**REQUEST FOR PROPOSAL**

**November 18, 2021**

**TO PERFORM**

**PRELIMINARY ENGINEERING SERVICES**

**FOR PROJECTS:**

**2-046(062)060, PCN 23389 JCT ND 1 TO W JCT ND 32**

**8-046(035)090, PCN 23390 9 MI E OF ENDERLIN E TO I-29**

**9-052(485)006, PCN 23404 RR CROSS ACCEL/DECEL LANES – US 52**

**William T. Panos**

**DIRECTOR**

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

**PROPOSALS MUST BE DELIVERED TO**

**STEVE CUNNINGHAM**

**ENVIRONMENTAL AND TRANSPORTATION SERVICES DIVISION**

**By**

**12:00 PM Central Time DECEMBER 9, 2021**

**REQUEST FOR PROPOSAL**

**PROJECT OVERVIEW**

The North Dakota Department of Transportation (NDDOT) is requesting the services of qualified engineering firms to perform engineering and affiliated services to complete the following projects.



**SCOPE OF WORK**

NDDOT intends to execute one cost plus fixed fee contract for each project requiring monthly billings with the chosen firm(s). NDDOT reserves the right to assign work in phases and have the firms selected perform any additional work not currently assigned. Project work items may be added or removed from the contract by work authorization or supplementary agreement.

NDDOT intends to bundle the projects and may select one or more firms for the list of projects. Each proposal shall include a prioritized list of projects in order of preference (#1 being highest priority) and a proposed schedule/milestone of activities and staffing plan for each of the prioritized projects.

The schedule/milestone shall include project deliverables for both the firm(s) and NDDOT. The project deliverables shall identify a date for the completion of the activities which shall include any reviews and approvals by the NDDOT. The firms shall allow 14 days for the review and/or approval of project deliverables by the NDDOT. The schedule shall indicate the project phase in which the project deliverable will be started in. All deliverables shall be submitted in a manner to allow for approval and submission to and receipt from the permitting agencies prior to the bid ready date. The NDDOT shall not be responsible for added cost or lost time for the rework of the project deliverables. A scoping report is provided for each project.

**List of Project Deliverables:**

The list of deliverables may be modified by adding or deleting deliverables as needed.

Phase I Deliverables

• Field review report with recommendations for added work

• Revised schedule/milestone for work to be performed by all parties

• Pre-survey meeting report

Phase II Deliverables

• Wetland delineation survey and report

• Preliminary concepts for mitigation

• Public involvement materials and report

• Ground/Aerial Survey

• Environmental document

• Engineering/Environmental Surveys/Studies/Reports (Safety review, Traffic operations, Section 106 survey and report, Utility coordination and engineering, Roadway/structure hydraulics, Geotechnical surveys and reports)

Phase III Deliverables

• Utility conflict plans

• Preliminary right of way listing and cost

• Right of way plats

• Right of way appraisal

• Right of way acquisition documents

• Acquisition

• Borrow acquisition, clearance, and investigation report

• Permit applications and agreements

• 50% plan review

• Utility conflict plans

• Cost estimates and cost participation info

• Plans in hand PS&E review

• Final plan delivery

• ROW, Utility, and railroad certifications

NDDOT Deliverables:

Phase I Deliverables

• Traffic data

• Bridge preliminary concept

• Aerial LiDAR/Imagery survey data collection

Phase II Deliverable

• Pavement design

• Jurisdictional determination

• Section 106 concurrence

• CATEX

Phase III Deliverables

• 404 Permit

• 401 WQC

• Floodway authorization

• Floodplain permit

• TERO agreement

• Utility agreements

• HBP mix recommendations

• ROW authorization

• Mailboxes

• Cost maintenance agreement

• Gravel prospecting

**PROJECT PHASING:**

Phase I, Scoping: Phase I shall be limited to conducting a scoping meeting, field review, initial preliminary survey and developing a NDDOT approved scope of work and hours for Phase II.

The Engineer will have 30 days, from the date that the Phase I contract is executed, to conduct the scoping meeting, field review and secure an approved scope of work and hours. The field review should include a decision document and estimated construction and engineering costs for any added work that was not included in the project scoping report. A preliminary scope of work and hours shall be provided by the firm within 21 days of signing the contract. Pending NDDOT approval of the scope of work and hours completed in Phase I, the NDDOT may authorize the Engineer to perform Phase II and any additional work not currently assigned or completed in Phase I.

Phase II, Environmental Document and Preliminary Design: Phase II shall consist of all activities necessary to complete the environmental document (including FHWA concurrence and approval), conduct public involvement, perform preliminary design, and coordinate utility location and conflict plans. Phase II will be considered complete upon receiving environmental approval from FHWA and NDDOT approval of all other deliverables. Phase III may be negotiated and authorized based on the outcome of Phase II, Engineer’s proposal, Engineer’s performance, and available funding.

Phase III, Final Design: Phase III shall consist of design activities following preliminary design and preparation of final construction plans, specifications, and estimates; execute contracts for utility conflict plans for adjustments and relocations; final right of way acquisition, final mitigation plans and permitting. Phase III will be considered complete upon delivery and approval of final construction plans, specifications, estimates, certifications, and NDDOT approval of all other deliverables. Phase IV may be negotiated and authorized based on the outcome of Phase III, Engineer’s proposal, Engineer’s performance, and available funding.

Phase IV, Engineer of Record: Phase IV, if necessary, shall consist of engineering services associated with Engineer of Record activities including, but not limited to, consultation and questions, pre-job meetings, plan revisions & change orders, and shop drawings. Phase IV does not include construction engineering.

Firms interested in performing the work must be qualified to perform roadway design.

Interviews will be conducted tentatively 30 days from the due date of this proposal.

Attached with the RFP are the Scoping Report/scope of work and Risk Management Appendix.

All design and project data will become the property of NDDOT upon completion of the final submittal. All project information will be **generated** in the following formats and standards:

1. MS Word and MS Excel
* MircoStation SS4 (8.11.09.832) or SS10 (8.11.09.919)
1. Geopak SS4 (8.11.09.903) or SS10 (8.11.09.918)
2. OpenRoads Designer CE (10.08.01.33) for Early Adopters
3. NDDOT CADD Manual
4. Microsoft “Project”
5. NDDOT Consultant Services Manual Chapter 19
6. NDDOT Procedure for Creating Right of Way Plats Manual Chapter 20
7. NDDOT CADD Editing Manual Chapter 21
8. NDDOT Data Collection Codes and Procedures
9. NDDOT Design Manual and Plan Preparation Guide Website
10. NDDOT Right of Way Manual
11. Adobe Acrobat (standard or compatible)

**PROJECT SCHEDULE**

The project shall be completed on or before the Bid Ready Date for each project. A preliminary milestone with the Bid Ready Date and preliminary activities are to be completed by the consultant.

**PROPOSED SUB CONSULTANT REQUEST**

Sub Consultant firms that have been contacted and agree to be listed on the Prime Consultants Project Proposal for work with NDDOT must submit original form and one copy to be attached to the Prime Consultants Proposal.  This form is used for informational purposes only.  See NDDOT web site for form SFN 60232. (http://www.dot.nd.gov/dotnet/forms/forms.aspx )

**PRIME CONSULTANT REQUEST TO SUBLET**

The successful firm will be required to include the attached ‘Prime Consultant Request to Sublet’ form for each Sub consultant listed on the contract prior to execution of the contract.  The form assures that the contract between the Prime consultant and all Sub consultants contains all the pertinent provisions and requirements of the prime contract with the North Dakota Department of Transportation (NDDOT). See NDDOT web site for form SFN 60233. <http://www.dot.nd.gov/dotnet/forms/forms.aspx>

If the Prime consultant has a DBE as a sub-consultant then they will also be required to submit SFN 61412-DBE Consultant-Commercially Useful Function (CUF) <https://www.dot.nd.gov/forms/sfn61412.pdf>

**CIVIL RIGHTS**

The North Dakota Department of Transportation, in accordance  with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C.§§ 2000d to 2000d-4) and the Regulations,  hereby notifies all bidders that it will affirmatively  ensure that any contract entered into pursuant to this advertisement,  disadvantaged  business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated  against on the grounds of race, color, or national origin in consideration for an award.

**Disadvantaged Business Enterprise (DBE)**

49 Code of Federal Regulations Part 26 (CFR) states that the consultant, sub recipient, or sub consultant shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. Consultants shall carry out applicable requirements of 49 CFR Part 26 in the solicitation, award, and administration of USDOT-assisted contracts.  Failure by the consultant, to carry out these requirements is a material breach of the contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate. **For information regarding the DBE Program, see the DBE Program Manual at** [**http://www.dot.nd.gov/divisions/civilrights/docs/dbe/dbe-program-admin-manual.pdf**](http://www.dot.nd.gov/divisions/civilrights/docs/dbe/dbe-program-admin-manual.pdf)

**Title VI/Nondiscrimination and ADA**

Title VI assures that no person or group of persons may, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs or activities administered by the Department.  For information regarding Title VI, see the **Title VI/Nondiscrimination and ADA Program at** <https://www.dot.nd.gov/divisions/civilrights/docs/titlevi/Title-VI-Nondiscrimination-ADA-Program-Implementation-Plan.pdf>

The two paragraphs above apply to every consultant on the project, including every tier of sub consultant. It is the consultant’s, or sub consultant’s responsibility to include the two above paragraphs in every subcontract.

**RIGHT OF WAY COORDINATION (as needed)**

Project Coordination

1. Prior to commencing valuation work, a preliminary meeting will be held with the consultant and the NDDOT Review Appraiser.  A Preliminary Valuation Review form must be completed for every project requiring an Appraisal, Waiver Valuation, Short Form Report and/or Basic Data Book.

<http://www.dot.nd.gov/forms/sfn61346.pdf>

1. Prior to commencing initial right of way work, a preliminary meeting will be held with the consultant, sub consultant (negotiator), NDDOT ROW tech support, NDDOT Design tech support, NDDOT Designer and any additional participants as needed.  This will include reviewing forms, package submission, process review and reporting requirements.

**Consultant’s proposal**

Appendix

Any consultant or sub consultant performing right of way acquisition negotiations must submit a biography, including a certificate of completion for the following class:

FHWI – NHI Course # 141045, Real Estate Acquisition under the Uniform Act: An Overview

(<https://www.nhi.fhwa.dot.gov/training/course_search.aspx?sf=0&course_no=141045>)

Please refer to the attached biography as a referenced example.

<https://www.dot.nd.gov/divisions/environmental/docs/RFP%20Biography.pdf>

**EVALUATION AND SELECTION PROCESS**

Firms interested in performing the work must submit one electronic copy in PDF format. The electronic copy must be submitted prior to the date and time listed on the cover of this RFP to be considered. Late proposals will not be considered.

**Proposals shall be submitted to:**

Steve Cunningham

Environmental and Transportation Services Division

NDDOT

608 East Boulevard Avenue

Bismarck, ND 58505

scunning@nd.gov with copies to rjpeck@nd.gov and jglasoe@nd.gov

* Each proposal shall contain a cover letter signed by an authorized officer who can sign contracts for the firm. The pages of the cover letter will not be counted as a part of the pages. Also include the individuals email address below each signature on the cover letter.
* The proposal pages shall be numbered and must be limited to 5 pages in length. Proposals that exceed the page length requirement will not be considered. This section should contain your approach and project specific plan.
* The consultant’s proposal shall include an appendix. The appendix may include updated Federal form 330 if you do not have one on file with CAS. The pages in the appendix will not be counted as a part of the pages. The appendix shall include the following in this order:

 **Appendix A**

* + A schedule/milestone for the project. The schedule will be included as part of the contract.

**Appendix B**

* + A staffing plan identifying the key project personnel (including titles, education, and work experience) and the respective roles and responsibilities for the project.

**Appendix C**

* + Project Specific QC/QA Plan including check lists, persons, responsibilities, proposed submittals and reviews, and DOT response timelines. The QC/QA Plan will be reviewed by the NDDOT and become part of the project after the contract has been signed.

**Appendix D**

* + Sub-consultants and associated activities to be completed by the sub-consultants. Attach proposed sublet form SFN 60232 for each sub at the end of this section.

Each proposal will be evaluated by a selection committee consisting of NDDOT staff members and/or representatives. NDDOT reserves the right to limit the interviews to a minimum of three firms whose proposals most clearly meet the RFP requirements. Firms not selected to be interviewed will be notified in writing.

Selection will be on the basis of the following weighted criteria:

Weight

* \_\_10%\_\_ i. Past performance
* \_\_10%\_\_ ii. Ability of professional personnel
* \_\_15%\_\_ iii. Willingness to meet time and budget requirements
* \_\_ 5% iv. Location
* \_\_10%\_\_ v. Recent, current, and projected workloads of the persons and/or firms
* \_\_10%\_\_ vi. Related experience on similar projects
* \_\_10%\_\_ vii. Recent and current work for the agency
* \_\_30%\_\_ viii. Project understanding, issues, and approach
* \_\_ 5% ix. DBE: Up to 5 points for utilizing DBE’s in case of tied scores

Weights for each criterion are assigned independently for each specific project by CAS and the

Project Technical Representative. Maximum total weight is 100 points. 5 additional points

may be awarded for good faith efforts to utilize DBE’s in the event of a tie.

Consultants are strongly encouraged to use DBE sub consultant services where applicable. The proposal must contain a list of any tasks that may be let to sub consultants should the consultant be awarded the contract. It must also contain the specific good faith efforts made by the consultant, to achieve DBE participation, in the areas intended for sub-consulting. Consultant interviews will include questions regarding good faith efforts (see 49 CFR Part 26, Appendix A: Guidance Concerning Good Faith Efforts, Paragraph IV. A-H) to achieve DBE participation. DBE participation will be a consideration during the negotiation stage of each contract.

**PROMPT PAYMENT**

Consultants will be required to make prompt payment to subconsultants as required by 49 CFR 26.29. The Consultant shall make payment to all subconsultants within thirty (30) calendar days from receipt of payment from the State. Such payment shall be certified by the Consultant by submittal of the subsequent Consultant Contract Billing Form to the State. The State may withhold subsequent payment(s) to the Consultant if any subconsultants have not been paid for work satisfactorily completed.

**RIGHT OF REJECTION**

The North Dakota Department of Transportation reserves the right to reject any or all proposals.

**DISCLOSURE OF PROPOSAL**

At the conclusion of the selection process, the contents of the short-listed proposals will be subject to North Dakota's Open Records Law and may be open to inspection by interested parties. Any information included in the proposal that the proposing party believes to be a trade secret or proprietary information must be clearly identified in the proposal. Any identified information recognized as such and protected by law may be exempt from disclosure.

**RISK MANAGEMENT FOR PROFESSIONAL SERVICES**

The Risk Management Appendix/Addendum will be incorporated into the agreement between NDDOT and the consultant. Firms must be able to provide a proper Certificate of Insurance within 15 days of notification of Selection.

**AUDIT**

Consulting firms proposing to do work for the NDDOT must have a current audit rate no older than 12 months from the close of the firm’s Fiscal Year. Firms that do not meet this requirement will not qualify to propose or contract for NDDOT projects until the requirement is met. Firms that have submitted all the necessary information to the NDDOT and are waiting for the completion of the audit will be qualified to submit proposals for work. Information submitted by a firm that is incomplete will not qualify. Out of state firms can submit a current accepted FARS audit rate from a cognizant agency. Under certain conditions NDDOT may offer a Safe Harbor Rate of 110% to firms that do not have a compliant rate.

**CONSULTANT EMAIL CONTACTS**

If necessary, please update contact information for receiving RFP's via email