**REQUEST FOR PROPOSAL**

**DECEMBER 2, 2022**

**TO PERFORM**

**CONSTRUCTION ENGINEERING SERVICES**

**FOR**

**PROJECT 7-085(116)127, PCN 22683**

**THEODORE ROOSEVELT NATIONAL PARK ENTRANCE – COUNTY ROAD 30 (23RD STREET NORTHWEST)**

**RONALD J. HENKE, PE**

**DIRECTOR**

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION**

**PROPOSALS MUST BE DELIVERED TO**

**ANDY AYASH**

**ENVIRONMENTAL AND TRANSPORTATION SERVICES DIVISION**

**BY 12:00 PM CENTRAL TIME DECEMBER 23, 2022**

**REQUEST FOR PROPOSAL**

**PROJECT OVERVIEW**

The NDDOT intends to execute one cost plus fixed fee contract requiring monthly billings with the chosen consultant to complete Phase I. The NDDOT reserves the right to assign work in phases and have the selected consultant perform any additional work not currently assigned. Project work items may be added or removed from the contract by work authorization or supplementary agreement.

Interviews will be conducted tentatively the week of Jan 9, 2023.

**SCOPE OF SERVICES**

Administration & Inspection

The selected consultant will be responsible for construction inspection, material testing, and survey to assure the contractor’s work is performed according to specifications, plans, and special provisions including the provisions of the Department’s Standard Specifications for Road and Bridge Construction, Materials Sampling and Testing Manual, and Construction Records Manual.

The consultant’s material sampling and testing personnel must be certified under the NDDOT Testing Qualification Program. The selected consultant must provide a registered engineer to directly supervise all construction engineering projects as required by Title 28 of the North Dakota Administrative Code.

The selected consultant will prepare the required engineering and administrative documents and records as required by the Department. The selected firms shall provide a work force adequate to perform the work necessary to meet the Contractor’s work schedule. The Consulting Engineer’s Project Manager assigned to the project shall be capable of reading and interpreting project documents for proper execution of the project in accordance with the plans and specifications.

Survey

The consultant’s survey crew chief assigned to the project must be capable of reading and interpreting project documents in order to place survey controls. The consultant will perform all construction layouts and reference staking necessary for the accurate control and completion of the project. The surveying and staking for each project will vary to fit the project. The survey crew provided will be required to have the ability to perform all work activities required for the project including:

* performing structural surveys (i.e. excavation limits, centerline points, pier and abutment elevations, deck risers, etc.)
* staking construction control lines and grades
* slope staking for establishing final roadway sections
* taking final measurements taking original and final cross sections for earthwork quantities, including topsoil stockpiles, common excavation locations, sub-cut and calculate quantities
* locating reference points as required
* staking construction and permanent signs, and verifying new sign support lengths prior to contractor ordering material
* establishing benchmarks
* providing grade control for the trimmer and verifying trimmer work
* providing blue top grades for mainline subgrade and bases
* performing minor adjustment to the grade lines to accommodate changes made by field personnel
* installing survey monuments and record survey points as required by Standard Drawing D-720-1 and the North Dakota Century Code Chapter 47-20.1
* staking locations of R/W pins and markers
* verifying and adjusting grades at existing tie in-points
* preparing final as built plans.

Materials Sampling & Testing

The consultant’s material sampling and testing personnel must be certified under the NDDOT Testing Qualification Program. All Material testing and project data will become the property of NDDOT upon completion of the final submittal. Acceptance of all material shall be as specified in Section 106 of the NDDOT Standard Specifications for Road and Bridge Construction manual and the NDDOT Materials Sampling and Testing Manual. Where the Department's Specifications or Special Provisions require that materials meet AASHTO, ASTM, AWPA or other Specifications, the latest Specifications together with all interim Specifications which have been printed and distributed before the date of the invitation for bids shall apply.

**CONSULTANT STAFFING REQUIREMENTS**

Consultant Project Manager

The Consultant Project Manager must be an engineer or senior level technician with sufficient experience to make engineering decisions in the field and oversee the project on a daily basis.

The Consultant Project Manager will be under the direction of the Project Engineer, the NDDOT District Engineer, and the District Construction Coordinator. The Consultant Project Manager must be onsite daily during the contractor’s core working hours. The Consultant Project Manager has immediate charge of the engineering aspects of the construction project. The Consultant Project Manager is responsible for the activities and efficiency of all consultant personnel assigned to the project, and for oversight of the actual construction to assure contract compliance. The Consultant Project Manager should be involved with the initial phases of the project, if possible, as early as the Pre Construction Conference. After the project becomes active, the Consultant Project Manager shall:

1. Oversee all field inspection to ensure the project is constructed in accordance to NDDOT plans, standards and specifications
2. Instruct, train, and supervise consultant personnel
3. Oversee and approve:
	1. Project records
	2. Progress reports
	3. Determination of pay quantities
	4. Prompt payment to the Contractor
4. Be responsible for regular consultant safety meetings and enforcement of safety policies for all consultant and sub consultant employees

Consultant Tree Removal Service

The Engineer will hire a qualified Consultant Tree Removal Service to perform conservation measures and habitat mitigation for the Northern Long-eared Bat (NLEB) as required by the NDDOT Programmatic Biological Assessment and the construction plans. A qualified Consultant Tree Removal Service must have professional tree removal experience including required insurance and liability for a professional tree removal service and business.

Duties of the Consultant Tree Removal Service are to cut down trees that are 3 inches or larger in diameter, measured at a point 4.5 feet above the ground, after October 31st and before February 1st. Trees can also be cut down after February 1st and before April 1st provided a nest survey is completed by the Consultant Biologist to ensure any migratory bird nests are not active prior to trees being removed. Cut trees may be laid on the ground to be removed at a later date by the roadway contactor. Approximately 300 trees are to be cut down during this time period and are spread throughout the project limits within clearing and grubbing areas in Section 40 of the plans.

Notify the Consultant Biologist a minimum of 7 working days prior to removing trees as the Consultant Biologist needs to monitor and record all tree removals as required within the construction plans.

Consultant Paleontologist

The Engineer shall hire a Consultant Paleontologist qualified and permitted by the North Dakota Geological Survey (NDGS) to monitor earthwork construction activities as required in the construction plans. Additionally, the Consultant Paleontologist will be responsible for the preparation and curation of any specimens and must execute a Paleontological Curation and Repository Agreement with NDGS.

The Consultant Paleontologist must demonstrate proficiency and experience in recognizing, identifying, documenting, and collecting fossils in the field in conjunction with transportation or infrastructure projects. The NDGS maintains a list of individuals that are certified as Qualified Paleontologists and can readily obtain North Dakota State Paleontological Permits. The NDGS also maintains a list of individuals that currently hold curation agreements with the North Dakota State Fossil Collection.

The Consultant Paleontologist must obtain any required federal paleontological permits prior to any paleontological activities that occur on federal lands. The Consultant Paleontologist must coordinate with the applicable federal agency to ascertain and obtain any required federal paleontological complete all federal requirements for paleontological activities on federal lands.

The Consultant Paleontologist must completeall state and federal requirements including, but not limited to:

1. North Dakota Century Code Chapter 54-17.3 & North Dakota Administrative Code 43-04
2. 43 CFR Part 49 as applicable on federal lands
3. Consultant Paleontologist must immediately contact the NDGS-Senior Paleontologist for all discoveries within the field. Additionally, contact NDDOT Environmental & Transportation Services Division (ETS Division) for any discoveries determined to be Paleontological Resources by the NDGS-Senior Paleontologist.
4. Consultant Paleontologist must additionally contact both the North Dakota State Historical Preservation Office (NDSHPO) and the NDDOT ETS Division to report any quaternary paleontological finds that have potential to contain cultural resources.
5. The Consultant Paleontologist shall submit a final paleontological monitoring report (as defined within NDGS permit or NDAC 43-04) to the NDGS-Senior Paleontologist, with copies to NDDOT ETS Division, and the Project Engineer within 6 months after the termination date of the NDGS permit, or within 6 months after paleontological monitoring has concluded; whichever comes first.

Tasks:

1. Construction Paleontological Monitoring and Excavation/Removal of Specimens
2. Monitoring Report and Preparation/Conservation of Specimens
3. Curation and Repository of Specimens (curation and repository work is considered added work and shall be approved by separate supplementary agreement and work authorization.

Contact Information:

* NDDOT-ETS Division: Cory Lawson, 701-328-4818 colawson@nd.gov
* NDGS-Senior Paleontologist: Clint Boyd, 701-328-8163 caboyd@nd.gov
* NDSHPO-State Archeologist: Andrew Robinson, 701-328-3575 andrewrobison@nd.gov

Consultant Biologist

The Engineer will hire a qualified Consultant Biologist to perform duties as required in the construction plans. A qualified Consultant Biologist must have a four-year degree in a natural sciences field from an accredited university, and is active in a professional environmental organization. A qualified Consultant Biologist must have experience in both identifying North Dakota native flora and fauna, as well as conducting various wildlife surveys and habitat assessments such as: pollinator habitat assessments, nest surveying, tree/woody vegetation survey, shorebird monitoring, bridge/structure habitat assessments, and botany surveys.

The Consultant Biologist must readily obtain any required federal biological permits prior to any biological activities that occur on federal lands. The Consultant Biologist must coordinate with the applicable federal agency to ascertain and obtain any required federal biological permits or permissions, and complete all federal requirements for biological activities on federal lands.

The Consultant Biologist shall summarize their surveys and findings within a concise final report including, but not limited to: species in both common and scientific names, aerial imagery/maps, photos, shape files, and GPS points/coordinates. The Consultant Biologist shall submit all final reports of their surveys and findings to both the NDDOT Project Engineer and the NDDOT-ETS Division representative: Cory Lawson, 701-328-4818 colawson@nd.gov

**PROJECT PHASING**

Preconstruction: Phase I will include but not be limited to conducting the preconstruction meeting, mobilization, initial survey control, initial materials testing, and developing a NDDOT approved scope of work and hours for Phase II based on the contractor’s schedule and proposed method of operations.

The Engineer will have 14 days, from the date that the preconstruction meeting is completed to secure an approved scope of work and hours for Phase II. A preliminary scope of work and hours for Phase II shall be provided by the consultant within 7 days of completion of the preconstruction meeting. Pending NDDOT approval of the Phase II 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.

Construction: Phase II will include but not be limited to, construction engineering and inspection, construction survey, sampling and testing of materials, measuring and computing pay quantities, contract administration, claims, plan revisions, shop drawings, preparing and submitting final documentation and project closeout. Phase II will be considered complete upon final inspection and project acceptance by NDDOT’s District Engineer and by FHWA. Phase II may also include developing a NDDOT approved scope of work and hours for Phase III.

Dispute Resolution: Phase III will include but not be limited to activities addressing extended contract dispute resolution resulting in arbitration.

**PROJECT SUBMITTALS**

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:

* MS Word and MS Excel
* MicroStation Connect Edition (10.16…)
* OpenRoads Designer CE (10.10.21.04)
* NDDOT CADD Manual
* Microsoft “Project”
* NDDOT Consultant Services Manual Chapter 19
* NDDOT Procedure for Creating Right of Way Plats Manual Chapter 20
* NDDOT CADD Editing Manual Chapter 21
* NDDOT Data Collection Codes and Procedures
* NDDOT Design Manual and Plan Preparation Guide Website
* NDDOT Right of Way Manual
* Adobe Acrobat (standard or compatible)

**PROPOSED SUBCONSULTANT REQUEST**

Subconsultants that have been contacted and agree to be listed on the Prime Consultants Project Proposal for work with the 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 the NDDOT website for form SFN 60232. <http://www.dot.nd.gov/dotnet/forms/forms.aspx>

**PRIME CONSULTANT REQUEST TO SUBLET**

The successful consultant will be required to include the attached ‘Prime Consultant Request to Sublet’ form for each subconsultant listed on the contract prior to execution of the contract.  The form assures that the contract between the Prime consultant and all subconsultants contains all the pertinent provisions and requirements of the prime contract with the NDDOT. See the NDDOT website for form SFN 60233. If the Prime consultant has a DBE as a subconsultant 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 U.S.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, subrecipient, or subconsultant 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>

**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 subconsultant. It is the consultant’s, or subconsultant’s responsibility to include the two above paragraphs in every subcontract.

**EVALUATION AND SELECTION PROCESS**

Consultants 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.

**Submit proposals by email to:**

Andy Ayash aayash@nd.gov with copies to Joy Glasoe jglasoe@nd.gov and Chad Taylor cataylor@nd.gov.

* Each proposal must contain a cover letter signed by an authorized officer who can sign contracts for the consultant. 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 must 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 staffing plan identifying the key project personnel (including titles, education, and work experience) and the respective roles and responsibilities for the project.

**Appendix B**

* + 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 C**

* + Subconsultants and associated activities to be completed by the subconsultants. 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 consultants whose proposals most clearly meet the RFP requirements. Consultants not selected to be interviewed will be notified in writing.

Selection will be based on the following weighted criteria:

Weight

* \_\_10%\_\_ i. Past performance
* \_\_15%\_\_ ii. Ability of professional personnel
* \_\_10%\_\_ iii. Willingness to meet time and budget requirements
* \_\_ 5%\_\_ iv. Location
* \_\_15%\_\_ v. Recent, current, and projected workloads of the persons/consultants
* \_\_15%\_\_ vi. Related experience on similar projects
* \_\_10%\_\_ vii. Recent and current work for the agency
* \_\_20%\_\_ 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 subconsultant services where applicable. The proposal must contain a list of any tasks that may be let to subconsultants 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 subconsultants.

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 must make payment to all subconsultants within thirty (30) calendar days from receipt of payment from the State. Such payment must 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. Consultants must be able to provide a proper Certificate of Insurance within 15 days of notification of Selection.

**AUDIT**

Consultants proposing to do work for the NDDOT must have a current audit rate no older than 12 months from the close of the consultant’s Fiscal Year. Consultants that do not meet this requirement will not qualify to propose or contract for NDDOT projects until the requirement is met. Consultants 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 consultant that is incomplete will not qualify. Out of state consultants 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 consultants that do not have a compliant rate.

**CONSULTANT EMAIL CONTACTS**

If necessary, please update contact information for receiving emails and phone calls.

**PROJECT MAY BE WITHDRAWN SUBJECT TO THE AUTHORIZATION AND AVAILABILITY OF FUNDS.**