



NOTICE TO ALL CONSULTING ENGINEERING FIRMS

Solicitation Number: S-205-17 – On-Call Environmental Construction Compliance and Support 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 Construction Compliance and Support Services** on an on-call basis necessary to provide support to SCDOT Staff for environmentally sensitive projects under construction and assist in keeping activities in compliance with Federal and State Environmental Requirements. Requested services include but are not limited to the following Primary Objectives: (1) Assist the SCDOT Environmental Compliance Manager to ensure environmental compliance on SCDOT construction projects. (2) Compile all environmental commitments and perform project inspections with the appropriate environmental compliance forms. (3) Complete environmental close-out packet for all construction projects.

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 four (4) firms to provide these services, with a total maximum On-Call amount for the three (3) year period not to exceed \$3,500,000.00 to be distributed among the selected firms. Consultants will be evaluated and ranked based on their score during the selection process. **Selected firms will be assigned on a regional basis delineated by SCDOT Engineering Districts.**

RFP information associated with this solicitation is located at the following link: http://info.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, July 17, 2017.

PROFESSIONAL CONSULTANT SERVICES REQUEST FOR PROPOSAL

AGENCY	South Carolina Department Of Transportation (SCDOT)
DESCRIPTION:	On-Call Environmental Construction Compliance and Support Services
SOLICITATION NUMBER	S-205-17
ADVERTISEMENT DATE	June 26, 2017
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), July 17, 2017. 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 Construction Compliance and Support Services** on an on-call basis necessary to provide support to SCDOT Staff for environmentally sensitive projects under construction and assist in keeping activities in compliance with Federal and State Environmental Requirements. Requested services include but are not limited to the following Primary Objectives: (1) Assist the SCDOT Environmental Compliance Manager to ensure environmental compliance on SCDOT construction projects. (2) Compile all environmental commitments and perform project inspections with the appropriate environmental compliance forms. (3) Complete environmental close-out packet for all construction projects.

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 four (4) firms to provide these services, with a total maximum On-Call amount for the three (3) year period not to exceed \$3,500,000.00 to be distributed among the selected

firms. Consultants will be evaluated and ranked based on their score during the selection process. Selected firms will be assigned on a regional basis delineated by SCDOT Engineering Districts.

SCDOT will use a one-step evaluation selection process. 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 General on-call scope of service:

Environmental Construction Compliance and Support

Provide environmental support to SCDOT staff for construction projects and assist in keeping activities in compliance with environmental requirements.

Primary objectives:

1. Assist the SCDOT Environmental Compliance Manager (ECM) to ensure environmental compliance on SCDOT construction projects.
2. Compile all environmental commitments and perform project inspections with the appropriate environmental compliance forms.
3. Complete environmental close-out packet for all construction projects.

Typical tasks will include:

- Attend project Pre-Bid Meeting to address environmental concerns, as needed.
- Attend Preconstruction/Partnering Meeting to address environmental concerns. Prepare environmental commitments report prior to Preconstruction/Partnering Meeting.
- Participate as needed in project meetings to address questions and environmental concerns; participate as needed with resource agencies to address questions and concerns.
- Review construction site with environmental compliance forms; provide copies of all reports to the SCDOT project authority and the SCDOT ECM.

- Track all environmental commitments and update environmental commitment report.
- Review Weekly Sediment and Erosion Control Site Inspection Reports, as needed.
- Respond within 24 hours to any requests from the SCDOT project authority regarding environmental concerns.
- Review and compare permit plans and construction plans for discrepancies.
- Coordinate with the SCDOT project authority to ensure jurisdictional areas are clearly identified. Assist in establishing the jurisdictional boundary, as needed.
- Assist in compiling required information to resolve potential violations and in preparing permit modifications, as needed.
- Assist in initial Migratory Bird Treaty Act (MBTA) surveys, as needed.
- Assist in performing pre/post construction environmental surveys, as needed.
- Coordinate major environmental concerns through the SCDOT ECM.

Associated deliverables:

- Completed environmental compliance forms.
- Environmental close-out packet (commitment report, compliance forms, site photographs, pertinent project information, etc.) for all construction projects.
- Submit invoices on a monthly basis with all required documentation.

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-205-17_RespondingFirmName.pdf.

Information regarding ProjectWise can be found at:

Please contact Eric Stuckey at 803-737-1003 or StuckeyEC@scdot.org to set up an account to begin utilizing the electronic submittal process. Consultants are REQUIRED to upload their submittals online through ProjectWise. Only one completed submittal per team will be accepted and shall be uploaded by lead consulting firm. Please be advised of the time required to set up new account. All requests for new accounts must be received 72 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 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 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 people 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. **Qualifications for key individuals and all other individuals that are considered critical to the success of the project.** Qualifications should include information on experience related to similar projects and previous project work.
4. **Legal names** (first, middle and last, (including maiden name, if appropriate)) **for all individuals** identified in the proposal. **Note: if the legal name is included on the organizational chart that will fulfill the legal name requirement.**
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.

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 shown below will determine the consultant's qualification score.

The relative point value and selection criteria follow:

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.

CEI CONFLICT: no member of the consulting firm, its subsidiaries and/or affiliates, shall be selected for CEI services on a design build project if they are part of the design build team. If a sub-consultant is on the design build team, the CEI consultant candidate shall request approval from SCDOT to replace the conflicting sub-consultant prior to CEI contracting in accordance with the **KEY INDIVIDUAL, STAFF AND TEAM CHANGES AFTER AWARD OF DESIGN BUILD CONTRACT:**

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 consultant may not contact any SCDOT staff including members of the Selection Committee, other than the CO to obtain information on the RFP. Such contact may result in disqualification.

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

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

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

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/doing/doingPDFs/businessDevelop/UCP_DBE_Directory.pdf.

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.

FORMER AND CURRENT SCDOT EMPLOYEES: To avoid the appearance of any real or perceived favoritism, unfair advantage, undue influence, or conflict of interest, a proposal that names, identifies, or includes in any way a current or former SCDOT employee who was employed by SCDOT within 365 days of the submittal will be disqualified. 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 may work on or invoice for direct services performed on this project within 365 days after their last day of employment with SCDOT.

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 CHANGES DURING SELECTION PROCESS:

(A) If during the selection process, the CO is notified by the consultant that key individuals are not available, action must be taken as follows: (1) if notified before scoring is complete, but after deadline for submittal, the consultant shall submit the **formal name (first, middle, maiden if applicable, and last)** and resume of a replacement having equal or better qualifications 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 having equal or better qualifications who will replace the key individual. The selection committee must then determine if the new person would affect the selection results. If not, the CO will notate the change and the justification for keeping the selection results. If it does, the selection committee will re-score the top consultant and change the selection; or (3) if a consultant notifies the CO of a key individual change any time after the final approval, the SCDOT must determine if the new key individual is acceptable. If not, the consultant will be rejected and the next highest qualified consultant selected.

(B) 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.

KEY INDIVIDUAL CHANGES AFTER AWARD THIS SOLICITATION: All key individuals identified in the submitted proposal shall remain for the duration of the procurement process and if the Prime Consultant is awarded a contract, the duration of the contract. Unauthorized changes to the key individuals at any time during the procurement process may result in rejection of the submitted proposal from further consideration. If the Prime Consultant is awarded a contract, unauthorized changes to any key individuals in the submitted proposal may be considered a breach of contract and result in termination.

KEY INDIVIDUAL, STAFF AND TEAM CHANGES AFTER AWARD OF DESIGN BUILD CONTRACT: If the top ranking prime consultant has a sub-consultant or subcontractor listed that is a member of the successful design-build team, the prime consultant shall request approval from SCDOT to replace the sub-consultant or subcontractor only under the following conditions: (1) the prime consultant must remain, (2) a maximum of 25% of the original team may be substituted, and (3) key individuals cannot be substituted. If the selected prime consultant cannot meet the three (3) criteria above, the next highest ranked prime consultant will be reviewed for compliance. 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, maiden if applicable, and last. 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 its determines that such rejection is in the best interest of the State

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

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

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

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

Authorized Signature

Date

SWORN AND SUBSCRIBED before me
This _____ day of _____, 201__.

My commission expires _____.

Notary Public

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

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

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

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

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

Signature and Title of Authorized Official

Date

CERTIFICATION OF 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.

Signature and Title of Authorized Official

Date

CERTIFICATION OF RESTRICTIONS ON LOBBYING

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

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

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

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

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

_____ Signature of the consultant's Authorized Official

_____ Name and Title of the consultant's Authorized Official

_____ Date

CERTIFICATION OF CONSULTANT

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

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

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

Consultant hereby certifies that it has, to the best of its knowledge and belief determined that any former SCDOT employees that are identified as key individuals on this Project are in compliance with the S.C. Ethics Act, specifically, Sections 8-13-755 and 8-13-760.

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

CONSULTANT

Name of Consultant

By: _____

Its: _____

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 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

Date

Print Full Legal Name

Company

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

Name

Phone

Company