

# Request for Proposals

## A&E and Related Services

Issued by: City of Portland (herein after referred to as "Agency")

RFP Number: 00001757

RFP Title/Project Name: 82<sup>ND</sup> Avenue Civic Corridor Transportation Investment Program

Issue Date: October 20, 2021

**PROPOSAL DUE DATE and TIME: December 6, 2021 by 2:00 PM PST**

Proposer Questions, RFP Protests, and Requests for Change: due via email no later than 7 calendar days prior to Proposal due date.

A pre-Proposal conference will not be held.

### Issuing Office; Purchaser/Single Point of Contact

Purchaser/Single Point of Contact for this RFP:	Manh Saechao
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#### Notes:

- This RFP is a Qualifications Based Selection (QBS).
- This RFP is advertised as a "Bid Solicitation" in the OregonBuys web-based eProcurement system. See RFP section 0.1 - OregonBuys for information regarding vendor registration and terminology used in OregonBuys platform.

Proposals and all other submittal requirements specified in [RFP section 2.4](#) must be submitted before the Closing/Proposal due date and time via ( City of Portland Buyspeed (see RFP section 0.0)

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**Definition of Terms:**

The following terms have the meaning provided in [OAR 137-046-0110](#): “Addendum” or “Addenda”, “Business Day”, “Closing”, “Contract”, “OAR”, “ORS”, “Proposal”, “Request for Proposal” or “RFP”, “Responsive”, “Writing”. “Business Day” means Monday through Friday, excluding State of Oregon holidays.

## Section 0.0 City of Portland ePROCUREMENT SYSTEM

For purposes of this proposal submission, the Proposer shall submit: **one (1) original copy of their proposal and all separately attached documents and responses in PDF, or MS Word format** through the City's Online Procurement Center (BuySpeed) at:

<https://procure.portlandoregon.gov/>

### a. Online proposal submission procedure

**Disclaimer:** The following instructions are provided as a guideline to Proposers submitting proposals online through BuySpeed. These instructions are advice only and the City **does not** warrant that following these instructions will guarantee that a Proposer's proposal is submitted correctly. **Proposers bear complete and total responsibility for ensuring their proposal is properly submitted and received on time.**

#### **Instructions:**

1. If you haven't already, register or complete the registration process in BuySpeed.
2. Log in to BuySpeed, go to the "Bids" tab.
3. Find the "Bid" (RFPs and all Solicitations and Notices in BuySpeed are called "Bids") your firm wishes to propose on. See the "Open Bids" section.
4. Click the "Create Quote" link. (All proposals and bids are considered "Quotes" in BuySpeed)
5. Click Yes or No depending on if you want to be on the Bidder's List.
6. In the "General" Tab, click "Save & Continue" (You will see a validation Error, this is normal, and will be corrected later)
7. Go to the "Items" tab, **enter in a value of 1.00 dollar in the pricing box of the first line item. Make sure that "No Bid" box is unchecked for each line items. Do not enter any pricing or other data in the other item boxes, only enter 1.00 dollar in the first line item in the items tab.**
8. Click "Save & Continue"
9. Skip the "Questions", "Subcontractors", and "Notes" tabs
10. Go to the "Terms and Conditions" Tab. Check "Yes".
11. Click "Save & Continue"
12. Go to the "Attachments" tab. Click "Add File".
13. In the Add File screen click "Browse". Find the file you wish to attach and upload it to our system. **If your Proposal is confidential or contains confidential information check the "Confidential" box.**
14. Click "Save & Exit".
15. Repeat steps 12-14 to upload any additional documents
16. Go to the "Summary" tab. Review the summary information.
17. Click "Submit Quote", confirm submission by clicking "OK" when prompted.

The entire proposal must be attached and properly submitted through the City's Online Procurement Center **before** the time and date specified on the cover page of this RFP. Proposers are advised to allow extra time prior to the closing date and time to create a "Quote" and upload their proposal documents into BuySpeed.

### b. Confidential Information: additional "redacted copy" of proposal required

If the Proposer requests redactions to their proposal in accordance with the language below, the Proposer shall also submit one (1) additional "non-confidential" copy of the proposal in

unprotected MS Word format with the requested redactions. If no redactions are requested in a proposal, please state that clearly in the Cover Letter.

**REDACTION FOR PUBLIC RECORDS:** Any portion of a proposal that the proposer claims as exempt from disclosure must meet the requirements of ORS 192.501(2), ORS 192.502(4) and/or ORS 646.461 et seq. **Proposers are required to submit a redacted copy of their proposal and all attachments.** “Redaction” means the careful editing of a document to obscure confidential references; a revised or edited document thereby obscuring the exempt information but otherwise leaving the formatted document fully intact. **The redacted copy must be a complete copy of the submitted proposal, in which all information the Proposer deems to be exempt from public disclosure has been identified.**

When preparing a redaction of your proposal submission, a proposer must plainly mark the redactions by obscuring the specific areas your firm asserts are exempt from public disclosure. In addition, a summary page identifying the pages where redactions occur shall be included with the proposal submission (summary is not included in page limitations). **If a proposer fails to submit a redacted copy of their proposal as required, the City may release the proposer’s original proposal without redaction.** If the entire proposal is marked as constituting a “trade secret” or being “confidential”, at the City’s sole discretion, such a proposal may be rejected as non-responsive.

Unless expressly provided otherwise in this RFP or in a separate written communication, the City does not agree to withhold from public disclosure any information submitted in confidence by a proposer unless the information is otherwise exempt under Oregon law. The City agrees not to disclose proposals until the City has completed its evaluation of all proposals and publicly announces the results.

## **1.0 SOLICITATION PURPOSE & CONTRACT OVERVIEW**

### **1.1 SUMMARY OVERVIEW & PROCUREMENT SCHEDULE**

Agency is issuing this Request for Proposals and any Addenda thereto (collectively, the “RFP”) to obtain Proposals from qualified consultant(s) for preliminary engineering, design and related services (“Services”) for the project described in section 1.2.

For further information regarding the project and Services needed, see sections 1.2 through 1.10 and RFP Attachment B.

Proposers responding to this RFP do so solely at their expense, and Agency is not responsible for any Proposer expenses associated with the RFP.

Procurement Schedule	Date
RFP issue date, deadline for Proposer questions/protests, and Closing/Proposal submittal deadline	Stated on front page
Proposal evaluation (and interviews if conducted) -	Estimated 12/8/21 to 12/22/21
Notice of Intent to Award	Estimated 12/27/21
*Negotiations	Estimated 1/4/22
Contract start	Estimated 2/15/22

\*Proposer, by submitting a Proposal, commits to and will be expected to make best efforts to accommodate the negotiation schedule above if selected for intent to award. See section 4.7 - Negotiations.

## 1.2 PROJECT BACKGROUND/SCOPE INFORMATION & LOCATION

The Portland Bureau of Transportation is seeking a professional services Consultant to provide a variety of architectural and engineering (“A&E”) services and related services (“Services”) relevant to the 82<sup>nd</sup> Avenue Civic Corridor Transportation Investment Program (“the Project”) within the City of Portland as described in Section 3.

The general categories of Services required include, but are not limited to the following:

Primary services needed include:

- Public Involvement: Facilitation, Outreach and Communications
- Environmental Services
- Graphics and Visual Imaging
- Transportation Planning
- Roadway Engineering
- Traffic Engineering, Analysis and Management
- Right of Way (ROW) Services
- Surface and Subsurface utility coordination

Other services needed to supplement the above activities include:

- Project/Program Management
- Administrative Record Management
- Land-use Analysis
- Access Management
- Geotechnical Services
- Pavement Services
- Arborist/Urban Forestry Services
- Geo/Hydro Engineering (including stormwater treatment and detention)
- Utility Conflict Identification and Coordination
- Cultural and Historic Research
- Biological and Endangered Species Act (ESA) Assistance
- Socio-Economic Research
- Title VI Analysis and Compliance
- Funding Coordination/Grant Application Assistance
- Survey Mapping and Support
- Structural Engineering Support Services

And other services as required to support the project.

### **Project Background/Description**

82<sup>nd</sup> Avenue is a defining roadway in Portland and is located in one of the most diverse areas of the state. Destinations like the Jade District and Montavilla make 82nd Avenue a citywide attraction for restaurants, shopping, and services. It is a regionally significant transportation corridor, hosting one of TriMet’s busiest bus lines, serving 20,000 to 30,000 vehicle trips a day, and providing a critical north-south connection. A safe, well-functioning 82nd Avenue is important to both the City of Portland and the State.

The 82nd Avenue of today functions very differently than it did when it was built as a state highway. The construction of I-205 running parallel to the state highway shifted long-distance travel and commerce off 82nd Avenue. Today, most trips on 82nd Avenue are local and provide access to businesses and

destinations. Managing 82nd Avenue with an eye towards the future and addressing safety, climate and equity outcomes is critical to supporting the ability of people and businesses in this corridor to thrive.

To ensure greater responsiveness to these needs, the City of Portland (the City) and Oregon Department of Transportation (ODOT) have agreed to transfer 82<sup>nd</sup> Avenue from State to City ownership. The State legislature has allocated \$80M in American Rescue Plan Act funds to support the transfer. ODOT has also agreed to provide an additional \$70M to the City of Portland to fund additional safety, state of good repair, access and mobility projects.

Numerous past efforts have engaged the community and developed plans for 82nd Avenue under ODOT ownership. The most recent efforts include:

- 82nd Avenue of the Roses Implementation Plan (ODOT Plan, 2018) - articulated near-term incremental investments to improve conditions on 82nd Avenue under ODOT ownership. The process included discussions of potential future cross sections, but did not specify an envisioned cross section in the plan. <https://www.oregon.gov/odot/projects/pages/project-details.aspx?project=17PF120>, or [https://www.portland.gov/sites/default/files/2020-06/implementation-plan-17pf120\\_0.pdf](https://www.portland.gov/sites/default/files/2020-06/implementation-plan-17pf120_0.pdf)
- Enhanced Transit Corridors Plan (PBOT, 2018) - Included TriMet Bus Line 72 in the initial Network of Enhanced Transit Corridors and recommended two capital projects along 82nd Avenue and Killingsworth, for inclusion in the 2018 Regional Transportation Plan and next update to the Portland Transportation System Plan (TSP). Plan explored transit priority treatment options along 82nd Ave, but did not result in a recommended set of transit priority treatments. <https://www.portland.gov/transportation/planning/enhanced-transit-corridors-plan>
- Regional Transit Strategy and Regional Transportation Plan (Metro, 2018) [https://www.oregonmetro.gov/sites/default/files/2020/05/03/2018%20Regional%20Transit%20Strategy\\_0.pdf](https://www.oregonmetro.gov/sites/default/files/2020/05/03/2018%20Regional%20Transit%20Strategy_0.pdf)
- 82nd Avenue Plan: Planning for a Future Civic Corridor (PBOT Plan, 2019) - developed list of near-term needs related to safety and access; set a right-of-way dedication aligned with the ultimate 90-foot width envisioned for the corridor. While this Plan was developed to continue movement towards ultimate jurisdictional transfer, it did not specify the envisioned cross section under City ownership and did not specify investments in detail for transit or bicycle infrastructure, beyond what is recommended on page 19. <https://www.portland.gov/transportation/pbot-projects/construction/82nd-avenue-plan>
- 82nd Ave Study: Understanding Barriers to Development (BPS Study, 2019) <https://www.portlandoregon.gov/bps/72125>
- Rose Lane Project (PBOT, 2020) - Included TriMet Bus Line 72 in the Rose Lane transit line network and identified it as a potential future corridor in partnership with other agencies given the City did not have full jurisdiction over the roadway. <https://www.portland.gov/transportation/rose-lanes>
- Regional Transportation Funding Measure (Metro, 2020) - Metro-led effort developed an 82nd Avenue project to be funded by the measure that included a significant focus on safety and transit enhancements. This effort assumed that a jurisdictional transfer to the City would occur in tandem with these investments, however, it did not specify the envisioned cross section or determine which specific investments would be made. The measure, which did not pass, included funding for:
  - Additional crossings of 82nd Avenue
  - Signal and intersection upgrades for transit and safety improvements, including some cross-section options but no decision on a preferred alternative.
  - A significant investment in transit, seeking to leverage Federal Transit Administration funding
  - Sidewalks and other safety investments
  - Pavement maintenance

- Parallel and perpendicular neighborhood greenway investments
- Community stabilization within the corridor

The work on 82<sup>nd</sup> Avenue to date has shown that there are extensive needs in at least four overarching investment areas:

1. **Safety:** 82<sup>nd</sup> Avenue is a high crash corridor within the City of Portland for pedestrians, people biking, and people driving. Earlier this year, two pedestrians were killed just weeks apart on the same part of 82<sup>nd</sup> Avenue while trying to cross the street. 82<sup>nd</sup> Avenue lacks sufficient safe crossing opportunities and lighting, and it is difficult to safely access places along the corridor as a pedestrian, by bike, or on transit. While most of 82<sup>nd</sup> Avenue has sidewalks, they are narrow or in poor condition in many locations. 82<sup>nd</sup> Avenue lacks dedicated bike facilities and bike access to 82<sup>nd</sup> Avenue destinations is limited. In 2020, the Transportation Funding Measure identified over \$140M in safety needs.
2. **Transit:** The TriMet Bus Line 72 currently operates on 82nd Avenue connecting Clackamas Town Center to Northeast and North Portland. One of TriMet’s highest ridership lines, the 72 provides riders with access to jobs, housing, shopping and more. Transit service within the corridor experiences significant delay and travel time costs for transit dependent riders. This travel time cost disproportionately burdens low-income communities and people of color. The goals of providing enhanced transit in the Regional Transportation Plan focus on improving the speed and reliability of transit service to make it as efficient and accessible as using a private automobile. In 2020, the Transportation Funding Measure identified 82<sup>nd</sup> Avenue as the region’s top priority for an investment in bus transit.
3. **State of good repair:** Since the construction of I-205, much basic maintenance on 82<sup>nd</sup> Avenue has been deferred. The pavement quality is poor to very poor. Most curb ramps are not accessible, and in some places, there is no sidewalk. Many signals are out of date and do not operate in alignment with today’s needs. The stormwater system needs updates to function well. As a result, the street has a significant need for investments in pavement, signals, stormwater, and sidewalks, estimated at over \$100M.
4. **Equitable development:** Improved infrastructure, particularly a major transit investment, can provide a significant benefit to the surrounding communities, but needs to be paired with equitable development and community stabilization strategies to avoid displacement of local businesses and residents. There is a need for equitable development to ensure people and businesses can stay in place and thrive; to preserve and expand affordable housing; and to create economic opportunities to generate wealth within the community.

Addressing these needs will occur over time and with the leadership and action of various agencies, city bureaus, and community-based organizations.

The goals of the Civic Corridor Transportation Investment Program are to develop and adopt a vision for 82nd Avenue as a Civic Corridor under City of Portland ownership, determine the cross section and street geometry, and identify an implementation approach to invest the allocated funding in a way that:

- Moves towards the Civic Corridor vision in the City’s Comprehensive Plan
- Aligns with PBOT’s strategic plan and transportation system plan
- Supports equitable community development and stabilization, and
- Advances our shared regional priority of a major investment in transit on 82nd Avenue
- Identifies a basic safety and state of good repair project in 2022 in which to invest the \$80M in ARPA funding

The expected outcome of the Services requested in this solicitation is the project development and design for a transportation investment that begins to address the above needs and leads to construction completed by 2026. The PS&E must be complete by 2024 to meet the obligations of the Federal funding. The Consultant Services must address the short-term need of defining a project that can be constructed by 2026. Consultant Services may also contribute to laying the groundwork for a future corridor project

that could include bus rapid transit or other transit investments as well as other potential changes to the roadway to fulfill the Civic Corridor vision.

The statement of work (SOW) will be developed and negotiated, within the scope advertised in this RFP, with the selected Proposer for inclusion in the Contract. A draft SOW is provided in RFP Attachment B, which will be negotiated with the selected Proposer for inclusion in the Contract.

### 1.3 PROJECT PHASES

Agency anticipates the contracted Services will be a phased development as follows:

- Phase I - Project development, conceptual design, programming of investments and funding sources, and documentation under federal NEPA.
- Phase II - Design engineering, ROW acquisition, and other tasks for the selected alternative.
- Phase III - Plans, Specifications, and Estimates (complete by 2024)
- Phase IV - Construction services (complete by 2026)

### 1.4 PERIOD OF PERFORMANCE

The schedule for performance of Services needed under the prospective Contract is approximately January 2022 through December 2026. Phase I (project development, conceptual design, and NEPA documentation) is expected to be completed in 2022. Phases II and III will be completed by December 2024, with Phase IV complete by December 2026.

### 1.5 QUANTITY OF CONTRACTS AWARDED & OFFER PERIOD

If award is made, it is anticipated that 1 Proposer will be selected for Contract award from this RFP.

A Proposer's Proposal is a firm offer, irrevocable, valid and binding on the Proposer for not less than 180 days following the Closing date for this RFP. Agency may request, either orally or in Writing, that Proposer extend the offer period in Writing.

### 1.6 FUNDING SOURCE(S):

This project is funded by federal funding sources. Phase I-IV will be funded by American Rescue Plan Act (ARPA) funding; obligation of all ARPA funds must be completed by December 31, 2024.

### 1.7 CONTRACT NOT TO EXCEED AMOUNT & METHOD OF COMPENSATION

The anticipated value of the Contract awarded from this RFP is estimated to be in the range of \$8 to \$12 million.

Contingent upon Agency's need, Consultant's performance, and the availability of approved funding, Agency reserves the right to amend the Contract (within the scope of the project described in this RFP) for additional tasks, project phases and compensation as necessary to complete the project.

The method of compensation will be determined by Agency and may be any of the following methods (may include more than one method - "Mixed"):

- Cost Plus Fixed-fee, up to a maximum NTE amount;
- Time and Materials, up to a maximum NTE amount;
- Fixed Price for all Services; Fixed Price per Deliverable; Fixed Price per Milestone;

### 1.8 DISADVANTAGED BUSINESS ENTERPRISE ("DBE") PARTICIPATION GOAL

ODOT's DBE Policy Statement is posted at the following Internet address:

<https://www.oregon.gov/ODOT/Business/OCR/Pages/Disadvantaged-Business-Enterprise.aspx>

The DBE Policy Statement applies and is incorporated with the same force and effect as though fully set forth in this RFP.

See **RFP Attachment C - Sample Contract, Exhibit E** for:

- information on reporting requirements and how credit for DBE participation is determined (for goal and no-goal Contracts), and
- further explanation and description of the DBE program.

A DBE participation goal of **8.5 %** has been assigned for the Contract.

Proposers shall demonstrate ability to meet the DBE goal if one is assigned to the prospective Contract. Proposers should not assume that a minority-owned business (“MBE”), a woman-owned business (“WBE”), a business owned by a service-disabled veteran (“SDV”) or an emerging small business (“ESB”) currently certified in Oregon is a DBE firm. Proposers are encouraged to verify the DBE firms’ certification by:

- 1) requesting a copy of the DBE certification letter from the committed DBE firm; or
- 2) contacting the Oregon Certification Office for Business Inclusion and Diversity (“COBID”) at (503) 986-0123. Proposers may also access the updated certification list by accessing COBID’s Internet Web Page address at:

<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp>

## 1.9 INSURANCE REQUIREMENTS

See Attachment C - Sample Contract for the insurance requirements (Contract Exhibit C) and terms and conditions that will apply to the prospective Contract from this RFP.

## 1.10 CONTRACT TERMS & CONDITIONS

See Attachment C - Sample Contract, which is incorporated in the RFP by this reference, for the terms and conditions that will apply to the prospective Contract from this RFP. Unless an official Addendum has modified or reserved the right to negotiate any terms and conditions contained in the Sample Contract or exhibits thereto, Agency will not negotiate any term or condition after the solicitation protest deadline, except the SOW and pricing with the selected Proposer(s). Changes to standard Contract terms and conditions may be subject to approval by ODOT.

By Proposal submittal, the selected Proposer agrees to be bound by the terms and conditions as set out in the Sample Contract associated with this RFP, and as they may have been modified or reserved by Agency for negotiation. **Any Proposal that is received conditioned on Agency’s acceptance of any other terms and conditions or rights to negotiate will be rejected.**

## 2.0 INSTRUCTIONS TO PROPOSERS & SUBMITTAL REQUIREMENTS

### 2.1 PROPOSER QUESTIONS, RFP PROTESTS and REQUESTS FOR CHANGE

All questions, RFP protests or requests for change relating to any aspect of this RFP or the associated project(s) must be submitted in Writing via e-mail to the Purchaser/Single Point of Contact identified on page 1 of this RFP. RFP protests and requests for change submitted after the due date on page 1 of this RFP will not be considered. Any RFP protest or request for change must identify the RFP number, and project name it applies to and must be in conformance with requirements set forth in [OAR 137-048-0240\(1\)](#). The foregoing procedures and deadline shall also apply to protests and requests for change respecting the contents of Addenda to the RFP, unless the Addenda specify a different deadline. **Failing to follow the foregoing requirements regarding the Single Point of Contact for inquiries may result in Proposal rejection by Agency.**

Answers to substantive questions and/or any changes to the RFP will be issued as official Addenda to

this RFP, no later than 5 Business Days prior to the Proposal due date.

If a pre-Proposal conference is scheduled, it is so stated on page 1 of this RFP.

## **2.2 ADDENDA (referred to as “Amendment” in OregonBuys)**

When appropriate, as determined by Agency in its sole discretion, changes to Closing/Proposal due date and time or revisions, additions, substitutions, clarifications of the RFP or attached terms and conditions will be issued as Addenda to this RFP. Modifications to this RFP shall be binding on Agency and Proposer only if in the form of written Addenda issued by Agency. Any such Addenda are incorporated into this RFP as if fully set forth herein. Except for officially issued Addenda, no person has been authorized to provide any other written or oral representation, clarification, warranty or assurance with respect to this RFP or the project.

**Agency shall advertise addenda, if any, at the following website:**

<https://procure.portlandoregon.gov/>

Anyone who has downloaded or received a copy of this RFP will only be alerted to the existence of any Addenda by monitoring and downloading from the above website. Agency is not responsible for sending Addenda to any potential Proposers.

## **2.3 MINIMUM QUALIFICATIONS**

Proposer must include the following key staff and clearly indicate how they meet each of the minimum qualifications listed below:

- 2.3.1 Project Manager** with experience managing collaborative processes working with multiple agencies, interest groups and stakeholders; managing technical teams; and delivering complex projects on a timeline.
- 2.3.2 Expert Civil Engineer** with experience designing roadway rehabilitation and transit projects in complex urban environments, considering existing roadway assets and public and private utilities. In the space provided on the Proposal Cover Sheet (RFP Attachment A), list the name and registration number of this Oregon Registered Civil Engineer in active status (or that will be prior to Contract execution) employed by Proposer and proposed to be in responsible charge of engineering Services under the prospective Contract.
- 2.3.3 Expert Transportation/Traffic Engineer** with experience designing multimodal systems in constrained urban environments, with a focus on safety.
- 2.3.4 Expert Senior Environmental Specialist** with experience in constrained urban environmental settings and meeting NEPA requirements for both FTA and FHWA projects.
- 2.3.5 Expert Transportation Planner** with experience on complex urban projects, complex decision-making, and effective stakeholder and public engagement.
- 2.3.6 RESERVED**
- 2.3.7 Maximum Subcontracting.** Proposers are advised that, to be considered for award, the prime consultant must have qualified employees and capacity to self-perform (without subconsultant assistance) at least 30 percent of the Contract value for the proposed services (this does not apply to CA/CEI phase which may be subcontracted without the 30% self-performance requirement). The prime must have qualified employees to self-perform the Services and conduct quality control reviews of the core deliverables required under the Contract. For

example, if a bridge design project includes some survey, environmental, and geotechnical services, Agency intends to select a firm with employees qualified to perform bridge design, instead of selecting a survey, environmental, or geotechnical firm that will subcontract the bridge design.

## 2.4 PROPOSAL & SUBMITTAL REQUIREMENTS

**2.4.1 Time, Date and Place for Submission.** Proposals and all required submittal items must be submitted via the Electronic Procurement System specified in section 0.0 of this RFP and received by the deadline specified on page 1 of this RFP (or such other deadline as may be revised by Addenda issued by Agency). Agency will not accept Proposals submitted after the Proposal submittal deadline.

If submittal by email or Electronic Procurement System is allowed under this RFP, in the event of a system failure that interferes with the ability of Proposer to submit Electronic Submittals, to protest or to otherwise participate in the procurement, Agency may cancel the procurement or may extend the date and time of receipt of Electronic Submittals by issuing an Addendum immediately after the Electronic Procurement System or electronic mail system becomes available.

**2.4.2 Proposal Page Limit.** The Proposal is limited to **10 pages**. Any pages exceeding this limit will not be considered in the evaluation. Items excluded and not counted as pages toward the page limit include:

- Attachment A - Proposal Cover Sheet,
- Any additional forms required in section 2.4.5.
- Staff resumes

**2.4.3 Proposal Format.** One page is defined as: one side of any 8-1/2" x 11" page, partial page, tab, index or table of contents that contains substantive text, tables, graphics, charts, etc. Any page over this size will be counted as 2 pages. Proposals must use a minimum of 12-point font for substantive text (including text in tables, if any).

**2.4.4 Required Proposal Contents.** Proposals must include:

- A completed and signed Proposal Coversheet - RFP Attachment A (not counted toward page limit)
- Responses to the scored criteria identified in RFP section 3 and any other requirements specified in this RFP or the Proposal Coversheet.
- Any content in the Proposal which Proposer believes to be a trade secret or exempt from public disclosure must be so indicated in conformance with [section 5.4](#) of this RFP.

[This is a qualifications based selection. Cost information shall not be submitted with Proposals (see RFP section 4.0).]

**2.4.5 Additional Required Forms/Documents.** The following do not count toward the Proposal page limit and must be submitted with the Proposal package (but separate from Proposal):

- ▮ **Signed Subcontractor Solicitation and Utilization Report - SSUR** (form available at: <https://www.oregon.gov/ODOT/Forms/2ODOT/2721.pdf>.) [Submit 1 copy of a completed, signed SSUR with Proposal. Also fax a copy of the completed, signed SSUR directly to ODOT Office of Civil Rights (Fax 503-986-6382) within 10 Business Days following Proposal submittal due date. **If unable to open form, see [instructions for changing browser settings](#).**]
- ▮ **Signed Conflict of Interest Disclosure** (form available at: [http://https://www.oregon.gov/ODOT/Business/Procurement/DocsLPA/COI\\_LPA.docx](http://https://www.oregon.gov/ODOT/Business/Procurement/DocsLPA/COI_LPA.docx))

(Note: Proposers should review [section 4](#) of this RFP to ensure they can comply with submittal requirements for the selected Proposer.)

### 2.4.6 Proposal Package.

Proposer must provide all required submittal items electronically via the Electronic Procurement System specified in RFP section 0.0.

**Electronic File Size.** Proposer shall make reasonable efforts to compress or optimize files to not exceed a combined **total of 6 megabytes for all submittals**. For tips on reducing file size, see information at the following links: [How to reduce PDF file size](#); [How to reduce the size of Word documents that contain images](#).

**Electronic Signatures.** By submitting a Proposal in response to this RFP, the Proposer (and if selected for award, also as the Consultant) agrees with the Agency that signatures showing on PDF documents submitted or exchanged electronically are “Electronic Signatures” under ORS Chapter 84 and bind the signing party and are intended to be and can be relied upon by the parties.

### 2.4.7 Proposal Withdrawals or Modifications.

A Proposal may be withdrawn or replaced with a modified Proposal by written request from Proposer, provided the request (and any modified Proposal) is signed by Proposer’s authorized representative and received by Agency prior to the deadline for Proposal submittal.

## 3.0 EVALUATION PROCESS & CONSULTANT SELECTION

### 3.1 PROPOSAL EVALUATION

Submittals will be reviewed by Agency for responsiveness to all requirements (allowing for minor informalities) set forth in the RFP and RFP Coversheet. Responsive Proposals will be forwarded to an evaluation committee of at least 3 members that will independently review, score and rank Proposals according to the Scoring Criteria set forth in **section 3.2**. Evaluators will independently judge the merits of the Proposals by comparing the requirements and criteria stated in the RFP with the responsiveness and the relevance of experience/qualifications presented in the Proposal. The outcome of the Evaluation process may, in Agency’s sole discretion, result in:

- (a) notice to Proposers of selection or rejection for Contract negotiation and possible award; or
- (b) further steps to gather additional information for evaluation (e.g. checking references, notice of placement on an interview list, requesting clarification).

Agency may require any clarification it needs to understand the Proposer’s Proposal. Clarifications may not be used to rehabilitate a non-responsive Proposal.

### 3.2 EVALUATION CRITERIA

	Criteria	Maximum Points
1	<p>Describe your team’s qualifications and experience relating to the requested services:</p> <ul style="list-style-type: none"> <li>• For the key personnel for this Project (Project Manager, Expert Civil Engineer, Expert Transportation/Traffic Engineer, Expert Senior Environmental Specialist, Expert Transportation Planner, please provide the following:               <ul style="list-style-type: none"> <li>○ Name (first, last) and Title</li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>○ Any special certifications/licenses (if discipline requires the services of an Oregon licensed professional, note license in resume.)</li> <li>○ Years of Experience</li> <li>○ Description of professional area of expertise and proposed role in the Project</li> <li>○ Relevant project related experience</li> </ul>	25
2	<p>Describe the firm's Project management plan and approach for this Project. Response must include:</p> <ul style="list-style-type: none"> <li>• A summary of your firm's approach to the Project, including how you will address the most critical elements for a successful outcome.</li> <li>• A summary of your plan for managing scope, schedule and budget, including assuring sufficient capacity to meet tight timelines.</li> <li>• Outline the procedures for Quality Assurance and Quality Control.</li> <li>• Describe how subconsultants will be selected, utilized and managed to complete the Project.</li> <li>• Describe the firm's approach to public engagement for this project.</li> </ul>	35
3	<p>Describe the risks that this Project might encounter and outline your mitigation strategy.</p>	20
4	<p>Provide two (2) project samples and references for comparable projects completed within the last five (5) years through Final design (PS&amp;E) as required on the <i>Comparable Project Examples and Reference Form (Attachment C)</i>.</p> <ul style="list-style-type: none"> <li>• Describe relevance to this Project, including descriptions of how key issues and project constraints were addressed and resolved.</li> <li>• For the two listed projects, include a brief description of project type, location, size, duration and objectives; a list of project staff and their role in the project; a chronological timeline describing the tasks performed by the Proposer to fulfill the project objectives; and the project budget. Include two (2) references for each project with valid contact information.</li> </ul> <p>City may perform reference checks as part of the scored evaluation criteria. Each project sample may be scored a maximum of ten (10) points which includes up to 5 points for reference checks, <b>if performed</b>. References will be emailed a 1-page form requesting them to rate Proposer performance, on a scale of 1-5, regarding the firm's: responsiveness, ability to meet schedule, ability to meet budget, adequate resource allocation, and overall experience with Proposer. Forms must be returned to the Procurement Specialist within five (5) days of email send date.</p> <p>If the Agency does not receive the forms from the Proposer's reference by the deadline date, the reference may be deemed unresponsive, and the 5 points deducted from the Project total.</p>	20

### 3.3 INTERVIEWS

Agency may, in its sole discretion, conduct and score interviews with the top ranked Proposers following Proposal evaluation. **If interviews are conducted, the following will apply:**

- A minimum of 3 evaluators shall score the interviews;
- Evaluation and scoring will based on the criteria in section 3.2;
- Interviews will have a maximum score of 100 points;
- The number of Proposers selected for interviews is at the sole discretion of Agency;

- Interviews may require physical attendance at Agency's offices; however, Agency may elect to conduct interviews via teleconference or video conference. Further details will be included with notification of time and date of interviews, if conducted.

### **3.4 REFERENCES**

Agency reserves the right to investigate references including customers other than those provided in the Proposal or Proposal Coversheet (Attachment A). Investigation may include past performance of any Proposer with respect to its successful performance of similar projects, compliance with specifications and contractual obligations, its completion or delivery of a project on schedule, and its lawful payment to employees and workers or any other criteria as determined by Agency.

### **3.5 METHOD OF AWARD**

The scores for Proposer ranking and tentative award will be determined as follows:

- Total Proposal Score = Total of all evaluator scores for a given Proposal, divided by the number of evaluators.
- Total Interview or Follow-up Questions Score (if conducted) = Total of all evaluator scores for a given Proposer, divided by the number of evaluators.
- **Final Score** = Total Proposal Score plus Total Interview or Follow-up Questions Score (if conducted).

### **3.6 RESPONSIBILITY DETERMINATION**

At any time prior to Contract execution, Agency may rescind the intent to award notice, if applicable, and reject any Proposer found to be not responsible.

### **3.7 INTENT TO AWARD NOTICE**

If an apparent successful Proposer is selected, Agency will issue an intent to award notice on the eProcurement System specified in RFP section 0.0 and will provide a copy of the notice to all Proposers. Award to the apparent successful Proposer is subject to successful negotiation of the Contract.

### **3.8 PROTEST of CONSULTANT SELECTION**

A Proposer who claims to have been adversely affected or aggrieved by the selection of the highest ranked Proposer may submit a written protest of the selection to the Purchaser/Single Point of Contact, identified on page 1 of this RFP, no later than 7 calendar days after the date of the selection notice. Selection protests submitted after this deadline will not be considered. Selection protests must identify the RFP number, and project name it applies to, and must be in conformance with requirements set forth in [OAR 137-048-0240\(2\)](#). All costs of a protest shall be the responsibility of the protestor and undertaken at the protestor's expense.

### **3.9 PUBLICITY**

Any publicity giving reference to this project, whether in the form of press releases, brochures, photographic coverage, or verbal announcement, shall be done only after prior written approval of the Agency.

## **4.0 CONTRACT AWARD REQUIREMENTS & NEGOTIATIONS**

The submittal requirements in this section 4 apply only to a Proposer that receives intent to award notice following Agency's evaluation and scoring of Proposals (and interviews, if conducted). Cost information shall not be submitted as part of the Proposal package and shall be submitted only when requested by Agency.

Failure to submit required submittal items in a timely manner may result in Agency rescinding the intent to award notice and issuing notice of intent to award to the next ranked Proposer.

#### 4.1 COST INFORMATION

**4.1.1 Approved Cost Data on File with ODOT.** If awardee or its subconsultants have current, approved overhead, salary, or Negotiated Billing Rate (NBR) rate schedules on file at ODOT, awardee and its subconsultants will submit those approved rate schedules and any required certifications to Agency (or Agency may obtain approved rate schedules from ODOT) in lieu of the submittal requirements in section 4.1.3 below. If awardee or any of its subconsultants do not have approved cost data on file with ODOT, then the cost data and certification forms required under section 4.1.3 must be submitted as applicable.

**4.1.2 Conformance with [Federal Cost Principles](#).** Direct and indirect costs as applied to cost estimates and invoices under federally funded Agency Contracts and subcontracts must be in conformance with Federal Cost Principles (48CFR Part 31). Costs may not be discriminatory against the Agency. It is discriminatory against the Agency if employee (or owner/sole proprietor) compensation (in whatever form or name) is in excess of that being paid for similar non-Agency work under comparable circumstances. Any cost data submitted by Proposer pursuant to this solicitation may be shared with ODOT, FHWA and Oregon Secretary of State as necessary for audit purposes.

**4.1.3 Billing Rates.** Following notice of intent to award, the selected Proposer shall submit (electronically in Excel format) billing rate information within 5 Business Days of request by Agency. Compensation related forms/templates are available at <https://www.oregon.gov/ODOT/Business/Procurement/Pages/PSK.aspx>. Billing rate information must include either "Direct Salary and Overhead Information" or "Negotiated Billing Rate Schedule" described below, as applicable to your firm's (and subconsultant's) accounting method:

**a. Direct Salary and Overhead Information:**

- (i) **Direct Salary Rate Schedule.** This schedule includes the name, classification and actual direct salary rate for each employee that may be used under the Contract. The direct salary rate schedule will not be included in the Contract but will be used by Agency for negotiations and to develop an approved billing rate schedule, if applicable, for the Contract.
- (ii) **Calculation of Overhead Rate** (if applicable for your firm's type of accounting). Current overhead accounting information on a form using the standard 3-column format. Firms shall condense or expand categories as applicable to the firm's method of accounting. Firms that have not established an overhead rate, based upon their particular financial reporting methodology, shall be reviewed by Agency to determine whether an overhead rate schedule will be required or a negotiated non-provisional billing rate will be used. If a firm does calculate overhead, the information must be submitted to Agency and updates must be provided annually.
- (iii) **Cognizant Audit** - If an audit for the most recent fiscal year has been completed for your firm (or any sub-contractors) by the appropriate federal cognizant agency, this must be submitted with the billing rate information (electronically in PDF format).
- (iv) **Independent Audit** - If an audit for the most recent fiscal year has been completed for your firm (or any sub-consultants) by an independent, third party accounting firm, this must be submitted with the billing rate information (electronically in PDF format).
- (v) **Certification of Indirect Rate** - [FHWA directive 4470.1A](#) requires firms to submit a signed certification of compliance with [48CFR Part 31 Federal Cost Principles](#). If your firm calculates overhead, submit a signed copy of the [Certification of Final Indirect Costs form](#).

**b. Negotiated Billing Rate Schedule (NBR):** This schedule is used by firms that do not have an

acceptable overhead rate with independent audit as part of their normal accounting practice and Agency determines it is in the best interest of the government to negotiate fully loaded billing rates. The negotiated billing rate schedule includes rates that are fully loaded with direct salary, indirect expenses and profit. Provide name, classification (project role) and fully loaded rate for each employee. Use of a negotiated billing rate schedule may be required by Agency (or ODOT) for consultants or subcontractors that do not have audited overhead rates or that, upon cursory review, appear not to be calculating overhead correctly and in conformance with [Federal Cost Principles](#).

- 4.1.4 Cost Estimate Breakdown.** The cost estimate must include a detailed breakdown of the costs for each element of the work regardless of compensation method. Unless specified otherwise in the solicitation, Contract, or by Agency, the estimate must identify:
- the proposed staff assignments (job classifications, and names if requested) and hours per task and sub-task.
  - an itemization of any necessary rental equipment, flaggers, travel and other direct non-labor expenses (estimates from vendors or other documentation shall be provided upon request);
  - hours per task and sub-task for each subconsultant with job classifications (and names if requested), and itemized direct non-labor costs.
  - **Contingency Tasks.** Each contingency task, if any, must be shown as a separate line-item on the estimate with same requirements for breakdown of costs as non-contingency tasks. The total amount for a contingency task must include all labor, overhead, profit, and direct non-labor expenses for the contingency task. Do not include expenses for contingency tasks in the amounts or totals for non-contingency tasks; they must be reported separately on the estimate.

**Notes:**

- Consultant must submit their initial cost estimate breakdown without profit included. Profit will be negotiated and added to cost estimates following agreement on the SOW, labor costs and expenses.
- Do not add profit to costs based on fully-loaded NBR billing rates. Profit is already included in the hourly rate.

## **4.2 CERTIFICATION REGARDING DEBARMENT & OTHER RESPONSIBILITY MATTERS**

Within 5 Business Days of receipt of notice of intent to award, for Contracts that will exceed \$150,000 (including as may be amended) the selected Proposer shall submit a signed Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters form available on line at: <https://www.oregon.gov/ODOT/Business/Procurement/DocsPSK/CertFederal.pdf> (ref 48CFR 52.209-5)

## **4.3 CERTIFICATES OF INSURANCE**

Prior to Contract execution, selected Proposer shall provide certificates of insurance via e-mail for insurance coverage required in Exhibit C of the Sample Contract (RFP Attachment C).

## **4.4 COMMITTED DBE BREAKDOWN & CERTIFICATION FORM**

The selected Proposer must submit, prior to execution of the Contract (during negotiations), a completed and signed Committed DBE Breakdown and Certification Form (one for each DBE sub). Instructions for submittal are on the "Instructions" tab of the form. The **Committed DBE Breakdown and Certification Form-AE** is available at: <https://www.oregon.gov/ODOT/Business/OCR/Pages/Forms.aspx>. For additional information, see Exhibit E of the Sample Contract (RFP Attachment C).

## **4.5 TAX ID NUMBER**

The selected Proposer shall provide their Taxpayer Identification Number (TIN) and backup withholding status on a completed [W-9 form](#) if either of the following apply:

- When requested by Agency prior to Contract execution, or
- When the backup withholding status or any other information of Proposer has changed since the last submitted W-9 form, if any.

#### 4.6 BUSINESS REGISTRY NUMBER/REGISTERED AGENT

If selected for Contract award, Proposer must be duly authorized by the State to transact business in the State before executing the Contract. The selected Proposer shall submit a current Oregon Secretary of State business registry number (unless operating as your [real and true name](#)). See [process for obtaining a business registry number](#). All Corporations and other business entities (domestic and foreign) must have a Registered Agent in Oregon. See requirements and exceptions regarding [Registered Agents](#). For more information, see [Oregon Business Guide, How to Start a Business in Oregon](#) and [Laws and Rules](#). The titles in this subsection are available at the following Internet site: <https://sos.oregon.gov/business/Pages/default.aspx>.

#### 4.7 NEGOTIATIONS

Agency will negotiate in the best interest of the government, the SOW, costs, and any provision(s) Agency has indicated in the RFP or any Addenda it will negotiate. Agency will, either orally or in Writing, formally terminate negotiations with the highest ranked Proposer if Agency and Proposer are unable for any reason to reach agreement on a Contract within a reasonable amount of time. Agency may thereafter negotiate with the second ranked Proposer, and if necessary, with the third ranked Proposer, and so on until negotiations result in a Contract. Agency may end this solicitation if negotiations do not result in a Contract within a reasonable amount of time, as determined in the sole discretion of Agency.

### 5.0 GENERAL TERMS & CONDITIONS FOR THIS RFP

#### 5.1 NON-DISCRIMINATION

Agency, in accordance with the Title VI of the Civil Rights Act of 1964, 78 Stat. 252. 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all Proposers that it will affirmatively ensure that all business enterprises will be afforded full opportunity to submit Proposals in response to this solicitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration for an award.

#### 5.2 FUTURE WORK LIMITATIONS

(For these purposes, “Affiliate” or “Affiliates” of a consultant means any Person or entity that controls, is controlled by or is under common ownership or control with that consultant.)

- If a consultant is awarded a Contract to prepare an Environmental Impact Statement, Environmental Assessment, Categorical Exclusion or designs and plans/specifications for a project, that consultant and its Affiliates will not be eligible to propose/bid on or enter into a Contract to construct that project.
- If preliminary engineering and final design will be performed under the prospective Contract, Agency is not obligated to proceed with final design for any alternative. All reasonable alternatives will be evaluated and given appropriate consideration, and consultant may not proceed with final design until the relevant NEPA decision documents have been issued (e.g., Categorical Exclusion, Finding of No Significant Impact, or Record of Decision).
- If a consultant is awarded a Contract to prepare an Environmental Impact Statement, Environmental Assessment or Categorical Exclusion for a project, that consultant and its Affiliates may prepare the designs/plans/specifications for the project or may propose under a separate

solicitation to prepare designs/plans/specifications for the project only if Agency concludes that the NEPA document was prepared with objectivity. Agency is not obligated to proceed with final design for any alternative. All reasonable alternatives will be evaluated and given appropriate consideration, and consultant may not proceed with final design until the relevant NEPA decision documents have been issued (e.g., Categorical Exclusion, Finding of No Significant Impact, or Record of Decision).

- If a consultant or any Associate of consultant enters into personal services Contract(s) with Agency for the purpose of advising or assisting in developing specifications, a scope or statement of work, an invitation to bid, an RFP or other solicitation documents and materials related to a given procurement, the consultant may not be eligible to propose/bid on the prospective procurement (based on a case-by-case assessment by Agency, ODOT or FHWA).

### 5.3 ELECTRONIC FILES LINKED OR ATTACHED TO RFP

This RFP document must be viewed electronically to access files, attachments, forms, provisions or other documents that are attached electronically (shown as icons) or provided via hyperlinks from the Internet in this RFP. All files, attachments forms, provisions or other documents attached electronically or linked from the Internet are incorporated in this RFP with the same force and effect as though fully set forth in this RFP.

### 5.4 PUBLIC RECORDS

Proposals shall be open to public inspection in accordance with [ORS 279C.107](#). If a Proposal contains any information that may be considered exempt from disclosure as a trade secret under either ORS 192.311(2) or ORS 646.461(4), or under other grounds specified in Oregon Public Records Law, ORS 192.311 through 192.478, the Proposer must clearly designate on or with the Proposal the portions of its Proposal which Proposer claims are exempt from disclosure, along with a justification and citation to the authority relied upon. **Identifying the Proposal in whole as trade secret, confidential or otherwise exempt from disclosure is not acceptable. In such circumstances Agency will require Proposer to submit a memorandum citing the statutory justification for each specific area of the Proposal that Proposer claims to be exempt.** If Proposer fails to identify, on or with the Proposal, the portions of the Proposal Proposer claims are exempt from disclosure and the authority used to substantiate that claim, Proposer is deemed to have waived any later claim of an exemption or request for nondisclosure of that information. Agency will not be held liable for any disclosure of information which Proposer considers to be exempt from disclosure if required by a Public Records Order. Notwithstanding any rights under 17 USC 101 et seq., (the United States Copyright Act), when Agency is required to provide copies of the non-exempt portion of the Proposal pursuant to a Public Records Order, Proposer hereby grants a license to Agency to copy those portions of the Proposal that are subject to disclosure.

### 5.5 USE of RECYCLED PRODUCTS

Consultants/contractors shall use recyclable products to the maximum extent economically feasible in the performance of the Contract work set forth in this document.

### 5.6 RFP CANCELLATION

Agency may reject any or all Proposals and may cancel this RFP at any time if doing either would be in the public interest as determined by Agency. In no event shall Agency have any liability for the cancellation of this solicitation.

# ATTACHMENT A - PROPOSAL COVER SHEET

## Part I - Proposer Information and References

RFP#: \_\_\_\_\_ ; Project Name: \_\_\_\_\_

Legal Name of Firm as provided to IRS: \_\_\_\_\_

DBA Name (if different than legal name): \_\_\_\_\_

DUNS Number: _____	Is Proposer registered as a foreign corporation in Oregon? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Corporation <input type="checkbox"/> Professional Corporation <input type="checkbox"/> Ltd. Liability Company <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Ltd. Liability Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other: _____	
State of Incorporation/Organization: _____	
Mailing Address: _____	

Type name of authorized contact for this RFP: _____
Email address: _____
Telephone: _____ Fax: _____
Type name of person(s) authorized to sign Contract: _____

### MINIMUM QUALIFICATIONS

- Expert Civil Engineer per requirements of RFP section 2.3.2:

Name	Registration Number

### REFERENCES

<b>Provide references for 3 clients for which Proposer has provided, in the last 3 years, similar services to those described in this RFP (please verify contact information):</b>	
1) Name of Firm: _____	Reference Contact Person _____
Telephone: _____ email _____	
Project Title: _____	
Scheduled Contract Completion Date: _____ Actual Contract Completion Date: _____	
Contract Est. Cost: _____ Contract Actual Cost: _____	
Project Delivery Method: <input type="checkbox"/> DBB; <input type="checkbox"/> CMGC; <input type="checkbox"/> DB; <input type="checkbox"/> _____	
2) Name of Firm: _____	Reference Contact Person _____
Telephone: _____ email _____	
Project Title: _____	
Scheduled Contract Completion Date: _____ Actual Contract Completion Date: _____	
Contract Est. Cost: _____ Contract Actual Cost: _____	
Project Delivery Method: <input type="checkbox"/> DBB; <input type="checkbox"/> CMGC; <input type="checkbox"/> DB; <input type="checkbox"/> _____	
3) Name of Firm: _____	Reference Contact Person _____
Telephone: _____ email _____	
Project Title: _____	
Scheduled Contract Completion Date: _____ Actual Contract Completion Date: _____	
Contract Est. Cost: _____ Contract Actual Cost: _____	
Project Delivery Method: <input type="checkbox"/> DBB; <input type="checkbox"/> CMGC; <input type="checkbox"/> DB; <input type="checkbox"/> _____	

# ATTACHMENT A - PROPOSAL COVER SHEET

## Part II - Proposer Certifications

By signing below, the authorized representative on behalf of Proposer certifies that:

1. Proposer agrees to and shall comply with the terms and conditions of the sample Contract associated with this RFP and all requirements, specifications and terms and conditions contained within the RFP (and all Addenda, if any).
2. All contents of the Proposal (including any other forms or documentation, if required under this RFP) and this Proposal Cover Sheet, are truthful and accurate and have been prepared independently from all other Proposers, and without collusion, fraud, or other dishonesty. No attempt has been made or will be made by Proposer to induce any other person to submit or not submit a Proposal. Proposer understands that any statement or representation it makes, in response to this solicitation, if determined to be false or fraudulent, a misrepresentation, or inaccurate because of the omission of material information could result in a "claim" {as defined by the **Oregon False Claims Act**, ORS 180.750(1)}, made under the resulting Contract being a "false claim" {ORS 180.750(2)} subject to the Oregon False Claims Act, ORS 180.750 to 180.785, and to any liabilities or penalties associated with the making of a false claim under that Act.
3. Proposer has available the appropriate material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to demonstrate the capability of the firm to meet all contractual responsibilities.
4. Proposer is not experiencing financial distress or having difficulty securing financing, and has sufficient cash flow to fund day-to-day operations throughout the proposed Contract period.
  - a. Within the last 3-year period, has your firm filed a bankruptcy action, filed for reorganization, made a general assignment of assets for the benefit of creditors, or had an action for insolvency instituted against it? YES  / NO .
  - b. If "YES" above, indicate the filing dates, jurisdictions, type of action, ultimate resolution, and dates of judgment or dismissal, if applicable:
5. Proposer has not been notified within the last 3-year period of any delinquent Federal, State or local taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.
6. Proposer, its principals and major subcontractors (major subcontractor is defined as receiving 10% or more of the total Contract amount) have not presently, or within the last 3 years, been convicted of, indicted for, or otherwise criminally or civilly charged by a governmental entity with the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) Contract or subcontract; violation of federal or state antitrust statutes relating to the submission of bids or Proposals; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property.
7. Proposer has not and will not discriminate in its employment practices with regard to race, creed, age, religious affiliation, sex, disability, sexual orientation or national origin. And, pursuant to ORS 279A.110, Proposer has not and Proposer will not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns or an emerging small business certified under ORS 200.055.
8. Proposer has an operating policy supporting equal employment opportunity. If proposing firm has 50 or more people, Proposer also has a formal equal opportunity program.
  - o Does Proposing firm have 50 or more employees?  Yes,  No.
  - o Does Proposing firm have a formal equal employment opportunity program?  Yes,  No

Firms of 49 people or less do not need to have a formal equal employment opportunity program, but shall have an operating policy supporting equal employment opportunity. Firms of 50 people or more shall also have a formal equal employment opportunity program.

9. Proposer's employees and agents are not included on the list entitled "Specially Designated Nationals and Blocked Persons" maintained by the Office of Foreign Assets Control of the United States Department of the

Treasury and currently found at <https://www.treasury.gov/resource-center/sanctions/SDN-List/Pages/default.aspx>

10. Proposer and its Principals, and any of its prospective subcontractors for this award are not presently debarred, suspended, disqualified, proposed for debarment or declared ineligible for the award of contracts by any federal agency or agency of the State of Oregon, and does not have an Active Exclusion on the System for Award Management (SAM) which is available at <https://sam.gov/>.
11. Proposer, acting through its authorized representative, has read and understands the RFP instructions, specifications, and terms and conditions contained within the RFP (including the sample Contract) and all Addenda, if any. The Proposal submitted is in response to the specific language contained in the RFP, and Proposer has made no assumptions based upon either (a) verbal or written statements not contained in the RFP, or (b) a previously-issued RFP, if any.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(President or Authorized Representative of Proposer)

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

## ATTACHMENT B - STATEMENT of WORK

**Attachment B** is attached as a separate file that can be downloaded from the website for this solicitation.

## ATTACHMENT C - SAMPLE CONTRACT

The Sample Contract (including its terms, conditions and Exhibits) is not physically attached but incorporated into this RFP with the same force and effect as though fully set forth herein.

**Attachment C** is attached as a separate file that can be downloaded from the website for this solicitation.