:

- # of hours to complete noise monitoring (including prep & travel time) _____
- # of hours to create and run noise model on reasonable _____
- # of hours to revise and run noise model on preferred _____
- # of hours to prepare noise report _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

- # of public noise meetings _____
- # of consultant attendees per meeting _____
- # of displays per meeting/hearing _____

- # of handouts per meeting/hearing _____
- #of comment form per meeting/hearing _____
- # of sign-in forms per meeting/hearing _____
- Direct costs per meeting (mileage, airfare, per diem) _____
- Direct costs for printing _____
- Direct cost for police presence per meeting _____
- # overnight stays per meeting _____

Deliverables:

- Electronic PDF Version of Noise Study
- # of hard copies of Noise Study _____
- Electronic Traffic Noise Model (TNM) files

K. AIR QUALITY – THE CONSULTANT SHALL PROVIDE A DISCUSSION REGARDING THE OVERALL EFFECTS OF THE PROJECT ON AIR QUALITY, AND INDICATE THE ATTAINMENT OR NON-ATTAINMENT STATUS OF THE COUNTY OF THE ROADWAY IS TO BE IMPROVED OR CONSTRUCTED. IN ADDITION TO THE CRITERIA POLLUTANTS, THE CONSULTANT WILL ALSO DISCUSS THE MOBILE SOURCE AIR TOXICS (MSATS) IN A QUALITATIVE ANALYSIS. IF THE PROJECTED DESIGN YEAR TRAFFIC IS GREATER THAN 140,000 ADT THEN A QUANTITATIVE ANALYSIS MAY BE REQUIRED. FOR ROADWAY IMPROVEMENTS INVOLVING ADDITIONAL CAPACITY, THE CONSULTANT SHALL CONSULT WITH SCDOT REGARDING THE PARTICULAR SCOPE OF WORK INVOLVED IN COMPLETING THIS SECTION.

Assumptions:

- # of hours to complete _____
- Direct costs assumed (mileage or per diem) _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

L. HAZARDOUS WASTE AND UNDERGROUND STORAGE TANKS – IN ASSESSING THE ENVIRONMENTAL LIABILITIES ASSOCIATED WITH THE PROPOSED NEW RIGHT OF WAY, THE CONSULTANT SHALL COMPLETE THE APPROPRIATE / APPLICABLE ELEMENTS OF A PHASE I ENVIRONMENTAL SITE ASSESSMENT (ASTM 1527), OR, IF NECESSARY, UP TO ALL APPROPRIATE INQUIRY (AAI) PURSUANT TO 40 CFR PART 312.

Assumptions:

- # of hours to complete _____
- Direct costs assumed (mileage or per diem) _____
- No overnight stays or direct costs required

Deliverables:

- Electronic PDF Version of Phase I
- # of hard copies of Phase I _____

M. WETLANDS / WATER QUALITY – FOLLOWING COMPLETION OF TASK 1, THE CONSULTANT SHALL QUANTIFY THE ANTICIPATED IMPACTS TO WATERS OF THE U.S., AND PROVIDE A QUALITATIVE DISCUSSION REGARDING THE TYPES OF STREAMS, WETLANDS, AND OTHER WATERS OF THE U.S. BEING IMPACTED IN THE CONTEXT OF THE ADJACENT AND SURROUNDING WATERS OF THE U.S., INCLUDING PROXIMITY OF 303(D), TMDL, ORW, TIDAL, AND SHELLFISH BEDS. IF THE PROJECT WOULD BE CONSTRUCTED IN THE VICINITY OF 303(D), TMDL, ORW, TIDAL, AND SHELLFISH BEDS, THEN STORMWATER CONTROL MEASURES, BOTH DURING CONSTRUCTION AND POST-CONSTRUCTION WOULD BE REQUIRED IN ACCORDANCE WITH THE SCDOT’S MS4 PERMIT. THE CONSULTANT SHALL ALSO INCLUDE A DISCUSSION REGARDING THE OVERALL EFFECTS TO WATER QUALITY.

Assumptions:

- # of hours to complete _____

- Direct costs accounted for in Task 2

Deliverables:

- No specific deliverables anticipated

N. THREATENED & ENDANGERED SPECIES SURVEY - CONSULTANT WILL PERFORM AN INVESTIGATION FOR FEDERALLY LISTED THREATENED OR ENDANGERED SPECIES/HABITAT EVALUATION DURING THE U.S. FISH AND WILDLIFE SERVICE'S OPTIMAL SURVEY WINDOWS FOR THE SPECIFIC SPECIES. THE RESULTS OF THE INVESTIGATION WILL BE INCORPORATED INTO THE ENVIRONMENTAL DOCUMENT, GENERALLY ONLY A BIOLOGICAL ASSESSMENT (BA) FOR THREATENED AND ENDANGERED SPECIES IF THE DOCUMENT IS A CE AND/OR A NATURAL RESOURCE TECHNICAL MEMORANDUM (NRTM) IF THE DOCUMENT IS AN EA. THE CONSULTANT SHALL COMPLY WITH SECTION 7 OF THE ENDANGERED SPECIES ACT, AND PROVIDE THE APPROPRIATE REPORTS TO THE SCDOT. IF INFORMAL CONSULTATION WITH THE USFWS IS REQUIRED, SCDOT SHALL BE RESPONSIBLE FOR PERFORMING THIS PART OF THE PROJECT DEVELOPMENT PROCESS ON BEHALF OF SCDOT. ANY CONCESSIONS IN EITHER THE SCOPE OF WORK OR CONSTRUCTION ACTIVITIES OR MITIGATION MEASURES WILL REQUIRE PRIOR SCDOT APPROVAL, AND ONCE APPROVED BY USFWS, SHALL BE INCLUDED AS AN ENVIRONMENTAL COMMITMENT IN THE ENVIRONMENTAL DOCUMENT. ANY CORRESPONDENCE OR COMMUNICATION WITH USFWS MUST RECEIVE PRIOR APPROVAL BY SCDOT. IF FORMAL CONSULTATION IS REQUIRED, FHWA WILL INITIATE AND HANDLE, BUT THE CONSULTANT WILL BE REQUIRED TO PROVIDE SUPPLEMENTAL INFORMATION. IF A CLEAN WATER ACT (CWA) SECTION 404/401 PERMIT IS REQUIRED, THE CONSULTANT SHALL INCLUDE A SEPARATE BIOLOGICAL ASSESSMENT REPORT REGARDING THE PROJECT EFFECTS ON ANY STATE RECOGNIZED RARE, THREATENED, OR ENDANGERED SPECIES.

Assumptions:

- BA or NRTM will be completed _____
- # of consultants attendees _____
- # of hours per consultant (including prep & travel) _____
- # of field days _____
- # of hours to complete BA or NRTM _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- Electronic PDF Version of BA or NRTM
- # of hard copies of BA or NRTM _____

O. NORTHERN LONG EARED BAT - IF THE PROPOSED PROJECT IS LOCATED WITHIN THE WHITE NOSE SYNDROME ZONE THEN THE CONSULTANT WILL PROVIDE ESO'S NLEB COORDINATOR WITH PROJECT INFORMATION AND PROPOSED LOCATION. NLEB'S WHITE ZONE SYNDROME ZONE IS INCLUSIVE OF ABBEVILLE, ANDERSON, CHEROKEE, GREENVILLE, LAURENS, OCONEE, PICKENS, SPARTANBURG, UNION AND YORK COUNTIES. ESO'S NLEB COORDINATOR WILL PROVIDE CONSULTANT WITH PROJECT SUBMITTAL FORM DOCUMENTING RESULTS.

Assumptions:

- # of hours to complete _____

Deliverables:

- Electronic versions of project information and maps

P. CAROLINA HEELSPLITTER – IF THE PROPOSED PROJECT IS LOCATED WITHIN THE SLATE BELT REGION OF SOUTH CAROLINA THEN THE CONSULTANT WILL DETERMINE IF THERE IS SUITABLE HABITAT FOR THE SPECIES. THE SLATE BELT REGION OF SOUTH CAROLINA IS DEFINED AS PORTIONS OF CHESTER, CHESTERFIELD, LANCASTER, KERSHAW, FAIRFIELD,

RICHLAND, NEWBERRY, LEXINGTON, SALUDA, GREENWOOD, EDGEFIELD, OR MCCORMICK COUNTIES. IF SUITABLE HABITAT IS IDENTIFIED IN THE PROJECT STUDY AREA, THEN THE CONSULTANT WILL PERFORM AN IN-WATER SURVEY.

Assumptions:

- # of hours to complete _____

Deliverables:

- Electronic versions of finds from in-water survey

- Q. ESSENTIAL FISH HABITAT – IN ACCORDANCE WITH MAGNUSON-STEVEN'S FISHERY CONSERVATION AND MANAGEMENT ACT, FHWA MUST CONSULT WITH NMFS ON ALL PROJECTS THAT MAY ADVERSELY AFFECT ESSENTIAL FISH HABITAT (EFH). EFH IS PRESENT WITHIN ALL TIDALLY INFLUENCED WATERS (SALT OR TIDAL FRESH) WITHIN SOUTH CAROLINA'S EIGHT COASTAL COUNTIES. IF THE POTENTIAL ADVERSE IMPACTS TO EFH ARE ANTICIPATED FROM THE PROJECT, AN EFH SURVEY TEMPLATE FORM MUST BE COMPLETED. FOR PROJECTS THAT MAY REQUIRE AN INDIVIDUAL PERMIT, A MORE DETAILED EFH ASSESSMENT DOCUMENT MAY BE RECOMMENDED. PLEASE REFER TO SCDOT'S EFH ASSESSMENT PROCESS FOR NECESSARY COMPONENTS OF THE EFH SURVEY TEMPLATE & ASSESSMENT. CONSULTANT WILL PROVIDE EFH SURVEY TEMPLATE OR ASSESSMENT TO SCDOT, WHO WILL INITIATE COORDINATION WITH NOAA-NMFS ON BEHALF OF FHWA.

Assumptions:

- # of hours to complete EFH Survey Template or Assessment _____

Deliverables:

- Electronic PDF Version of EFH Survey Template or Assessment
- # of hard copies of EFH Survey Template or Assessment _____

- R. MIGRATORY BIRDS - THE FEDERAL MIGRATORY BIRD TREATY ACT, 16 USC § 703-711, STATES THAT IT IS UNLAWFUL TO PURSUE, HUNT, TAKE, CAPTURE OR KILL; ATTEMPT TO TAKE, CAPTURE OR KILL; POSSESS, OFFER TO OR SELL, BARTER, PURCHASE, DELIVER OR CAUSE TO BE SHIPPED, EXPORTED, IMPORTED, TRANSPORTED, CARRIED OR RECEIVED ANY MIGRATORY BIRD, PART, NEST, EGG OR PRODUCT, MANUFACTURED OR NOT.

The Department will comply with the Migratory Bird Treaty Act of 1918 in regard to the avoidance of taking of individual migratory birds and the destruction of their active nests. The CONSULTANT will assess the study area for the presence of Migratory Birds. It should be noted in the environmental document as a commitment if there is a potential for migratory bird impacts and measures can be taken to prevent birds from nesting, such as screens, and deterrents etc.

Assumptions:

- # of hours to complete _____

Deliverables:

- No specific deliverables anticipated

- S. FLOODPLAINS – BASED ON THE RESULTS OF A HYDRAULIC DESIGN STUDY PERFORMED ACCORDING TO SCDOT GUIDELINES FOR HYDRAULIC DESIGN STUDIES THE FOLLOWING STATEMENTS SHOULD BE INCLUDED IN THE ENVIRONMENTAL DOCUMENT WHERE APPLICABLE: REGARDING FEMA DESIGNATED FLOODWAYS, THE CONSULTANT SHALL INCLUDE EITHER A 'NO EFFECT' STATEMENT OR A 'CONDITIONAL LETTER OF MAP REVISION;' OTHERWISE THE CONSULTANT SHALL INCLUDE A STATEMENT THAT "BASED ON THE HYDRAULIC ANALYSIS OF THE PRE-CONSTRUCTION AND POST-CONSTRUCTION DISCHARGES, THE PLANNED ROADWAY IMPROVEMENTS WILL HAVE NO SIGNIFICANT IMPACT ON EITHER FLOOD ELEVATIONS OR FLOOD WIDTHS." A FLOODPLAIN CHECKLIST WILL BE COMPLETED AND INCLUDED AS AN APPENDIX TO THE ENVIRONMENTAL

DOCUMENT. FOR ALL BRIDGE REPLACEMENT PROJECTS, A QUALIFIED HYDRAULIC ENGINEER WILL COMPLETE THE BRIDGE REPLACEMENT SCOPING TRIP RISK ASSESSMENT FORM. THE RESULTS OF THE ASSESSMENT WILL BE SUMMARIZED IN THE NEPA DOCUMENT AND THE COMPLETED ASSESSMENT FORM WILL BE ATTACHED AS AN APPENDIX.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- Floodplain checklist or Electronic PDF Version of Bridge Replacement Scoping Trip Risk Assessment Form in appendix of environmental document.

T. INDIRECT AND CUMULATIVE IMPACTS - THE CONSULTANT SHALL USE THE 8-STEP PROCESS PROVIDED BY GUIDANCE FROM NCHRP AND CEQ FOR EVALUATING POTENTIAL INDIRECT AND CUMULATED IMPACTS. THE CONSULTANT SHALL CONSULT WITH SCDOT REGARDING THE PARTICULAR SCOPE OF WORK INVOLVED IN COMPLETING THIS SECTION.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

U. 404(B)(1) GUIDELINES - THE CONSULTANT IS TO APPLY THE SECTION 404(B)(1) GUIDELINES IN THE ENVIRONMENTAL REVIEW PROCESS. DURING THE SCREENING PROCESS OF EVALUATING ALTERNATIVES THE CONSULTANT IS TO USE AND DOCUMENT HOW THE 404(B)(1) GUIDELINES ARE USED IN THE SELECTION OF THE PREFERRED ALTERNATIVE. THIS INFORMATION IS TO BE INCLUDED IN BOTH THE NEPA DOCUMENT AND THE 404 PERMIT APPLICATIONS.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

V. PUBLIC INTEREST REVIEW FACTORS - THE CONSULTANT SHOULD EVALUATE THE PREFERRED ALTERNATIVE USING ALL THE USACE PUBLIC INTEREST REVIEW FACTORS. THE DETAIL EVALUATION SHOULD BE INCLUDED IN BOTH THE NEPA AND 404 PERMIT APPLICATIONS.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

Task 4: Public Involvement

The CONSULTANT shall be responsible for developing a public involvement plan and coordinating public involvement activities associated with the project with the NEPA Coordinator. The necessary level of public involvement will be determined on a project-by-project basis in coordination with the Program Manager and NEPA Coordinator. If a public information meeting or a public hearing is needed, the

CONSULTANT shall be responsible for conducting the meetings in accordance with the SCDOT Public Involvement Policy. Tasks may include:

- A. THE CONSULTANT SHALL BE RESPONSIBLE FOR DEVELOPING A PUBLIC INVOLVEMENT PLAN TO EFFECTIVELY INVOLVE THE PUBLIC IN THE PROJECT'S DECISION-MAKING PROCESS AS OUTLINED IN SCDOT'S PUBLIC INVOLVEMENT POLICY. PUBLIC INVOLVEMENT PLANS RANGE FROM INFORMAL DESCRIPTIONS OF PROPOSED PUBLIC INVOLVEMENT ACTIVITIES TO FORMAL WRITTEN PLANS THAT GO INTO GREATER DETAIL REGARDING THE SCHEDULE AND TIMING OF VARIOUS PUBLIC INVOLVEMENT STRATEGIES. FORMAL PUBLIC INVOLVEMENT PLANS SHOULD BE DEVELOPED FOR ALL PROJECTS THAT ARE PROCESSED AS ENVIRONMENTAL ASSESSMENTS (EA) OR ENVIRONMENTAL IMPACT STATEMENTS (EIS).

Assumptions:

- # of hours to develop public involvement plan _____
- Hotline
- Online Meeting
- Mailers
- Website
- Social Media
- Paid Ads
- Other

Deliverables:

- Electronic version public involvement plan
- Hotline
- Online Meeting
- Mailers
- Website
- Social Media
- Paid Ads
- Other

- B. CONSULTANT SHALL COORDINATE THE DATE AND LOCATION OF THE MEETING WITH SCDOT PERSONNEL AND WILL PREPARE THE NEWSPAPER AD FOR THE PUBLIC NOTICE. CONSULTANT SHALL PROVIDE SECURITY GUARDS FROM LOCAL LAW ENFORCEMENT AGENCIES OR PRIVATE SECURITY FIRMS FOR ALL PUBLIC MEETINGS.

Assumptions:

- # of Public Information Meetings & Public Hearings _____
- # of hours to complete coordination per meeting _____
- Direct costs to visit venue per meeting (mileage or per diem) _____
- Newspaper ad(s) will be published by SCDOT
- No overnight stays required

Deliverables:

- Electronic version of newspaper ad

- C. CONSULTANT shall prepare any and all related public hearing materials, (deliverables would include displays, handouts, comment forms, sign-in sheets and public hearing booklets). The information contained in the public hearing booklet will be consistent with the information contained within the environmental document. CONSULTANT shall provide draft copies of all materials to be used in public meetings or hearings to SCDOT and FHWA for review a minimum of 10 business days prior to printing. CONSULTANT will coordinate to have a police presence at the public hearing and the court reporter.

Assumptions:

- # of Public Information Meetings & Public Hearings _____

- # of consultant attendees per meeting _____
- # of displays per meeting/hearing _____
- # of handouts per meeting/hearing _____
- #of comment form per meeting/hearing _____
- # of sign-in forms per meeting/hearing _____
- # of public hearing booklets per hearing _____
- Direct costs per meeting (mileage, airfare, per diem) _____
- Direct costs for printing _____
- Direct cost for court reporter at Public Hearing _____
- Direct cost for police presence per meeting _____
- No overnight stays required

Deliverables:

- Electronic version of displays, handouts, comment forms, sign-in forms, and public hearing booklet.

- D. CONSULTANT shall prepare responses to each comment received as a result of a public information meeting or public hearing and/or the public availability of the environmental document for SCDOT to review and distribute.

Assumptions:

- # of Public Information Meetings & Public Hearings _____
- # of comments received per meeting _____
- # of hours to respond to each comment _____
- Direct cost for printing and mailing per comment _____
- No overnight stays required

- E. The CONSULTANT shall also prepare a public hearing certification according to 23 CFR Part 771 using the format specified by SCDOT.

Assumptions:

- # of hours to complete per public hearing _____
- No overnight stays or direct costs required

Deliverables:

- Electronic version of public hearing certification package

TASK 5: Environmental Documentation

The CONSULTANT shall address the following:

- A. Environmental Commitment Form – CONSULTANT will complete an Environmental Commitment Form and include it in the front of the Environmental Documentation. CONSULANT will utilize standard commitment language provided in the Environmental Commitment From template. If a non-standard commitment is required, CONSULTANT will provide draft language to SCDOT for review and approval.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- Electronic version of Environmental Commitment Form

- B. Purpose and Need - CONSULTANT will outline background that led to initiation of proposed action. A description of the need for the action, along with specific components (i.e. goals, objectives, benefits to be gained by the public, etc.) will be included.

1. Existing Facility - CONSULTANT will prepare description of existing roadway characteristics, safety conditions, Level of Service (LOS), etc.
2. Proposed Facility - CONSULTANT will prepare description of proposed the roadway facility/improvements, anticipated LOS, logical termini, etc.
3. Reasonable Availability of Funding - In accordance with the supplemental guidance provided by FHWA on February 9, 2011, the environmental document will include an explanation of how the project is consistent with the Long Range Statewide Transportation Plan or the Transportation Improvement Program. The environmental document will also include how the project would be funded through completion and reference The Statewide Transportation Improvement Program. The CONSULTANT will refer to the document entitled *Supplement to January 28, 2008 "Transportation Planning Requirements and Their Relationship to NEPA Process Completion"* for further guidance.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

- C. Alternatives - CONSULTANT will complete a rigorous alternatives analysis, including a discussion of all alternatives considered and a detailed discussion of reasonable alternatives considered and basis of elimination. Throughout the project development process, from preliminary design through the development of right-of-way plans, the CONSULTANT shall record of any decisions regarding alternatives, and the CONSULTANT shall provide such records to SCDOT Environmental Section at the time that the environmental document is submitted for their review and approval. For Environmental Assessments, an alternatives matrix should be prepared.

1. No-build

2. Transportation system management

3. Build Alterations

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

- D. Existing Conditions and Environmental Consequences - CONSULTANT shall prepare this portion of the document. It will describe the existing conditions within the vicinity of the proposed project and evaluate the environmental impacts associated with implementation of the Build Alternative and the No-build Alternative for the categories outlined in FHWA Technical Advisory T6640.8A, as well as environmental justice and indirect and cumulative impacts.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

- E. Agency and Public Involvement - CONSULTANT shall outline any interagency and/or public involvement activities that occur during the project development process.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

- F. Documentation Delivery – CONSULTANT will provide SCDOT with copies of the DRAFT Environmental Document and the FINAL Environmental Document with all appendices and associated background information.

Assumptions:

- # of hours to complete delivery of DRAFT _____
- # of hours to complete delivery of FINAL _____
- Direct costs for printing _____

Deliverables:

- Electronic version of DRAFT
- # of hard copies of the DRAFT _____
- Electronic version of FINAL
- # of hard copies of the FINAL _____

- G. QA/QC of Environmental Document – CONSULTANT will follow ESO's QA/QC Guidance and complete required reviews of the environmental document.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- QA/QC review checklist

TASK 6: Permit Acquisition (*Applies to: Individual 404/401 Permit, SCDOT/Chas. Dist. Corps of Engineers General Permit #2015-1280 thru 1286 Authorization, Critical Area Permits, Navigational Permits. Nationwide Permits*)

PREPARATION AND SUBMITTAL OF A CLEAN WATER ACT SECTION 404/401 APPLICATION - IF A CLEAN WATER ACT SECTION 404/401 PERMIT IS APPLICABLE, THEN THE CONSULTANT SHALL PREPARE THE 404/401 PERMIT APPLICATION IN THE FORMAT SPECIFIED BY THE CHARLESTON DISTRICT CORPS OF ENGINEERS. THE CONSULTANT IS RESPONSIBLE FOR SECURING ALL PERMITS/CERTIFICATIONS INVOLVED WITH ACQUIRING AN APPROVED USACE TO INCLUDE BUT NOT LIMITED COASTAL ZONE CONSISTENCY (CZC), CRITICAL AREA PERMIT (CAP), NAVIGATIONAL WATERS, & 401 WATER QUALITY CERTIFICATION. IN THE COMPLETED APPLICATION, THE CONSULTANT SHALL DOCUMENT ALL PROPOSED IMPACTS TO WATERS OF THE U.S.

- A. PREPARATION OF DRAWINGS AND MAPS - AS PART OF THE CLEAN WATER ACT SECTION 404/401 PERMIT APPLICATION PACKAGE, THE CONSULTANT SHALL SUBMIT DRAWINGS DEPICTING THE PROPOSED JURISDICTIONAL IMPACTS TO WATERS OF THE U.S. ON THE SUBJECT PROPERTY THE CONSULTANT SHALL INCLUDE THE SURVEYED OR MEASURED BOUNDARIES OF JURISDICTIONAL WATERS TO ESTABLISH THE PROPOSED JURISDICTIONAL IMPACTS. THE CONSULTANT IS TO ENSURE ALL WATERS OF THE US CALLED OUT IN THE PROJECT JD ARE IDENTIFIED IN THE PERMIT APPLICATION; EVEN IF NO IMPACT.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- Electronic version of drawings and maps

- # number of hard copies of drawings and maps

B. USACE PRE-APPLICATION MEETING - THE CONSULTANT AND ESO WILL MEET WITH USACE PRIOR TO SUBMITTAL OF ANY INDIVIDUAL PERMIT APPLICATION. THE MEETING WILL BE SCHEDULED BY ESO AND WILL BE USED TO ENSURE THE PERMIT APPLICATION IS COMPLETE. ADDITIONALLY, THE CONSULTANT WILL ADDRESS ALL DEFICIENCIES IN THE APPLICATION PRIOR TO PERMIT SUBMITTAL TO USACE. FOR OTHER USACE PERMITS (GPS AND NWPS) THE APPLICATION WILL BE WITH ESO STAFF AND THE CONSULTANT WILL ADDRESS ALL DEFIES IDENTIFIED BY ESO STAFF PRIOR TO SUBMITTAL TO USACE.

Assumptions:

- # of consultant attendees _____
- # of hours per meeting (including meeting prep & travel) _____
- # of meetings _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- Meeting summary of pre-application meeting.

C. NEGOTIATIONS AND PERMIT ACQUISITION - THE CONSULTANT WILL WORK WITH FEDERAL, STATE AND LOCAL REPRESENTATIVES THROUGHOUT THE COURSE OF THE PERMIT APPLICATION PROCESS, AND COORDINATE THE SUBMISSION OF ANY ADDITIONAL INFORMATION AS REQUESTED BY THE RESPECTIVE AGENCIES IN ORDER TO FACILITATE PERMIT ACQUISITION. IF REQUESTED, THE CONSULTANT WILL PROVIDE A TOUR OF THE PROJECT CORRIDOR FOR REPRESENTATIVES OF THE REGULATORY AND COMMENTING AGENCIES.

Assumptions:

- # of hours to complete coordination _____
- # of project corridor tours _____
- # of consultant attendees _____
- # of hours per meeting (including meeting prep & travel) _____
- # overnight stays required _____
- Direct costs assumed (mileage, airfare, per diem) _____

Deliverables:

- Meeting summary of project corridor tour.

The CONSULTANT shall also furnish supplemental information in support of the Section 404/401 permit application, or SCDOT's Corps General Permit authorization request (e.g., NEPA, Cultural resource review, Threatened & Endangered Species Report, clarification, additional information or responses to comments, etc.). The CONSULTANT will also prepare the appropriate responses to agency or public comments received as a result of the public notice or from the dissemination of a General Permit authorization request, as directed by the SCDOT ESO.

Assumptions:

- # of agency or public comments received _____
- # of hours to respond to each comment _____
- Direct cost for printing and mailing per comment _____
- No overnight stays required

Deliverables:

- Electronic copies of supplemental information to support permit application
- # hard copies of supplemental information to support permit application _____

D. COMPENSATORY MITIGATION PLAN - IN ACCORDANCE WITH REGULATORY REQUIREMENTS, THE CONSULTANT WILL DEVELOP A CONCEPTUAL MITIGATION PLAN AND SUBMIT IT AS PART OF THE APPLICATION PACKAGE. THE CONSULTANT WILL FIRST DETERMINE IF CREDITS ARE AVAILABLE AT AN APPROVED MITIGATION BANK AND IF NOT, WILL DEVELOP A CONCEPTUAL MITIGATION PLAN FOR SUBMITTAL AND APPROVAL BASED ON TASK 7.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- Electronic copies of compensatory mitigation plan
- # hard copies of compensatory mitigation plan _____

E. CRITICAL AREA PERMITS - IF A CRITICAL AREA PERMIT IS REQUIRED FOR THE SUBJECT PROJECT (I.E., WHEN IMPACTS ARE TO TIDAL AREAS ALONG SC COAST OR A CRITICAL AREA PERMIT IS BEING SOUGHT IN CONJUNCTION WITH A NATIONWIDE PERMIT, GENERAL PERMIT, OR INDIVIDUAL 404 CORPS PERMIT), THEN THE CONSULTANT SHALL PREPARE AN APPLICATION ACCORDING TO THE LATEST GUIDANCE PROMULGATED BY THE SCDHEC OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT (DHEC-OCRM). THE CONSULTANT SHALL ALSO FURNISH ALL SUPPLEMENTAL INFORMATION IN SUPPORT OF THE APPLICATION (E.G., CRITICAL LINE VERIFICATION, PLAT STAMPED BY PROFESSIONAL LAND SURVEYOR SHOWING APPROVED OCRM CRITICAL LINE, CLARIFICATION, ADDITIONAL INFORMATION OR RESPONSES TO COMMENTS, ETC.). THE CONSULTANT SHALL BE RESPONSIBLE FOR EXPEDITING APPROVAL OF THE PERMIT AND FOR PREPARING THE APPROPRIATE RESPONSES TO THE COMMENTS RECEIVED AS A RESULT OF THE PUBLIC NOTICE, AS DIRECTED BY THE ENVIRONMENTAL SERVICES OFFICE OF SCDOT.

Assumptions:

- # of hours to prepare application _____
- # of agency or public comments received _____
- # of hours to respond to each comment _____
- Direct cost for printing and mailing per comment _____
- No overnight stays or direct costs required

Deliverables:

- Electronic copies of critical area permit
- # hard copies of critical area permit _____

F. NAVIGATIONAL PERMITTING - IF A U.S. COAST GUARD IS REQUIRED FOR THE SUBJECT PROJECT, THEN THE CONSULTANT SHALL PROVIDE A COMPLETED APPLICATION FOR SUBMISSION TO THE 7TH DISTRICT COAST GUARD, ACCORDING TO THE LATEST GUIDELINES PROMULGATED BY THE U.S. COAST GUARD. THE CONSULTANT SHALL ALSO FURNISH ALL SUPPLEMENTAL INFORMATION IN SUPPORT OF THE APPLICATION (E.G., CLARIFICATION, ADDITIONAL INFORMATION OR RESPONSES TO COMMENTS, ETC.).

Assumptions:

- # of hours to prepare application _____
- # of agency or public comments received _____
- # of hours to respond to each comment _____
- Direct cost for printing and mailing per comment _____
- No overnight stays or direct costs required

Deliverables:

- Electronic copies of US Coast Guard permit
- # hard copies of US Coast Guard permit _____

IF A STATE PERMIT TO CONSTRUCT IN NAVIGABLE WATERS IS REQUIRED FOR THE SUBJECT PROJECT, THEN THE CONSULTANT SHALL PREPARE AN APPLICATION ACCORDING TO THE STATE REGULATION 19-450, AND THE LATEST GUIDANCE PROMULGATED BY SCDHEC. THE CONSULTANT SHALL ALSO FURNISH SUPPLEMENTAL INFORMATION IN SUPPORT OF THE APPLICATION (E.G., CLARIFICATION, ADDITIONAL INFORMATION OR RESPONSES TO COMMENTS, ETC.).

Assumptions:

- # of hours to prepare application _____
- # of agency or public comments received _____
- # of hours to respond to each comment _____
- Direct cost for printing and mailing per comment _____
- No overnight stays or direct costs required

Deliverables:

- Electronic copies of permit
- # hard copies of permit _____

G. ADDITIONAL AGENCY NOTIFICATION – ADDITIONALLY, THE CONSULTANT SHALL PROVIDE CONCURRENCE FROM THE STATE HISTORIC PRESERVATION OFFICE REGARDING THE ANTICIPATED PROJECT EFFECTS TO ANY CULTURAL RESOURCES, AS WELL AS EITHER A BIOLOGICAL ASSESSMENT REPORT (FOR THOSE PROJECTS HAVING “NO EFFECT” ON ANY FEDERALLY LISTED SPECIES OR HABITAT) OR A SECTION 7 SIGN-OFF/CONCURRENCE FROM THE U.S. FISH & WILDLIFE SERVICE WITH ANY SECTION 404. PENDING AVAILABILITY, THE CONSULTANT SHALL PROVIDE A COPY OF THE NEPA DOCUMENT (CE, EA, OR EIS) AS PART OF THE 404 PERMIT APPLICATION.

Assumptions:

- # of hours to complete _____
- No overnight stays or direct costs required

Deliverables:

- No specific deliverables anticipated

H. THE CONSULTANT IS RESPONSIBLE FOR ALL FEES AND NEWSPAPER PUBLICATIONS TO BE REIMBURSED AS A DIRECT EXPENSE AT TIME OF INVOICE.

Assumptions:

- # of newspaper publications _____
- SCDHEC Fee for Individual Permit is \$1,000. _____
- Cost per newspaper publication _____
- No overnight stays or direct costs required

Deliverables:

- Electronic version of newspaper publication

Task 7: Development Of Compensatory Mitigation Plan

I. SCOPE SUMMARY

The South Carolina Department of Transportation (SCDOT) desires to enter into a contract (CONSULTANT), for the (PROJECT), to cover additional environmental services, necessary 1) to secure an approved United States Army Corps of Engineers (USACE) permit, including the development of a conceptual and final permittee-responsible mitigation plan; and 2) to facilitate implementation of the final mitigation plan, including recordation, preservation, and construction plans for the mitigation site.

II. DEFINITIONS

- A. CONSERVATION EASEMENT – A restriction landowners voluntarily place on specified uses of their property to protect its natural, productive, or cultural features. It is recorded as a written legal agreement between the landowner and the “holder” of the easement. Refer to the Charleston District USACE Model Conservation Easement (latest edition effective as of the contract limited notice to proceed date) found on their website at <http://www.sac.usace.army.mil/?action=mitigation.home>.
- B. CONTIGUOUS – Sharing an edge or boundary; touching; adjacent.
- C. CREDIT – A unit of measure (e.g., a functional or real measure or other suitable metric) representing the accrual or attainment of aquatic functions at a compensatory Mitigation Site, as approved by the regulatory agencies. The measure of aquatic functions is based on the resources restored, established, enhanced or preserved and is calculated using the USACE Charleston District’s Guidelines for Preparing a Compensatory Mitigation Plan (latest edition effective as of the contract limited notice to proceed date). Credits may be produced through the successful implementation of an approved final Mitigation Plan.
- D. HYDROLOGIC UNIT CODE (HUC) – A geographic area representing a watershed. HUCs are part of a U.S. Geologic Survey (USGS) watershed classification system based on size. For management and analysis purposes, hydrologic units are defined as the area that drains to a stream segment between an upstream-downstream pair of points. Eight-digit HUCs for South Carolina are depicted on <http://www.scdhec.gov/HomeAndEnvironment/Water/Watersheds/WatershedMap/>
- E. JURISDICTIONAL WETLAND – A wetland as defined in the 1987 Corps of Engineers Wetlands Delineation Manual.
- F. LEVEL III ECOREGION – A designation by the EPA of ecologically and geographically defined areas within the United States. For this contract, Level III ecoregions 63 and 65 are relevant. Maps showing these ecoregions can be found at http://www.epa.gov/wed/pages/ecoregions/images/level_iii_iv.htm
- G. MITIGATION – The term *Mitigation*, when used throughout this contract and any subsequent contracts that may be executed, is defined as *Compensatory Mitigation*. Compensatory Mitigation is the restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved (See 33 Code of Federal Regulations [C.F.R.] §332.2).
- H. MITIGATION SITE - Single property or multiple contiguous properties identified to provide wetland and/or stream mitigation. Separately-owned contiguous properties can be considered one (1) Mitigation Site and included in one (1) Conceptual and Final Mitigation Plan.
- I. MITIGATION PLAN – A document prepared for each Mitigation Site that complies with 33 C.F.R. §332.4 (c). For this contract, a Conceptual Mitigation Plan (CMP) must be submitted to the USACE for review. The Final Mitigation Plan (FMP) should address any comments provided by the USACE District Engineer. The FMP must include the twelve (12) items described in paragraphs 332.4 (c)(2) through (c)(14).
- J. PERMITTEE-RESPONSIBLE MITIGATION (PRM) – an aquatic resource restoration, establishment, enhancement, and/or preservation activity undertaken by the permittee (or an authorized agent or contractor) to provide compensatory mitigation for which the permittee retains full responsibility (See 33 C.F.R § 332.2).
- K. PRIOR CONVERTED CROPLAND – Areas defined by the Natural Resources Conservation Service as “a converted wetland where the conversion occurred prior to December 23, 1985, an agricultural

commodity had been produced at least once before December 23, 1985, and as of December 23, 1985, the converted wetland did not support woody vegetation.” 7 C.F.R. §12.2.

- L. PROJECT MILESTONE – A deliverable, such as a document or completed action that signifies the end of a task in the Scope of Services.
- M. PROPERTY – A tract, parcel, or plot of land often defined by a county with a Tax Map Sequence (TMS) Number or Property Identification Number (PIN). A property may be owned by a single landowner, multiple landowners, or corporations or business entities recognized by the State of South Carolina.
- N. REGULATORY AGENCIES – The regulatory and advisory units of the state and federal government in South Carolina which are involved in permitting and/or commenting on proposed activities in wetlands, streams, or riparian areas and in approving and/or commenting on proposed compensatory wetland and stream mitigation
- O. RELATIVELY PERMANENT WATER (RPW) – Year-round or seasonally flowing (e.g., three months) non-navigable tributaries of traditional navigable waters.
- P. RIVER BASIN – The largest category of surface water drainage; there are eight (8) river basins in South Carolina.
- Q. SINGLE ENTITY – A single entity refers to any business organization recognized by the State of South Carolina, such as a partnership, corporation, or limited liability company.

III. DEVELOPMENT OF AN APPROVED MITIGATION SITE

The Scope of Work for the development of an approved Mitigation Site comprises eight (8) tasks.

A. MITIGATION SITE SEARCH

- 1. Preliminary Site Identification.
 - a. CONSULTANT shall perform a comprehensive site search within the 8-digit Hydrolytic Unit Code (HUC) and level 3 Ecoregion consistent with the project location and generate a list of potential sites that will provide the necessary compensatory mitigation for the project impacts.
 - b. CONSULTANT will coordinate with SCDOT ESO to determine which sites may be worth pursuing.
 - c. CONSULTANT shall coordinate with the property owners of the above sites to determine a level of interest and gain permissions to access property.
- 2. Interdisciplinary Team Site Inspection and Site Evaluation.
 - a. CONSULTANT, and SCDOT ESO if available, will perform onsite inspections of the properties to verify the presence of waters and determine site feasibility.
 - b. CONSULTANT shall prepare a memo documenting all sites visited and the feasibility of each.
- 3. CONSULTANT and SCDOT ESO will collaborate to determine the preferred site for development of the conceptual mitigation plan.

B. CONCEPTUAL PERMITTEE-RESPONSIBLE MITIGATION PLAN

- 1. CONSULTANT shall submit a Conceptual Mitigation Plan (CMP) to SCDOT, in accordance with the 2008 Mitigation Rule Standard Operating Procedures (SOP) Guidance, to satisfy the stream mitigation needs for the PROJECT. SCDOT will review the CMP prior to submittal to USACE for review. SCDOT requires two (2) hard copies and one .pdf file format copy on a compact disc (CD). A CMP is to be prepared for one Mitigation Site necessary to satisfy the mitigation requirements.
- 2. CONSULTANT shall attend meetings, not to exceed three (3), to discuss the CMP with appropriate resource agencies. Provide meeting minutes to SCDOT within fifteen (15) days of the meeting.

3. CONSULTANT shall conduct a meeting at the Mitigation Site with USACE, SCDOT, and appropriate resource agencies to discuss basic concepts of the proposed Mitigation Site and identify concerns or issues related to the Site. Provide two (2) hard copies of the meeting minutes to the SCDOT within fifteen (15) days of the meeting.

CONSULTANT shall ensure that all coordination and communication with USACE is conducted through SCDOT.

C. IMPLEMENTATION OF BASELINE DATA COLLECTION PLAN

1. CONSULTANT shall conduct baseline data collection per the methods and schedule outlined in the baseline data collection plan in the CMP. Baseline data collection shall be specific to the proposed Mitigation Site and must consider surrounding land uses, existing sources of degradation, the goals and objectives of the mitigation, and the anticipated performance standards. Baseline data collection should occur on reference wetland and stream sites, as applicable, using the same methods and intervals of data collection used on the proposed Mitigation Site. Baseline data collection may include:
 - a) For stream restoration, channel stability should be monitored at permanently-established monitoring stations located at the most upstream and downstream limits of the proposed Mitigation Site and at several cross sections at stations located within restoration reaches. For each station, measurements must include photographic documentation, plan view, longitudinal profile, and pebble counts.
 - b) For stream restoration, it may be necessary to collect baseline data on stream flow and stage to assist with the restoration design and determine the bankfull elevation. Baseline data collection should include identification of existing US Geological Survey stream gauges, if applicable, and the installation of crest gauges. Installation should follow US Geological Survey's guidelines and standards.
 - c) Vegetative monitoring should include measurements of height, lateral growth, and root collar diameter in addition to density of all trees by species including regeneration; composition, density, DBH, and height of all planted trees to determine survivability and growth rate; density and/or estimated coverage of all exotic species; and composition and estimated coverage of shrub and herbaceous (dominant, 10% or greater coverage) species.
 - d) Benthic macro-invertebrates must be sampled in accordance with SCDHEC qualitative sampling protocols. This data should be collected and analyzed by a State certified laboratory at permanently established monitoring stations located at the most upstream and downstream limits of the Mitigation Site and at additional stations within the proposed Mitigation Site located downstream of each restoration reach. Biotic index, abundance, diversity, and the species list for each station should be assessed.
 - e) Water quality data must include, but is not limited to, the following parameters: pH, dissolved oxygen, temperature, conductivity, hardness. This data must be collected and analyzed by a State certified laboratory at permanently established monitoring stations located at the most upstream and downstream limits of the proposed Mitigation Site and at additional stations within the Mitigation Site located downstream of each restoration reach. Water quality data collection will be dependent on the land use on and surrounding the proposed Mitigation Site. It may be necessary to analyze additional parameters, such as suspended solids, nitrates and phosphates, fecal coliform, and/or

pesticides, to accurately represent the baseline condition of the streams within the proposed Mitigation Site.

f) Elevation surveys within streams, such as longitudinal profiles, transects, and/or cross-sections, shall be conducted by a South Carolina licensed Professional Land Surveyor, if they are used in the design of the stream restoration. All other surveys, such as property boundary and/or conservation easement boundaries, must be conducted by a South Carolina licensed Professional Land Surveyor.

As noted above, benthic macro-invertebrates and water quality data must be collected and analyzed by a laboratory certified by the South Carolina Department of Health and Environmental Control for the collected parameters. Refer to Section 4.9.2.3 and 4.9.2.4 of Appendix E in USACE Charleston District's Guidelines for Preparing a Compensatory Mitigation Plan (latest edition effective as of the contract notice to proceed date), found at the USACE website at <http://www.sac.usace.army.mil/?action=mitigation.home> . Further information and a list of certified laboratories can be found at <http://www.scdhec.gov/environment/envserv/labcert.htm>.

2. The duration of baseline data collection will be dependent upon Mitigation Site conditions, proposed mitigation activities, and anticipated performance standards. Enough baseline data should be collected to demonstrate the level of impairment at the Mitigation Site. SCDOT requires CONSULTANT to assess the continued viability of the Mitigation Site. A report must be prepared, for this purpose, to include a discussion and map of installed piezometers, quadrants, and/or monitoring stations, where applicable. The report must identify discrepancies between the current baseline monitoring and the baseline data collection plan established in the CMP. Significant changes to the baseline data collection methods and schedule must not occur without prior approval by USACE and SCDOT. The report will summarize the current results of the baseline data collection, preliminary conclusions, and the effect of the results on the suitability of the wetland and stream mitigation.
3. CONSULTANT shall delineate wetlands utilizing the three-parameter approach (hydric soils, hydrophytic vegetation, and wetland hydrology) set forth in the 1987 USACE Wetland Delineation manual. CONSULTANT will identify and mark any jurisdictional boundaries with sequentially numbered flags. CONSULTANT will utilize the Atlantic and Gulf Coast Regional Supplement (Version 2.0) to the 1987 Wetland Delineation Manual to conduct the delineation.
4. Following the delineation of the jurisdictional boundaries, CONSULTANT shall submit a copy of the completed Jurisdictional Determination (JD) Request to SCDOT for submittal to USACE. CONSULTANT shall conduct any necessary site visits with USACE and submit any requested additional information. CONSULTANT will be responsible for submitting a completed JD Request package for the Mitigation Site to SCDOT for submittal to USACE, prior to CONTRACTOR initiating construction.
 - a. SCDOT may determine that a full JD request package is not necessary as long as sufficient information to identify waters is provided in the permit package.

Task C shall be considered complete upon SCDOT approval that subtasks 1-4 above have been completed.

CONSULTANT shall ensure that all coordination and communication with USACE is conducted through SCDOT.

D. PERMITTEE-RESPONSIBLE MITIGATION PLAN

1. CONSULTANT shall develop and submit to SCDOT a Final Mitigation Plan (FMP) for the Mitigation Site, in accordance with the 2008 Mitigation Rule Standard Operating

Procedures (SOP) Guidance, to satisfy the stream mitigation needs for the PROJECT SCDOT will review the FMP prior to submittal to USACE. The FMP shall build upon the CMP submitted to USACE (Task 1), address USACE and resource agency comments, and include baseline data collected during Task 2. The FMP shall follow the "Compensatory Mitigation Plan Template" found on the USACE website at <http://www.sac.usace.army.mil/?action=mitigation.home>.

SCDOT requires two (2) hard copies of the FMP and one .pdf file on a compact disc (CD). CONSULTANT shall attend meetings, not to exceed three (3), with SCDOT, USACE and resource agencies and provide two (2) revisions of the FMP, as necessary, to address comments. After USACE approval, CONSULTANT shall provide SCDOT with three (3) hard copies and one (1) .pdf file of the FMP on a CD.

2. As part of the mitigation work plan in the FMP, CONSULTANT shall provide detailed 70% plans outlining written specifications and work descriptions for the Mitigation Site to SCDOT. SCDOT will review prior to submittal to USACE. CONSULTANT shall provide a 70% design submittal to SCDOT for review. SCDOT shall submit the SCDOT approved design to USACE in the FMP. The 70% plans must meet SCDOT's specifications for CADD Files and Standard Drawings (<http://www.scdot.org/doing/default.shtml>). The plans shall include the geographic boundaries; grading plan; soil management; and erosion control measures. For stream mitigation, the mitigation work plan may also include other relevant information, such as planform geometry, channel form (e.g., typical channel cross-sections), watershed size, design discharge, and riparian area plantings.
3. CONSULTANT shall be in contact with SCDOT, USACE, SCDHEC and other federal, state and local regulatory personnel throughout the course of the permit application process, and coordinate the submission of any additional information as requested by the respective agencies in order to facilitate permit acquisition. CONSULTANT shall inform SCDOT of all communications involving the FMP. CONSULTANT shall be responsible for securing all permits/certifications involved with the approval of the FMP.

Task D shall be considered complete upon written approval by SCDOT and USACE of the FMP, for the proposed Mitigation Site, as well as issuance of Nationwide Permits for the FMP, for the proposed Mitigation Site.

CONSULTANT shall ensure that all coordination and communication with USACE is conducted through SCDOT.

E. ENVIRONMENTAL DUE DILIGENCE - PHASE 1 ESA

- a. As part of the due diligence process to transfer the Mitigation Site to the entity whom will hold the preservation easement, CONSULTANT will perform the Phase I ESA for the Mitigation Site ("Property") in accordance with the requirements of ASTM E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The Code of Federal Regulations Title 40, Part 312 has established requirements for "All Appropriate Inquiries" (AAI) to obtain protection from environmental cleanup liability under the federal Comprehensive Environmental Response, Cleanup and Liability Act (CERCLA). The AAI Rule (40 CFR 312.11) states that the procedures in E1527-13 may be used as one method of complying with the rule. For the purposes of this scope the "User" is defined as SCDOT and the entity whom will hold the preservation easement.

User's Responsibility: E1527-13 and the federal AAI rule specify that portions of the Phase I ESA must be completed by an Environmental Professional, and that the User of the Phase I ESA report also has certain obligations and responsibilities in order to qualify for exemptions from liability under CERCLA. The User is responsible for providing certain information to the Environmental Professional. We will provide a User Questionnaire to be disseminated by you to the appropriate individuals for completion and returned to us for incorporation into the reports.

- b. In addition, in order to conduct a thorough and expeditious environmental assessment, SCDOT will provide any of the following documents associated with the Property to the extent they are available:
- Property deed(s) and/or Abstracts of Title;
 - Property Survey(s);
 - Site, Building and Utility Plans;
 - Appraisal information;
 - Any environmental report(s);
 - Commonly known or reasonably ascertainable information in the Client's possession;
 - Specialized knowledge about the Property;
 - Documentation regarding environmental liens and activity and use limitations; and
 - Any other pertinent reports or records (e.g., environmental permits, tank testing documents, hazardous waste manifests, petroleum spills, tank registrations, chemical inventories, material safety data sheets, asbestos abatement records, polychlorinated biphenyl (PCB) records, etc.).
- c. Environmental Cleanup Liens: E1527-13 and the federal AAI rule specify that "all appropriate inquiry" must include a search for environmental cleanup liens recorded in property deed records for the Property. The AAI rule states that this search may be performed either by the Environmental Professional or by the User of the report. In the event that the User does not provide the results of a search for environmental cleanup liens against the Property to CONSULTANT, CONSULTANT can contract with a third party environmental database search company to provide the results of a search for environmental cleanup liens against the Property as an additional service. The presence or absence of recorded environmental cleanup liens will be reported by CONSULTANT in the Phase I ESA report. In the event neither of these options is pursued, the absence of an environmental lien search will be identified as a data gap in the reports.
- d. Use of Previous Environmental Assessments: Sections 4.6, 4.7 and 4.8 of E1527-13 outline provisions for utilizing data collected during previous assessments. CONSULTANT will utilize information from previous reports for the Property provided to CONSULTANT. Whether such information was generated using procedures complying with the ASTM standard practice at the time of the data collected will be part of CONSULTANT's evaluation.

In general, the Phase I ESA will involve the following:

- Review of the deeds, abstracts of title and lien searches provided by the User or obtained by CONSULTANT as an additional service;
- Review of historical aerial photographs for evidence of historic industrial/commercial uses, landfilling, or other possible Property contamination concerns;
- Review of historical mapping (e.g., Sanborn Fire Insurance Maps) for evidence of possible Property contamination concerns including past use and historic tanks;
- Review of federal, tribal, state and local waste disposal site registries and environmental databases available through a commercial database service, for their proximities to the Property within ASTM specified radii and their potential to adversely affect the Property;
- Freedom of Information requests to state and local agencies for their environmental information on the Property and surrounding properties, as appropriate;
- Interviews regarding site-specific operations and historical uses with current owner(s), past owners, or occupants, if reasonably available;
- Review of reasonably ascertainable survey maps, site and utility plans, drawings, permits, and environmental reports and records;
- One visit to the Property looking for evidence of recognized environmental conditions (RECs) such as underground storage tanks, drums and other

containers, spills or waste disposal sites, topographic anomalies, landfilling, distressed vegetation, and PCB-containing equipment;

- Visual observation for potential asbestos containing materials, mold and peeling or flaking paint that could potentially be lead based;
- A visual evaluation of the adjoining properties from the Property line, public right of way, or other vantage point; and
- Preparation of one report that addresses the ASTM Standard Practice E1527-13 for Environmental Site Assessments, which includes the approach, findings, conclusions, and recommendations for further investigation if appropriate.

F. RECORDATION OF PRESERVATION INSTRUMENT

1. CONSULTANT shall provide for the protection of the Mitigation Site in perpetuity by recording a conservation easement, restrictive covenant, or alternative protection mechanism, to ensure that future activities (including mining, dredging, timbering, and building) do not alter the state of the restored Mitigation Site. CONSULTANT shall be responsible for providing a reasonable basis for its determination of fair market value for the acquisition and preservation of the proposed Mitigation Site for this Project.
2. The Mitigation Site shall be preserved in accordance with the following requirements:
 - a) The mitigation plan shall satisfy the stream mitigation credit demand for the PROJECT.
 - b) SCDOT will perform title searches for the Mitigation Site to be preserved. The Title Certificate shall be prepared by a licensed South Carolina attorney for the Mitigation Site and shall consist of a minimum forty-year search of the records. The attorney's Title Certificate shall be updated to the date of closing on the Mitigation Site.
 - c) CONSULTANT shall have the Mitigation Site surveyed and a plat prepared. All surveys must be performed by a South Carolina licensed Professional Land Surveyor. Surveys shall be geo-referenced and provided in a format compatible with SCDOT's specifications for Microstation Files and Standard Drawings (<http://www.scdot.org/doing/default.shtml>). SCDOT shall provide the final boundary survey in a format compatible with SCDOT's specifications for Microstation Files and Standard Drawings (<http://www.scdot.org/doing/default.shtml>). The files must be projected in the State Plane Coordinate system (NAD 83) using a base unit of international feet.
 - d) The Mitigation Site shall be preserved in perpetuity by conservation easement, restrictive covenant, or alternative protection mechanism, executed by the landowner(s) of the Mitigation Site. SCDOT's preference is for properties to be protected through restrictive covenants rather than conservation easements. The USACE Model Conservation Easement and/or Restrictive Covenant shall be used and can be found at <http://www.sac.usace.army.mil/?action=mitigation.home>. CONSULTANT shall provide to the landowner(s) of the Mitigation Site a copy of the USACE Model Conservation Easement and/or Restrictive Covenant prior to submittal of their proposal for this contract, to discuss and ensure that the landowner(s) are in agreement with the terms and restrictions. The conservation easement, restrictive covenant, or alternative protection mechanism shall be held by a third party.
 - e) The conservation easement, restrictive covenant, or alternative protection mechanism shall include conditions that allow SCDOT and/or its authorized representatives to enter the property for the purpose of inspecting, monitoring, repairing and/or any other activities necessary to maintain the Mitigation Site.

The conservation easement, restrictive covenant, or alternative protection mechanism holder shall convey to SCDOT the rights to all mitigation credits derived from the Mitigation Site within the area of the conservation easement, restrictive covenant, or alternative protection mechanism.

- f) If a conservation easement or restrictive covenant cannot be used to protect the Mitigation Site because of anticipated land transfers to federal, state, or local agencies, the conservation easement or restrictive covenant holder shall coordinate with SCDOT and USACE to identify adequate long-term protection mechanisms.
- g) Prior to recordation, SCDOT shall submit electronic copies of the attorney's Title Certificate, survey, plat, and draft conservation easement, restrictive covenant, or alternative protection mechanism, for review by SCDHEC and USACE. SCDOT will review prior to submittal to SCDHEC and USACE. The submitted files shall match closely to the Mitigation Site shown in the project proposal. SCDOT will review and notify CONSULTANT of the approval of these documents prior to recordation.
- h) CONSULTANT shall obtain execution of and record the conservation easement, restrictive covenant, or alternative protection mechanism; and plat, with the Office of Register of Deeds or Clerk of Court for the county in which the Mitigation Site is located.
- i) CONSULTANT shall submit to SCDOT the recorded easement, restrictive covenant, or alternative protection mechanism, and two (2) copies of the recorded plat with the invoice for Task 4 deliverables.

Task F shall be considered complete upon SCDOT receipt of the deliverables as detailed in paragraph i above.

CONSULTANT shall ensure that all coordination and communication with USACE is conducted through SCDOT.

G. MITIGATION SITE CONSTRUCTIONS PLANS

1. Prior to construction, CONSULTANT shall provide Final Construction Plans to SCDOT outlining written specifications and work descriptions for the Mitigation Site. SCDOT will review prior to submittal to USACE. The Final Construction Plans must be signed and sealed by a South Carolina licensed Professional Engineer and must meet SCDOT's specifications for CADD Files and Standard Drawings (<http://www.scdot.org/doing/default.shtm>). The Final Construction Plans shall build upon the design plans included in the FMP and include: the geographic boundaries of the project; construction methods, timing, and sequence; source(s) of water; methods for establishing the desired plant community; plans to control invasive plant species; proposed grading plan; soil management; and erosion control measures. For stream mitigation, the mitigation work plan may also include other relevant information, such as planform geometry, channel form (e.g., typical channel cross-sections), watershed size, design discharge, and riparian area plantings.
2. CONSULTANT will prepare technical specifications and bid documents to be included in the PS&E package including a comprehensive set of special provisions.
3. CONSULTANT will prepare an engineer's estimate of probable quantities cost based on the 100% construction plans.
4. Prior to CONTRACTOR initiating construction, CONSULTANT must obtain USACE verification of all jurisdictional wetland and water boundaries on the Mitigation Site. CONSULTANT shall secure all necessary permits and/or certifications (i.e., 401/404, National Pollutant Discharge Elimination System (NPDES) Construction General Permit,

FEMA floodplain certification, etc.). CONSULTANT shall submit three (3) hard copies of all permits to SCDOT. Applications for 401/404 permits shall not be made until the FMP has been approved (in writing) by SCDOT and USACE. Applications shall include a copy of the FMP approval letter from USACE.

- a. In some instances the FMP may be incorporated into the PROJECT permit and a separate permit for the mitigation site may not be necessary.

Task G shall be considered complete upon SCDOT approval that subtasks 14above have been completed.

CONSULTANT shall ensure that all coordination and communication with USACE is conducted through SCDOT.

H. MITIGATION CONSTRUCTION ASSISTANCE

1. Following USACE approval of the Final Mitigation Plan and prior to construction, CONSULTANT will assist the SCDOT review/award of bids and project kickoff. CONSULTANT will attend one pre-bid meeting and one project kickoff meeting.
2. During the term of construction, CONSULTANT will provide on-site construction assistance. Services will include preparation of oversight reports documenting quality control measures, environmental compliance, and conformance with schedule. Office engineering support shall consist of reviewing contractor requests for change and providing support in interpretation of plans and/or proposed changes.
3. CONSULTANT engineers will perform an as-built survey at the completion of construction. CONSULTANT will prepare a baseline construction report summarizing the results of the as-built survey and how it compares the final construction drawings. CONSULTANT will prepare a CADD file of the final as-built survey.

ASSUMPTIONS

- NEPA documentation for the mitigation site will be prepared by SCDOT.
- SCDOT will perform the 30-year title and liens search on the PROPERTY.
- The scope of ESA services does not include any of the following “non-scope considerations,” as listed in E 1527-13, section 13.1.5: asbestos survey, lead-based paint survey, lead in drinking water, mold testing, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality, and high-voltage power lines.
- Phase I ESA fee estimate assumes FOIA requests will not be required.
- CONSULTANT will not assist in real estate transactions.
- Existing LiDAR and previously collected field data shall serve the required need for topographic data for the mitigation site. Additional topographic survey will not be required by agencies for permitting purposes.
- SCDOT will compile standard contract language for the PS&E construction package.
- CONSULTANT will not provide bid solicitation services support.
- CONSULTANT will not conduct construction stakeout services.
- The construction contractor will be responsible for all construction project reporting, including project closeout reporting.
- The scope of construction assistance work for the mitigation work shall be limited to the assumed duration of construction.

A more detailed scope of services will be determined on a project by project basis as they are assigned under a work order or task order.

C. METHOD OF PROCUREMENT:

This is a qualifications-based selection and the contract will be competitively negotiated. Awards will be given to the most qualified of the responsible and responsive consultant firms. 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. Submitted proposal documents that are uploaded into ProjectWise should be named with the following format: S-232-18_RespondingFirmName.pdf.

Please contact Matthew Boozer at 803-737-7453 or BoozerML@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 hours prior to the proposal deadline indicated in the milestone schedule.

Information regarding ProjectWise can be found at:

http://www.scdot.org/doing/constructionLetting_ProjectWise.aspx

In the event that a consultant is unable to submit its RFP response through ProjectWise, the 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 the 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. The names of the consultant/vendors submitting questions will not be disclosed. Oral explanations or instructions will not be binding.

RFP formatting requirements: The response shall contain no more than twenty-five (25) double spaced pages with normal one (1) inch margins, typed on one side only, excluding appendices. Minimum font size shall be 12-point, and the response document page size shall be standard 8.5 inches x 11 inches. The organizational chart may be on a larger paper size up to 11 inches x 17 inches. True tables (not bordered text boxes) may be single spaced with a minimum font size of 10-point. Photo captions and other text that are not part of the narrative paragraphs and tables do not have font limitations. If the response does not conform to these requirements, the proposal may be negatively scored.

The RFP response must be submitted by the date and time listed in this RFP.

Responses also must 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:

1. Letter of Interest:

- a. The letter of interest does not count toward the twenty-five (25) pages of the body of the submitted proposal.

- b. The Letter of Interest should be no longer than two (2) page and shall contain the following items:
 - i. An expression of the Prime Consultant's interest in being selected for the project.
 - ii. A statement confirming the commitment of key personnel identified in the submittal to the extent necessary to meet SCDOT's quality and schedule expectations.
 - iii. Provide the email address and the legal name (first, middle and last, (including maiden name, if appropriate)) 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.
 - iv. A summary of key points regarding the Prime Consultant's qualifications.
 - v. Signing the letter of interest constitutes authorization of consultant to submit qualification for the purpose of negotiating and entering a contract with SCDOT.
 - vi. 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. The organizational chart may be on a larger paper size up to 11 inches x 17 inches. This chart must include the legal names (first, middle, maiden if applicable, and last) of the key individuals selected for this On-Call, their roles and the names of the consultant by which they are employed, the lines of communication and functional structure. It must also include the levels of management and reporting relationships for the key Individuals, along with their major functions to be performed in managing and designing projects that may be procured under this On-Call. It shall also indicate the individuals who will be points of contact with the SCDOT Project Manager. **The organizational chart must clearly display any DBE firm(s) that will be utilized to meet the contract goal.**
3. **Legal names** (first, middle and last, (including maiden name, if appropriate)) **and qualifications for key individuals and all other individuals that are considered critical to the success of work that may be procured under this On-Call.** Qualifications should include information on experience related to similar projects and previous project work. **Note: if the legal name is included on the organizational chart that will fulfill the legal name requirement.**
4. **Legal names** (first, middle and last, (including maiden name, if appropriate)) **for all other individuals** identified for the proposal that have not been identified on the organizational chart.
5. **A direct response to each of the selection criteria** identified in section F.
6. The consultant must provide a **chart indicating the present workload of key personnel** and other individuals considered critical to the success of projects procured under this On-Call. This chart is to include all active projects (concurrent projects with other entities such as cities, other state agencies, counties, COGs MPOs, private sector) and their availability for this project.
7. **Appendices:**
 - a. 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. 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 SF 330s will not count against the maximum page limit and can be included in the appendices.
 - b. 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).

- c. Size and description of the submitting prime consulting firm. Identify the needed resources specific to this project and how those resources will be secured for the project.

d. No additional appendices, information or sections to the appendices will be accepted.

F. SELECTION CRITERIA AND EVALUATION PROCESS:

A selection committee comprised of 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 RFP responses and determine if interviews are necessary. If interviews will not be conducted, members finalize their individual scores and submit them to the Contract Selection Officer (CO). If the selection committee determines it is necessary, interviews may be conducted. 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 and finalize their individual scores.

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 with relative point value shown below will be the basis for the submitted proposal evaluation and score.

55%	Experience, qualifications, and technical competence of the staff proposed for the type of work required
20%	Past performance of the firm/team on similar type projects, responsiveness to the SCDOT, and the availability/readiness of the proposed staff
10%	Team makeup; ability of firm to perform all aspects of the services
5%	Familiarity of the firm/team with SCDOT practices and procedures
10%	DBE utilization plan

* Note: An asterisk will be used to point out when special experience is essential within any of the above evaluation criterion. To address this, the consultant will need to provide specific projects to demonstrate this experience to include the client’s name, telephone number and email address, along with the specific role of the consultant’s team member.

G. FINAL SELECTION AND NOTIFICATION:

The Contract Selection Officer (CO) will compile the finalized scores, rank the firms, and send the list of ranked firms to the CPO with a recommendation to begin contract negotiations with the highest ranked firms. The CPO may approve entering into contract negotiations with the top ranked firms, or reject the selection altogether (in which case the project may be re-solicited). The intent is to enter into a contract with the top firms pending successful negotiations. All selected firms 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. 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 deemed the higher ranking firm of the tie.

I. 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 for projects procured under this On-Call 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: Basic Contracts will be awarded to each of the selected firms under this On-Call. Contracts for individual projects procured under this On-Call will be awarded from the list of firms awarded a Basic Contract. All selected firms and awards will be posted on SCDOT website.

CERTIFICATION FORMS: Submission forms located in 'Appendix A' of this document. All certifications must be completed, signed, and notarized and submitted with the RFP response for the prime consultant, any sub-consultants and any sub-contractors. 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 consult 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.

CONFLICT OF INTEREST (SCDOT COMMISSION): Section 23 of Act 40 of 2017 [now codified as S. C. Code Section 57-1-350(G)] prohibits a member of the SCDOT Commission serving on July 1, 2017 (the effective date of the Act) or thereafter, from having an interest, direct or indirect, in any contract awarded by the department during the member's term of appointment and for one year after the termination of the appointment. Therefore, any proposal or bid submitted to SCDOT in violation of this law will be disqualified.

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/business/ae-consultants.aspx>

CURRENT AND FORMER SCDOT EMPLOYEES: To avoid the appearance of any real or perceived favoritism, unfair advantage, undue influence, or conflict of interest, a proposal will be disqualified that names, identifies, or includes in any way a current or former SCDOT employee serving in a management level position within 365 days of the submittal. No communication or appearance shall be made by such current or former employee with SCDOT on such proposal, or the proposal will be disqualified. In addition no current or former employee, who served in a management level position or above, may work on or invoice for services performed on a project within 365 days after their last day of employment with SCDOT. For the purposes of this bright line rule, "management level position" is defined as any SCDOT Pay Band 7 and above position, which includes, but is not limited to, Directors, Assistant Directors, District Engineering Administrators, District-level Engineers, Program Managers, Assistant Program Managers and Resident-level Engineers.

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 directory can be found at the following link: <http://www.scdot.org/business/bus-development-dbe-sbe-cert.aspx>

DBE REPORTING REQUIREMENTS: All executed contracts are subject to the provisions of the SCDOT DBE Program and 49 CFR Part 26. SCDOT is utilizing the DBE Quarterly Reports and DBE Status Spreadsheet as tracking tools. The DBE Quarterly Report reflects quarterly and total payments to date for all DBE firms. A separate DBE Quarterly Report must be submitted for each DBE firm for every active contracts even if no payments were made to DBEs during the specified reporting period. The DBE Status Spreadsheet reflects a summary of payments to all committed and non-committed DBE firms working on the project, and must be submitted along with the DBE Quarterly Reports.

DBE Utilization Plan: A plan for use of DBE firms on the advertised project. The plan should be specific to the project and should include the firms to be used and the type of work each will perform. An estimated percentage of work for each firm should be indicated.

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.

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. After the selection process any requested replacement of key individuals must be approved by SCDOT management. To qualify for SCDOT's authorization to replace a key individual, the firm must submit the resume and SF 330 of the replacement, 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 replacement request. All changes in the team must be approved by SCDOT in writing.

KEY INDIVIDUAL, STAFF AND TEAM CHANGES DURING SELECTION PROCESS:

(A) Failure of the Prime Consultant to notify SCDOT of any changes in key personnel may render the Submitted for this Request for Proposals non-responsive and subject to rejection. SCDOT reserves the right to seek clarifications to confirm unavailability.

(B) If after submission of the Submitted for this Request for Proposals any key personnel become unavailable, the Prime Consultant shall notify SCDOT immediately of the unavailability and submit the name and resume of a replacement having equal or better qualifications.

(C) If 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 will be selected.

(D) To qualify for SCDOT's authorization to replace a key individual, the firm must submit the resume and SF 330 of the replacement, 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. All changes in the team must be approved by SCDOT in writing.

LAWS AND REGULATIONS: It is the responsibility of the 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.

LEGAL NAME: This is defined as an individual's formal name first, middle, and last name, (including maiden name if applicable). Nick names may be included as an addition to, but not a replacement of the formal, legal name.

MANAGER: The individual responsible for administering and providing project oversight. This position does not require a professional engineer's license by the state of South Carolina or a bachelor of science in engineering if the individual is deemed qualified based on level of experience.

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 it 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 boilerplate 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.

J. APPENDIX - 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 Sub-Consultant / Sub-Contractor 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

Signature of Authorized Official

Printed Full Legal Name of Authorized Official

Date

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

My commission expires _____.

Notary Public

CERTIFICATION OF PRIMARY CONSULTANT 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.

Company Name

Signature of Authorized Official

Printed Full Legal Name of Authorized Official

Date

CERTIFICATION OF SUB-CONSULTANT / SUB-CONTRACTOR REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

The sub-consultant/contractor, _____ 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 sub- consultant/contractor, _____ 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.

Company Name

Signature of Authorized Official

Printed Full Legal Name of Authorized Official

Date

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 CONSULANT UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 U.S.C. §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND DISCLOSURE, IF ANY.

Company Name

Signature of Authorized Official

Printed Full Legal Name of 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.

Company Name

Signature of Authorized Official

Printed Full Legal Name of Authorized Official

Date

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST CERTIFICATION

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.

The Consultant by signing this disclosure, certifies 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.

The Consultant, by signing this disclosure, further certifies that it is in compliance with the CONFLICT OF INTEREST (SCDOT COMMISSION): Section 23 of Act 40 of 2017 [now codified as S. C. Code Section 57-1-350(G)] prohibits a member of the SCDOT Commission serving on July 1, 2017 (the effective date of the Act) or thereafter, from having an interest, direct or indirect, in any contract awarded by the department during the member’s term of appointment and for one year after the termination of the appointment. Therefore, any proposal or bid submitted to SCDOT in violation of this law will be disqualified.

The Consultant, by signing this disclosure, further certifies that it is in compliance with the CURRENT AND FORMER SCDOT EMPLOYEES policy: To avoid the appearance of any real or perceived favoritism, unfair advantage, undue influence, or conflict of interest, a proposal will be disqualified that names, identifies, or includes in any way a current or former SCDOT employee serving in a management level position within 365 days of the submittal. No communication or appearance shall be made by such current or former employee with SCDOT on such proposal, or the proposal will be disqualified. In addition no current or former employee, who served in a management level position or above, may work on or invoice for services performed on a project within 365 days after their last day of employment with SCDOT. For the purposes of this bright line rule, “management level position” is defined as any SCDOT Pay Band 7 and above position, which includes, but is not limited to, Directors, Assistant Directors, District Engineering Administrators, District-level Engineers, Program Managers, Assistant Program Managers and Resident-level Engineers.

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 of Authorized Official

Date

Print Full Legal Name of Authorized Official

Company Name

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