



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

SOLICITATION FOR PROFESSIONAL CONSULTANT SERVICES

Date: April 7, 2022

Project: Region 1 Project Specific I-70 Floyd Hill to Veterans Memorial Tunnels (Project)

Thank you for your interest and response in performing Independent Cost Estimating (ICE) 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 hire one (1) Consultant for this Project to provide Region 1 Project Specific I-70 Floyd Hill to Veterans Memorial Tunnels Independent Cost Estimating (ICE) Services. Please see the Draft Scope of Work for a detailed description of the services solicited.

Contact Information

RFP/Selection Process: Cardon Brandt, (303) 757-9398, cardon.c.brandt@state.co.us

Draft Scope of Work: Jeff Hampton, (303) 501-3695, jeffery.hampton@state.co.us

Prequalification: Darrell Wells, (303) 757-9215, darrell.wells@state.co.us

DBE/ESB Program: Karen Fujii-Martin, (303) 512-4016, karen.fujii-martin@state.co.us

2. SUBMITTAL DEADLINE AND SCHEDULE OF KEY EVENTS:

Proposal Submittals must be received no later than the date and time per the Key Events Schedule below within **Section 2**. Please submit electronically through BidNet at:

<https://www.bidnetdirect.com/colorado/colorado-department-of-transportation>.

- Please contact BidNet Direct support for help at (800) 835-4603 with any issues submitting electronically.

All times listed in the table below are Mountain Standard Time (MST). CDOT is fully committed to delivering the Project and meeting the Key Events Schedule shown in the table below within **Section 2**.



CDOT reserves the right to modify the timeframes if it is determined by CDOT to be in the best interest of the State, and the Project. 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

KEY EVENT	DATE / TIME (IF APPLICABLE)
PUBLIC NOTICE PHASE	
First Advertisement	April 7, 2022
Second Advertisement	April 14, 2022
Third Advertisement	April 21, 2022
Proposer Questions Due	April 18, 2022 by 2:00 PM
Addendum #1 - CDOT Responses to Questions Published	April 22, 2022
Submit Proposal	April 28, 2022 by 12:00PM (MT)
SELECTION PHASE	
Panel Meeting*	May 26, 2022
Chief Engineer Selection Approval	June 9, 2022
Notification	June 9, 2022
CONTRACT PHASE	
Fee Negotiation	June 16, 2022
Submit Contract Compliance Package	June 23, 2022
Audit Completed	June 30, 2022
FINAL CONTRACT PHASE	
Contract Approval/Execution	July 21, 2022

* If option to interview is exercised, interviews will be scheduled approximately 2 weeks after the panel meeting, and all subsequent dates will be moved back by 2 weeks.



3. SPECIAL REQUIREMENTS:

All Proposers 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 (collectively "Proposer") must be prequalified in the following disciplines:~~
- ~~1) MC Engineering Management (Construction)~~
 - ~~2) VE Value Engineering~~
- A. Prequalification: All parties (Prime and Sub Consultants) submitting as a team member on a proposal must be prequalified at least seven calendar days prior to the Proposal submittal date. Pre-qualification must be done annually. The recommended disciplines based on the scope of work: Engineering Management (Construction) (MC), Value Engineering (VE).
- B. Master Pricing Agreement: All Consultants and subconsultants must have a valid Master Pricing Agreement (MPA) with CDOT prior to award of contract.
- 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. Late Proposals: Any proposal received by CDOT after the time specified in **Section 2** shall be considered late and will be rejected. No late proposals will be accepted for this Project.
- E. Consultant Costs: Except for provided in **Section 8**, CDOT shall not be liable for any costs incurred by respondents in the preparation of the Proposal, required documentation, interviews, presentations, discussions, and/or any related activities, nor in costs related to any element of the selection and contract negotiation process. These costs are the sole responsibility of the Proposer.
- F. PDF Requirements:
1. File size: Proposals are limited to 25 MB.
 2. Dynamic PDFs:
 - a. The following dynamic PDF elements are allowed:
 - i. Bookmarks
 - ii. Page transitions
 - b. The following dynamic PDF elements are prohibited:
 - i. Hyperlinks
 - ii. Buttons
 - iii. Movie/Sound Clips
 3. Title/Section Pages
 - a. Title page, back page, and section title pages are allowed. No evaluation points are assigned to these pages and will not count against allowable page limits.



- G. Licensure: It is not anticipated that any tasks included in this RFP or Scope of Work will require 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.
- H. Self-Performed Work: The Prime Consultant (Consultant) is required to perform at least 30% of the work.
- I. CDOT Policy Directive 23 – Consultant Utilization for Design and Construction: The firm that performed final design services and any Consultants (prime or sub) team members that performed more than 20% of the work, will not be allowed to submit a proposal for construction management services unless the Chief Engineer waives the policy for the Project.
- J. 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 Director and Contracting Officer; and (3) the payment method is reflected in the Task Order Proposal at the time of execution.
- K. Software Requirements: All Proposers are required (where applicable) to use the following software packages, which are currently used by CDOT. Please see the Draft Scope of Work for additional software package requirements other than the following list:
- 1) OpenRoads for project design and drafting
 - 2) Microsoft Project or Primavera
 - 3) B2GNow System for DBE/ESB tracking and prompt payment
 - 4) Microsoft Excel
- L. 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.
- M. 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 USC. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all Proposers that it will affirmatively ensure that for any contract entered into pursuant to this RFP, disadvantaged business enterprises will be afforded full and fair opportunity to propose and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.
- N. 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.



- O. 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) (CORA) 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 CORA, 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. The successful Proposal will be considered part of the contract document after award. **Automatic redactions are not applicable.**

- P. Consultant Assurance: By submitting a Proposal for this contract, the Consultant agrees to the following assurances: 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. The Consultant shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Consultant to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as CDOT deems appropriate, which may include, but is not limited to: withholding monthly progress payments; assessing sanctions; liquidated damages; and/or disqualifying the Consultant from future bidding as non-responsible.
- Q. Prompt Payment: Payments to all subconsultants shall be made within seven (7) days of receipt of payment from CDOT or no later than ninety (90) days from the date of the submission of a complete invoice from the Subconsultant, whichever occurs first. If the Consultant has good cause to dispute an amount invoiced by a subconsultant, the Consultant shall notify CDOT no later than the required date for payment. Such notification shall include the amount disputed and justification for the withholding. The Consultant shall maintain records of payment that show amounts paid to all Subconsultants. Good cause does not include failure to timely submit an invoice to CDOT or to deposit payments made. The Consultant shall electronically submit prompt payment audit reports to CDOT by the fifteenth (15th) of each month through the B2GNow software. If no payment has been made, the Consultant shall document this in the prompt payment audit report. CDOT will enforce the states Prompt Payment law, CRS 24-91-103(2).
- R. Subcontract Terms: The assurances provided in section (P) and the prompt payment terms outlined in Section Q shall be included in all subcontracts or other agreements for the performance of work on the Contract.
- S. Electronic Signatures: CDOT utilizes DocuSign for contract execution and all subsequent contracting documents. For additional guidance, please see: <https://www.colorado.gov/pacific/osc/electronic-signature-contracts-and-grants>.



- T. Questions on the RFP: Proposers may submit questions, request clarification, or request a change to the Draft RFP by submitting a written request to the Contract Officer through BidNet at the link in **Section 3**. The request shall specify the provision and section of the RFP in question, and, if a change is requested, contain an explanation for the requested change. CDOT will not respond to questions or change requests received after time specified in **Section 2**.

CDOT will evaluate any questions and/or requests submitted to determine merit but reserves the right to determine whether to respond or accept the requested change at its sole discretion. All questions, requests for clarification, or RFP addendums, and CDOT's response will be posted on BidNet at the link in **Section 3**.

CDOT reserves the right to make changes to the RFP. Changes to the RFP generally consist of clarifications, scope changes, or time and/or date changes. All changes to the RFP prior to the receipt of proposals will be made by an addendum to the RFP and shall be available publicly to all Proposers on BidNet at the following link:

<https://www.bidnetdirect.com/colorado/cdotconstructionengineeringservices>

Proposers shall not rely on oral or written instruction changes or clarifications regarding this RFP, unless issued in writing by the CDOT Contract Officer as an addendum to this RFP. Proposers must acknowledge all issued addenda in their submittal and Proposal.

- U. CDOT Accountability and Transparency: Pursuant to Section 24-93-110, (2)(b)(II), C.R.S. during the procurement process, include the justification for selecting the Integrated Project Delivery (IPD) method in any Request for Qualifications and in the Request for Proposals. To meet this requirement, CDOT has provided additional attachments within BidNet at the link in **Section 3**.

4. MINIMUM PROPOSAL REQUIREMENTS

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

- A. Submitted their Proposal by the deadline as 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**.

5. CDOT'S SELECTION PROCESS:

- A. The Contracting Officer transmits the Proposal package to each Selection Panel member through the Salesforce platform. The package includes:



- 1) Proposal Scoring Guidelines
- 2) Draft Scope of Work
- 3) Proposal for each Proposer

B. Proposal Scoring Activity

- 1) Prior to the Selection Panel meeting the following occurs:
 - a) Every Selection Panel member evaluates and scores each Proposal independently.
 - b) Scoring is based on the criteria in the following table:

1.00	Minimum Score = Unsatisfactory
2.00	Satisfactory Minus
3.00	Meets Requirements = Satisfactory
4.00	Satisfactory Plus
5.00	Maximum Score = Superior

- c) The Civil Rights & Business Resource Center (CRBRC) scores the Small Business Participation section of the Proposal for small business participation in accordance with **Section 7**.

C. Proposal Scoring Criteria (100%)

- 1) Each Selection Panel member's individual score (based on the above scoring criteria) is entered into Salesforce and the following Proposal section weighting formula is applied:
 - a) Project Team (35%)
 - b) Firm Capability (35%)
 - c) Project Approach (20%)
 - d) Small Business Participation (10%)
 - i. The Selection Panel will not be scoring the Small Business Participation section of the Proposal but rather the CRBRC evaluates and scores the Small Business Participation section of the Proposal based on a variety of factors pertaining to small business participation and contract compliance oversight in accordance with **Section 7**.
 - ii. This is a Project Specific contract and the CRBRC will score the Proposal according to the rubric outlined in **Section 7**.

D. Short-list Selection Panel Meeting

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



E. Presentation and Interview Selection Panel Meeting

If the panel elects to exercise their option to interview the short-listed teams, the short-listed firms will have approximately two weeks to prepare their presentation for their interview with the selection panel. The purpose of this meeting is to allow consultants time to present their analysis of the Project and to allow the panel time to clarify the consultant's qualifications in a question and answer session.

In selections including an Interview Phase, the interview scores count for 20% of the overall score. Other scoring factors from the pre-shortlist evaluation and the shortlist meeting are adjusted accordingly.

F. Final Selection

- 1) In making the final selection recommendation to the Chief Engineer, the Selection Panel reaches consensus on the ranking of the selected firm(s).
- 2) The Selection Panel provides its recommendation to the Contracting Officer, who obtains the concurrence of CDOT's Contract Administrator, and members of the CDOT Project Management Team.
- 3) The Contracting Officer then provides selection documentation, including the Selection Panel's final ranking, to the Chief Engineer for approval.
- 4) The Chief Engineer's approval is necessary before proceeding with selection notification.

6. PROPOSAL INSTRUCTIONS:

A. All Proposals shall use a minimum font size of 11 Times New Roman and a minimum font size of 10 Times New Roman on charts, graphs, and figures.

B. Section Page Limits

- 1) Cover or Introductory Letter
 - a) 1-page limit (8½" x 11" paper size)
- 2) Statement of Interest Section
 - a) 4-page limit (8½" x 11" paper size)
- 3) Approach Section
 - a) 2-page limit (8½" x 11" paper size)
- 4) Small Business Participation Section
 - a) 1-page limit (8½" x 11" paper)
- 5) Key Personnel Resumes / References Section
 - a) 2-page limit (8½" x 11" paper size) per resume.
 - b) 1-page limit (8½" x 11" paper size) for References. References should be current within the past three years.

C. Cover or Introductory Letter



- 1) Address the cover or introductory letter to the Contracting Officer:
 - a) 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) Project number and project location, if applicable.
 - c) Statement that the firm is pre-qualified with CDOT and the firm's pre-qualification expiration date.
 - d) Certification that the information and data submitted is true and complete to the best knowledge of the individual signing the letter.
 - e) Name, telephone number, e-mail address of the individual to contact regarding Proposal.
 - f) 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 will not be scored by the evaluation panel.

D. Statement of Interest (SOI)

The following outline shall aid the Proposer in preparing their SOI. Proposer's responses to the elements of this outline should demonstrate the knowledge and expertise that the Proposer brings to the Project.

- 1) Project Team
 - a) Identify your Key Personnel:
 - i. Project Manager
 - ii. Lead Estimator
 - iii. Scheduler
 - iv. Other Key Staff
 - v. Sub-consultants
 - b) Present a brief discussion regarding how the team's qualifications and experience relate to the Scope of Work, including the following:
 - i. Qualifications and relevant individual experience of Key Personnel.
 - ii. Team member's unique knowledge related to the Project's Draft Scope of Work.
 - iii. Availability of Key Personnel.
 - iv. Length of time with the firm for each Key Personnel.
 - v. Experience on similar projects.



2) Firm Capability

- a) Address the firm's size and the disciplines of technical staff.
- b) Include the firm's relevant experience and accomplishments as a Prime Consultant that are not listed in the project team section.
- c) Indicate the Consultant's availability for the Project concurrent with existing and other projected workloads.
- d) Consider including the following:
 - i. Identifying major projects that Key Personnel are committed to over the duration of the Project.
 - ii. Information on any subconsultant's role.
 - iii. The subconsultant's function and integration into the team.
 - iv. Succession planning and redundancy in key areas that could impact project delivery.

E. Approach

Address the Proposer's approach to the types of services as described in the attached Scope of Work.

F. Small Business Participation

- 1) Include detailed narrative of items of scoring criteria on one-page limit. For more information, see **Section 7**.
- 2) Affidavit of Small Business Participation: For more information, see **Section 7** and this affidavit will not count against the page limit. Note: The Not to Exceed amount of the contract is stated in the description section in the BidNet solicitation.
- 3) Letters of intent and/or proof of certification are no longer required to be submitted with the proposal. Letters of intent and PCWs will be required at task order level.
- 4) The Professional Services Good Faith Efforts Report, if applicable, will not count against the page limit.
- 5) The DBE Goal for this project is 0%.**
- 6) Other Professional Services forms for contracts can be found at: <https://www.codot.gov/business/civilrights/compliance/support>.
- 7) Contact Karen Fujii-Martin at 303-512-4016 or karen.fujii-martin@state.co.us with questions regarding the small business section or B2GNow software system.

G. Key Personnel Resumes and References

- 1) Include Resumes of Key Personnel and a list of references from the projects listed above. There are page limit requirements for these noted in Section 6B, but they will not count against the overall page limits.



7. DISADVANTAGED BUSINESS ENTERPRISE (DBE) & EMERGING SMALL BUSINESS (ESB) REQUIREMENTS

The DBE requirements for CDOT Project Specific/Program Specific Professional Services Contracts along with the Small Business Participation Plan scoring information as discussed in **Section 5** can be found the following link: https://www.codot.gov/business/civilrights/compliance/assets/dbe-and-esb-ps-pgs-contract-requirements_03-21.pdf

8. CONSULTANT SELECTION PROTEST RULES

Protests will be handled as follows:

- 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 proposal preparation costs. No other costs or fees will be permitted or awarded, and reasonable costs and fees will not include attorney's fees.