



Colorado Department of Transportation
Engineering Contracts Unit
2829 West Howard Place, 3rd Floor
Denver, Colorado 80204

SOLICITATION FOR PROFESSIONAL CONSULTANT SERVICES

Date: December 5, 2019

Project: Division of Transportation Development – Wetland Bank Credits

Thank you for your interest and response in performing engineering services for the above-captioned project of the Colorado Department of Transportation (CDOT). By submitting a Proposal on this project, the consultant agrees to the process described herein.

1. DESCRIPTION:

CDOT will be hiring up to **two (2)** Consultant(s) for this project to provide **Division of Transportation Development – Wetland Bank Credits**.

Please see the Scope of Work for a detailed description of the services solicited.

Contact Information

RFP/Selection Process: Cardon Brandt, (303) 757-9398

Scope of Work: Rebecca Pierce, (303) 512-4051

2. SUBMITTAL DEADLINE AND SCHEDULE OF KEY EVENTS:

Proposal Submittals must be received no later than **12:00 noon** local time on **12/19/2019**. Please submit electronically through the CDOT Portal. Please contact: Louis Wynn with the Suss Portal Help Desk at louis.wynn@state.co.us or 303-757-9848 with any issues submitting electronically. Hard copies will no longer be accepted by CDOT either through the Engineering Contracts Unit or within the Region.

Proposers are required to meet the date set for the submission and Interviews, if applicable. Failure to meet these dates will result in the Proposal being considered non-responsive.



KEY EVENTS SCHEDULE

PUBLIC NOTICE PHASE	
First Advertisement	12/5/2019
Second Advertisement	12/12/2019
Submit Proposal	12/19/2019 (12PM)
SELECTION PHASE	
Panel Meeting	12/27/2019
Chief Engineer Selection/Approval	12/30/2019
Notification	1/2/2019
SELECTION PHASE	
Submit Contract Compliance Package	1/9/2019
Fee Negotiation	N/A
Audit Completed	1/10/2019
FINAL CONTRACT PHASE	
Contract Approval/Execution	1/31/2019



3. SPECIAL REQUIREMENTS:

All respondents accept the conditions of this RFP, including, but not limited to, the following:

A. Prequalification: All parties submitting a proposal must be prequalified at least seven calendar days prior to the Proposal submittal date. Pre-qualification must be done annually. The prime firm or a member of its team must be prequalified in the following disciplines: Incidental Engineering Services (IES).

B. Late Proposals: Any proposal received by CDOT after the time specified in **Section 2 Key Events Schedule** shall be considered late and will be rejected. No late proposals will be accepted for this project.

C. Non-Responsive Proposals: CDOT reserves the right to reject any or all proposals. Proposals that do not meet the Minimum Proposal Requirements listed in **Section 4** will be rejected as non-responsive.

D. Consultant Costs: Except for provided in **Section 7** of this document no reimbursement will be made by CDOT for any costs related to the preparation of the Proposal, required documentation, interviews, presentations, discussions, and/or any related activities. These costs are the sole responsibility of the Proposer. CDOT shall not be liable for any costs incurred by respondents in the preparation of submittals and proposals, nor in costs related to any element of the selection and contract negotiation process.

E. Interviews: CDOT will not hold interviews for this consultant selection. From those firms submitting a Proposal, CDOT will short-list three firms and will make the final selection from the highest scoring firms, including interview scores if the option is exercised.

F. Licensure: All work is to be performed under the direction and supervision, as appropriate to the task, of a Colorado-Licensed Professional Engineer, Architect, or Land Surveyor as required by the Colorado Department of Regulatory Agencies. For additional guidance, please see:
https://www.colorado.gov/pacific/dora/AES_Laws.

G. Self-Performed Work: To be a Prime Consultant on a contract, the Prime Consultant must provide at least 30% of the work themselves.

H. Method of Payment: Cost Plus Fixed Fee (CPFF) method of payment shall be used for all Task Order work **unless** (1) the nature of the work directed is appropriate to Specific Rate of Pay (SRP) payment method (such as construction management services, research & development, and staffing support services); (2) the payment method is approved by the CDOT Project Manager and Contracting Officer; and (3) the payment method is reflected in the Task Order Proposal at the time of execution.

I. Non-discrimination: The Consultant, with regard to the work performed by it during the contract term, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subconsultants, including procurement of materials and leases of equipment. The Consultant will not participate either directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.



J. Civil Rights Act of 1964 Title VI: CDOT, 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 for 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.

K. Conflict Disclosures: The Proposer will include a full disclosure of all potential organizational conflicts of interest in the Proposal. By submitting its Proposal, each Proposer agrees that, if an organizational conflict of interest is thereafter discovered, the Proposer will make an immediate and full written disclosure to CDOT that includes a description of the action that the Proposer has taken or proposes to take to avoid or mitigate such conflicts.

L. Open Records Act Notice: Except for consultant audit and Master Pricing Agreement information, all records, documents, drawings, plans, specifications, and other materials relating to the conduct of CDOT business, including materials submitted by Proposers in response to this solicitation, are subject to the provisions of the Colorado Open Records Act (C.R.S. 24-72-201, et seq) and any other laws and regulations applicable to the disclosure of documents submitted under this RFP. Such laws govern CDOT's use and disclosure of records. Please see CDOT Policy Directive 508.2 for guidance.

Each Proposer is advised to contact its own legal counsel concerning the Colorado Open Records Act, other applicable laws, and their application to the Proposer's own circumstances.

In the event of litigation concerning the disclosure of any materials submitted by the Proposer. CDOT's sole involvement will be as a stakeholder retaining the material until ordered by a Court, and the Proposer shall be responsible for otherwise prosecuting or defending any action concerning the materials at its sole expense and risk.

All submittals will become the property of CDOT, will not be returned, and will be disposed of according to Department policies. Successful proposals will be considered part of the contract document after award.

Automatic redactions: not applicable.

4. MINIMUM SOI REQUIREMENTS

As indicated in the advertisements, notice is hereby given to all interested parties that all firms will be required to meet minimum requirements to be considered for these projects. To be considered as qualified and responsive, interested firms shall have, as a minimum:

A. Submitted their Proposal by 12:00 PM (Noon) on the date shown in **Section 2**.

B. Be pre-qualified with the CDOT Contracts and Market Analysis Branch within 7 days of the submittal deadline as shown in **Section 2**. Note: Federal and State regulations require certification by prospective participants (including contractors, subcontractors, and principals) as to current history regarding debarment, eligibility, indictments, convictions, or civil judgments.



- C. Certified that the information and data submitted is true and complete to the best knowledge of the individual signing the cover letter.
- D. Included all of the Proposal Submittal sections and adhered to all page limits listed in **Section 6.1.**

5. CDOT'S SELECTION PROCESS:

The Contracting Officer transmits the Proposal package to each panel member through the Salesforce platform. The package includes:

- Proposal Scoring Guidelines
- Draft Scope of Work
- Proposal for each Consultant

Proposal Scoring Activity

Prior to the selection panel meeting the following occurs:

- o Every panel member scores every Proposal independently. (100%)

Selection or Short-list Panel Meeting (100%)

A selection panel meeting is held to compile scores and discuss the panel member's evaluations of the consultant's Proposal based on the following criteria:

- Pass/Fail

The selection panel reaches a consensus ranking of either the selected firm, if there is not going to be an optional presentation and interview phase, or the short list of firms (minimum of the top 3 qualified consultants), if there is going to be a presentation and interview phase.

Final Selection

In making the final selection recommendation to the Chief Engineer, the panel reaches consensus on the ranking of the selected firm(s). The panel provides its recommendation to the Contracting Officer, who obtains the concurrence of CDOT's Contract Administrator. Then the Contracting Officer provides selection documentation, including the board's ranking, to the Chief Engineer for approval. The Chief Engineer's approval is necessary before proceeding with selection notification.

6. SOI INSTRUCTIONS:

A. SECTIONS

1. Cover or Introductory Letter (1 page limit - 8 1/2 x 11 paper)
2. Statement of Interest Section (9 page limit, 8 1/2 x 11 paper)



B. COVER OR INTRODUCTORY LETTER

1. Address the cover or introductory letter to the Contracting Officer:

Cardon Brandt, Contracting Officer
2829 West Howard Place, 3rd Floor
Denver, Colorado 80204

2. Include the following elements of information in the letter as a minimum and highlight these items in bold letters.
 - a) The name of the contract opportunity/RFP to which you are responding.
 - b) Statement that the firm is pre-qualified with CDOT and the firm's pre-qualification expiration date.
 - c) Certification that the information and data submitted is true and complete to the best knowledge of the individual signing the letter.
 - d) Name, telephone number, e-mail address and fax number of the individual to contact regarding their SOI/WP submittal.
 - e) CDOT requires signature by an authorized principal, partner, or officer of the firm.
3. No substantive information shall be included in the cover letter. Information provided in cover letters will be used for responsiveness review only and shall not be scored by the evaluation panel.

C. STATEMENT OF INTEREST (SOI)

1. The firm must operate a wetland mitigation bank, for which the contractor is the sponsor, within the State of Colorado. The wetland mitigation bank must be approved by the U.S. Army Corps of Engineers (USACE) and must have a final banking instrument detailing the credit release schedule, primary service area, secondary service area (if applicable), and habitat types.

- a) Bidder must supply a copy of the mitigation banking instrument signature page, including:
 - name of the bank
 - date of the approved bank instrument or reservation agreement
 - current number of and type of credits available
 - primary service area description
 - secondary service area description (if applicable)

- b) Primary Service Area Description

7. Consultant Selection Protest Rules

Protests will be handled as follows:



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- a) Any actual or prospective consultant who is aggrieved in connection with a solicitation or award of a contract may protest to the Chief Engineer. The protest shall be submitted in writing within seven working days after the aggrieved person knows or should have known of the facts giving rise to the protest.

- b) The Chief Engineer or designee shall have the authority to settle and resolve a protest of a consultant, actual or prospective, concerning the solicitation or award of a contract. A written decision regarding the protest shall be rendered within seven working days after the protest is filed. The decision shall be based on and limited to a review of only those issues raised by the aggrieved consultant, and will set forth each factor taken into account, in reaching the decision. The decision will constitute the final agency action of the Colorado Department of Transportation regarding the protest.

- c) Entitlement to costs: When a protest is sustained by the Chief Engineer or designee, or upon administrative or judicial review, and the consultant should have been awarded the contract under the solicitation, but was not, the protestor will be entitled to reasonable costs incurred in connection with the solicitation, including SOI/WP preparation costs. No other costs or fees will be permitted or awarded, and reasonable costs and fees will not include attorney's fees.