**REQUEST FOR PROPOSAL**

**DECEMBER 1, 2023**

**TO PERFORM**

**CONSTRUCTION ENGINEERING SERVICES**

**FOR PROJECT**

**IM-2-094(197)257 PCN 23673 and**

**NH-7-002(185)018 PCN 23638**

**STRUCTURAL PAINTING, VALLEY CITY AND WILLISTON DISTRICT**

**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 22, 2023**

**REQUEST FOR PROPOSAL (RFP)**

**PROJECT OVERVIEW**

The North Dakota Department of Transportation (NDDOT) is requesting the services of one or more qualified consultant(s) to perform construction engineering and affiliated services to complete the projects **IM-2-094(197)257 PCN 23673** and **NH-7-002(185)018 PCN 23638**. These projects consist of structural painting on the following structures:

**IM-2-094(197)257 PCN 23673**

Bridge 0094-257.002 – West Jamestown Interchange

Bridge 0094-258.055 – US 281 Interchange

Bridge 0094-298.746 – Cuba Interchange

Bridge 0094-300.750 – West Oriska Separation

**NH-7-002(185)018 PCN 23638**

Bridge 0002-018.351R – Sand Creek

Bridge 0002-033.331L – Little Muddy River

Bridge 0002-116.450L – BN Railroad

*Attached to this RFP are Project Location Maps, Special Provision 109(22), and a copy of the Risk Management Appendix.*

Consultants must be qualified to perform construction engineering for bridge work and inspection of structural painting. The contractor may choose to conduct work simultaneously at multiple work sites. The selected consultant must provide qualified staff adequate to meet the contractor’s work schedule and inspection equipment dedicated to each active work site. The consultant must ensure that all inspection staff working on the active sites have the following qualifications:

1) Possess current AMPP Bridge Coating Inspector (BCI) Level 1, or

2) possess current SSPC BCI level 1 Certification, or

3) possess current NACE CIP Level 1 Certification with Bridge Emphasis.

For each project, the NDDOT intends to execute one cost plus fixed fee contract requiring monthly billings with the chosen consultant(s) to complete Phase I. The NDDOT reserves the right to assign work in phases and have the firm 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.

Interviews will be conducted tentatively 7 days from the due date of this proposal.

**EQUIPMENT**

For each active work site, the selected consultant must obtain and use the following equipment:

* SSPC VIS-1
* SSPC VIS-3
* DeFelsko Positector - Standard Body
* DeFelsko Positector - 6000 Probe
* DeFelsko Positector - SPG Probe
* DeFelsko Positector - DPM Probe
* Wind Meter
* Paint Thermometer: Taylor 6215 0-220F – (or equivalent type)
* Surface Thermometer: PTC 313F 0-500 Fahrenheit – (or equivalent type)
* Blotter Paper
* Wet Film Thickness Gauge
* Mirror with Telescoping Handle

**SCOPE OF SERVICES**

ADMINISTRATION & INSPECTION

The selected consultant will be responsible for all contractor documentation review, construction inspection and testing, and verifying that the contractor’s work is performed according to the governing 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 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 consultant’s project manager must possess the required qualifications, be capable of interpreting documents for project execution in accordance with the plans and specifications, and have sufficient experience to make engineering decisions and oversee the project on a daily basis. The consultant project manager will:

1. Oversee all field inspection to ensure the project is constructed in accordance with 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, and
   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

Where the Department's Specifications or Special Provisions require that materials meet AASHTO, ASTM, manufacturer’s recommendations, 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 will apply.

**PROJECT PHASING**

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

Phase 1 submittals must include a safety plan for the consultant staff. Include details on specific items that may be included as a project expense, for example: lead testing, Spirometry tests, respiratory mask fit testing. A proposed safety plan should be detailed in the proposal (an additional appendix may be added to the proposal if needed).

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 firm 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, as applicable, 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 an NDDOT approved scope of work and hours for Phase III if needed.

Dispute Resolution: Phase III will, as applicable, 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 the 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 CE 10.17.2.61
* OpenRoads Designer 10.11.03.02
* 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**

Subconsultant 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 the NDDOT website 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 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. <http://www.dot.nd.gov/dotnet/forms/forms.aspx>

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 NDDOT, 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 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**](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**

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.

**Submit proposals to** Andy Ayash [aayash@nd.gov](mailto:aayash@nd.gov) with copies to Joy Glasoe [jglasoe@nd.gov](mailto:jglasoe@nd.gov) and Chad Taylor [cataylor@nd.gov](mailto:cataylor@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**

* The consultant will number the projects in order of preference. A staffing plan identifying the key project personnel (including titles, education, certifications, and work experience) and the respective roles and responsibilities for the project.

**Appendix B**

* + Project Specific QC/QA plan including checklists, 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 sublet forms 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. The 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:

* \_\_10%\_\_\_ i. Past performance
* \_\_15%\_\_\_ ii. Ability of professional personnel
* \_\_10%\_\_\_ iii. Willingness to meet time and budget requirements
* \_\_ 5%\_\_\_ iv. Location
* \_\_10%\_\_\_ v. Recent, current, and projected workloads of the persons and/or firms
* \_\_15%\_\_\_ vi. Related experience on similar projects
* \_\_10%\_\_\_ vii. Recent and current work for the agency
* \_\_25%\_\_\_ viii. Project understanding, issues, and approach
* \_\_5%\_ ix. DBE: Up to 5 points may be awarded for good faith efforts to utilize 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. Five additional points maybe 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 all 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 the NDDOT and the consultant.

**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 the 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 emails and phone calls.