



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

SOLICITATION FOR PROFESSIONAL CONSULTANT SERVICES

Date: July 14, 2022
Project: Region 1 Project Specific I-70 Floyd Hill to Veterans Memorial Tunnels Owner's Representative Engineering Services

Thank you for your interest and response in performing owner's representative 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 one (1) Consultant for this Project to provide Region 1 Project Specific I-70 Floyd Hill to Veterans Memorial Tunnels Owner's Representative Services. Please see the Scope of Work for a detailed description of the services solicited.

Contact Information

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

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:

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

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	July 14, 2022
Second Advertisement	July 21, 2022
Third Advertisement	July 28, 2022
Proposer Questions Due	July 28, 2022
Addendum #1 - CDOT Responses to Questions Published	August 3, 2022
Submit Proposal	August 11, 2022 by 12:00PM (noon)
SELECTION PHASE	
Short List Notification	August 26, 2022
Proposer Interviews	September 8, 2022
Chief Engineer Selection/Approval	September 16, 2022
Notification	September 16, 2022
CONTRACT PHASE	
Submit Contract Compliance Package	September 23, 2022
Fee Negotiation	October 5, 2022
Audit Completed	October 26, 2022
FINAL CONTRACT PHASE	
Contract Approval/Execution	November 4, 2022



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 recommended disciplines based on the scope of work :
 - 1) BI - Bridge Inspection
 - 2) CE – Civil Engineering
 - 3) MA – Engineering Management (Contract Admin)
 - 4) MC – Engineering Management (Construction)
 - 5) MT - Materials Testing

- B. Master Pricing Agreement: All Consultants and subconsultants must have a valid Master Pricing Agreement (MPA) with CDOT prior to award of contract.

- C. 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.

- D. 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.

- E. 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.

- F. PDF Requirements:
 - 1) File size: Proposals are limited to 25 MB.
 - 2) Dynamic PDFs: The following dynamic PDF elements are allowed:
 - a) Bookmarks
 - b) Page transitions
 - 3) The following dynamic PDF elements are prohibited:
 - a) Hyperlinks
 - b) Buttons
 - c) Movie/Sound Clips
 - 4) Title/Section Pages - 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. Interviews: CDOT will hold interviews for this Consultant selection. From those Proposers submitting a Proposal, CDOT will short-list at least two Proposers and will make the final selection from the highest scoring firms, including interview scores.
- H. 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.
- I. Self-Performed Work: The Prime Consultant (Consultant) is required to perform at least 30% of the work.
- J. 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 has waived the policy for the Project.
- K. 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.
- L. Software Requirements: All Proposers are required (where applicable) to use the following software packages, which are currently used by CDOT. Please see the Scope of Work for additional software package requirements other than the following list:
- 1) OpenRoads for project design and drafting
 - 2) ArcView for Water Quality data
 - 3) LIMS
 - 4) Microsoft Project or Primavera
 - 5) ProjectWise (a/k/a ProjectWise Explorer or ProjectWise Cloud)
 - 6) B2GNow System for DBE/ESB tracking and prompt payment
- M. 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.
- N. 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.



- O. 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.
- P. 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: **not applicable.**

- Q. Consultant Assurance: By submitting a Proposal for this contract, the Consultant agrees to the following assurance: 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.
- R. 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 state's Prompt Payment law, CRS 24-91-103(2).

- S. Subcontract Terms: The assurance 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.
- T. 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>.
- U. Pre-Proposal Meeting: There will be no further Pre-Proposal meetings for this Project.
- V. Questions to the RFP: 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 may submit questions, request clarification, or request a change to the 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**.

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.

- W. 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 the Proposal submittal sections and adhered to all page limits listed in **Section 6**.
- E. A completed Affidavit of Small Business Participation form (even if 0% DBE goal) as detailed in Section 7.

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) Scope of Work
 - 3) Proposal for each Proposer

- B. Proposal Short-list 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 Short-list 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) Statement of Interest (30%)
 - i. Project Team (15%)
 - ii. Firm Capability (10%)



- iii. Past Performance of Similar Projects or Similar Teams (5%)
 - b) Work Plan (60%)
 - i. Project Goals (15%)
 - ii. Project Critical Issues and Team Approach (20%)
 - iii. Approach to Project Staffing (15%)
 - iv. Project Approach to the CM/GC Delivery Method (10%)
 - c) 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 scoring rubric outlined in the scoring section of the Civil Rights and DBE contract requirements in the link in Section 7.
 - iii. Good Faith Effort Review - For FHWA-assisted contracts, the proposal with the highest Final Proposal score will be evaluated to determine whether it demonstrates Good Faith Efforts to meet the Contract Goal in accordance with the DBE & ESB Requirements incorporated by reference in Section 7. The proposal with the highest Final Proposal score will not be selected if it is determined that the proposer did not demonstrate Good Faith Efforts to meet the Contract Goal.
- D. Short-list Selection Panel Meeting
- 1) The Selection Panel reaches a consensus ranking of the Proposers and at a minimum, the top two ranked Proposals will be short-listed and will be eligible to proceed to the mandatory interview phase (short-listed Proposers).
- E. Interview Information
- 1) The interview is mandatory for the short-listed Proposers.
 - 2) Short-listed Proposers will have approximately two weeks to prepare for the interview and the structure of the interview will be as follows:
 - a) Presentation (20 minutes)
 - i. Summarize the Proposal.
 - ii. Describe the Proposer's approach to project staffing and relevance of value added Key Personnel.
 - iii. The Proposer shall communicate to the Selection Panel their approach to being efficient and providing staff at the appropriate levels for the phases of the project, details on succession planning for the length of the project, and how the proposer will utilize specialty staff (Public Involvement, Civil Rights, Environmental, etc.)



- iv. Proposer shall describe the strategies and abilities that the Proposer brings to this Project to distinguish themselves from the other short-listed Proposers.
 - b) Team Challenge
 - i. The Proposer will be given a written challenge to review and propose a course of action to address the elements in the problem.
 - ii. The Proposer will be given 15 minutes to prepare a response or solution and 10 minutes to present the formal response or solution to the Selection Panel.
 - iii. The Selection Panel will observe, evaluate and score both the observations of the Proposer during the 15 minute preparation and 10 minute presentation.
- F. Post Interview Scoring Criteria (100%)
 - 1) Each Selection Panel member's individual short-list score will be maintained in Salesforce but due to the interview phase, the Proposal section weighting will be modified as follows:
 - a) Statement of Interest (25%)
 - i. Project Team (13%)
 - ii. Firm Capability (8%)
 - iii. Past Performance of Similar Projects or Similar Teams (4%)
 - b) Work Plan (50%)
 - i. Project Goals (10%)
 - ii. Project Critical Issues and Team Approach (17%)
 - iii. Approach to Project Staffing (14%)
 - iv. Project Approach to the CM/GC Delivery Method (9%)
 - c) Small Business Participation (10%)
 - i. Proposer should note that the Selection Panel will not be scoring the Small Business Participation section of the Proposal but rather the CRBRC scores the Small Business Participation section of the Proposal based on a variety of factors pertaining to small business participation and contract compliance oversight.
 - ii. This is a Project Specific contract and the CRBRC will score the Proposal according to the scoring rubric outlined in the scoring section of the Civil Rights and DBE contract requirements in the link in Section 7.
 - d) Interview (15%)
 - i. Presentation (10%)
 - ii. Team Challenge (5%)
- G. Final Selection
 - 1) In making the final selection recommendation to the Chief Engineer, the Selection Panel reaches consensus on the ranking of the short-listed Proposers.



- 2) The Selection Panel provides its recommendation to the Contracting Officer, who obtains the concurrence of CDOT's Contract Administrator, and member 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) See Note 1 below
- 3) Work Plan Section
 - a) See Note 1 below
- 4) Small Business Participation Section
 - a) 3-page total limit consisting of:
 - i. Small Business Participation Plan for scoring purposes: 1-page limit (8½" x 11" paper)
 - ii. Affidavit Form even if DBE goal is 0%: 2-page limit (8½" x 11" paper).
- 5) Letters of Commendation Section
 - a) No page limit (8½" x 11" paper)
 - b) Letters should be current within the past three years.

Note 1: The page limit for the combination of the Statement of Interest Section and Work Plan shall be a maximum total combined 16-page limit consisting of: 13-page limit (8½" x 11" paper) and 3-page limit (11" x 17" paper), 11" x 17" paper shall be reserved exclusively for charts, graphics, and plan sheets. No font less than 12 point is allowed.

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 assist 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. Consultant Project Engineer
 - iii. Other Key Personnel – Identify other Key Personnel including at a minimum the Key Personnel requested in the Scope of Work. See Scope of Work for replacement of Key Personnel requirements.
 - iv. Project Work Leads - Identify technical experts for each discipline described in the Scope of Work.
 - v. Sub-consultants, Vendors/Suppliers, and respective leads beyond the above categories (non-Key Personnel).
- b) Present a brief discussion regarding how the team's qualifications and experience relate to the Scope of Work, including the following:
 - i. Project Manager's level of involvement in the Project.
 - ii. Qualifications and relevant individual experience of prime and subconsultants.
 - iii. Team member's unique knowledge related to the Project's Scope of Work.
 - iv. Commitment of time (full-time, part-time, etc.).
 - v. Availability of Key Personnel.
 - vi. Length of time with the firm for each Key Personnel.
 - vii. Experience on similar projects as a team.
 - viii. Projects that the Prime and Subconsultants have worked on previously.



- ix. Ability of Prime and Sub-consultants (or vendors) to collaborate.
- 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 Team member'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. Match of Key Personnel to the existing and future workload.
 - v. Succession planning, redundancy in key areas that could impact project completion, and approach to talent retention as well as fostering equity, diversity and inclusion with the Team.
 - vi. How often the Prime, Subconsultants, and Vendors have worked together or detailed plans for successful integration of new partnerships. Consider including a graphic.
 - 3) Past Performance on Similar Projects or Similar Team
 - a) List current and past projects completed within the past five years with CDOT.
 - b) List similar projects, which are ongoing to complete within the past five years for other large public agencies/entities (please specify).
 - c) Demonstrate firm and team's success in the following activities in the projects listed in (1) and (2):
 - i. Integrating and excelling at best practices in construction management.
 - ii. Clearly identify, track and meet schedule goals.
 - iii. Deliver effective stakeholder outreach and community relations including regular and effective communication with community members.
 - iv. Integration of multiple subconsultants and success of document control with multiple users.
 - d) Include the project name, project manager's name and telephone number for all projects listed above.
 - e) Describe your firm's role for all the projects listed above.

E. Work Plan

Proposers shall review the attached Scope of Work and discuss their approach to the Project in a Work Plan. The content of the Work Plan is at the Proposers discretion, but CDOT requests that Proposers address the following information within the respective Work Plan sections:



- 1) Project Goals
 - a) Describe your team's understanding of the Project Goals as identified in the attached Scope of Work.
 - b) Describe your Team's approach to maximizing CDOT's Project Goals.
- 2) Project Critical Issues and Team Approach
 - a) Proposer's approach to successful completion of construction for a CM/GC project of this scale including pre-construction involvement, staff retention and succession strategies for the long duration of the project, and coordinated documentation and close-out of each construction package.
 - b) Additional unique resources and capabilities that the Proposer commits to utilizing in pre-construction and construction and how these unique resources and capabilities will add value to the Project and be beneficial in achieving the Project Goals.
 - c) Proposer's plan and approach to integrate with the Design, CM/GC, and ICE to achieve the Project Goals and ensure timely completion of construction.
 - d) Proposer's plan and approach to leverage lessons learned from previous projects for multiple facets of construction management including, but not limited to, safety of staff, management of traffic, document control, civil rights, public involvement, and environmental/water quality.
 - e) Proposer's approach to integrating multiple work leads from various consultants and CDOT to maintain consistency of enforcement throughout the Project.
- 3) Approach to Project Staffing
 - a) Proposer's staffing strategies for multiple and concurrent packages while minimizing impacts to project budget.
 - b) Proposer's plan and approach to encourage and incorporate development of staff from the Prime Consultant, multiple subconsultants, and CDOT.
 - c) Proposer's approach to meeting staffing needs for multiple work shifts over 7 day weeks while managing budget and staff burnout.
 - d) Proposer's approach to engaging and integrating multiple subconsultants while minimizing costs.
- 4) Project Approach to Construction Management /General Contractor Delivery Method
 - a) How will the Proposer include the goals of the CM/GC delivery method into their approach for pre-construction and construction activities?
 - b) Risk assessment will be a continual process throughout the Project with risk sharing between public and private parties that hold both accountable for performance and expenditure of public resources. How will the Proposer support CDOT to identify/mitigate risks throughout design and construction?

F. Small Business Participation

- 1) Include detailed narrative of items of scoring criteria on one-page limit. For more information, **see Section 7** below to link to contract requirements.



- 2) Include Affidavit of Small Business Participation: For more information, see **Section 7** below in the Civil Rights and DBE Contract Requirements. Note: The Not to Exceed amount of the contract is stated in the description section in the BidNet solicitation. The Affidavit will show that the Proposer will meet the goal when the DBE goal is greater than 0% or may need to go through a Good Faith Effort Review. Information on the Affidavit of Small Business Participation form is not used for scoring criteria.
- 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) This contract **is** a federally assisted contract. The Civil Rights and DBE program is applicable to FHWA-assisted contracts. No DBE goal will be set if the contract is entirely state funded or is funded by non-FHWA federal funding.
- 6) **The DBE Goal for this project is 15%.**
- 7) Other Professional Services forms for contracts can be found at: <https://www.codot.gov/business/civilrights/compliance/support>.
- 8) 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. Letters of Commendation

- 1) Include any letters of commendation the Proposer received on the projects listed above in the commendation section, where they will not count against your page limits.

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

1. The following documents are hereby incorporated into **Section 7** of this RFP document depending on the type of contract to be awarded as indicated in **Section 1**, above:
 - a. For Project Specific and Program Specific contracts:
<https://www.codot.gov/business/civilrights/compliance/prof-services/ps-pgs>
 - b. For Non –Project Specific contracts:
<https://www.codot.gov/business/civilrights/compliance/prof-services/nps>
2. The related forms can be found at the following web address:
<http://codot.gov/business/civilrights/compliance/prof-services>

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.



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- 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.