



Colorado Department of Transportation  
Engineering Contract Services  
2829 West Howard Place, 3rd Floor  
Denver, Colorado 80204

## **SOLICITATION FOR PROFESSIONAL CONSULTANT SERVICES**

**Date: April 20, 2023**

**Project: Region 1 Project I-25, US 36 to 104th Ave Safety and Operations Design Engineering Services**

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 **one (1) Consultant** for this project to provide **Region 1 Project I-25, US 36 to 104th Ave Safety and Operations Design Engineering Services**.

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

### **Contact Information**

RFP/Selection Process: Cardon Brandt, (303) 757-9295, [cardon.brandt@state.co.us](mailto:cardon.brandt@state.co.us)

Scope of Work: Casey Martinez, (303) 398-6732, [casey.martinez@state.co.us](mailto:casey.martinez@state.co.us)

Prequalification: Danielle Mire, (303) 757-9415, [danielle.mire@state.co.us](mailto:danielle.mire@state.co.us)

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

### **2. SUBMITTAL DEADLINE AND SCHEDULE OF KEY EVENTS:**

Proposal Submittals must be received no later than **12:00 noon** local time on **May 18, 2023**. 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.

**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

<b>PUBLIC NOTICE PHASE</b>	
First Advertisement	4/20/2023
Second Advertisement	4/27/2023
Pre-Proposal Meeting	4/27/2023
Third Advertisement	5/4/2023
Proposer Questions Due	5/4/2023
Fourth Advertisement	5/11/2023
Addendum #1 – CDOT Responses to Questions Published	5/11/2023
Submit Proposal	5/18/2023 (12PM MT)
<b>SELECTION PHASE</b>	
Panel Meeting*	6/1/2023
Chief Engineer Selection/Approval	6/9/2023
Notification	6/9/2023
<b>CONTRACTING PHASE</b>	
Fee Negotiation	6/16/2023
Submit Contract Compliance Package	6/23/2023
Audit Completed	6/30/2023
<b>FINAL CONTRACT PHASE</b>	
Contract Approval/Execution	7/21/2023

\* 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 respondents accept the conditions of this Request for Proposal (RFP), including, but not limited to, the following:

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:

- 1) AC – Acoustical Engineering
- 2) AR – Architecture
- 3) BI - Bridge Inspection
- 4) BR – Bridge Design
- 5) CE – Civil Engineering
- 6) EL – Electrical Engineering
- 7) EN – Environmental Engineering
- 8) GE – Geotechnical Engineering
- 9) GL – Geological Engineering
- 10) HD – Highway & Street Design
- 11) HY – Hydraulics
- 12) LA - Landscape Architecture
- 13) MA – Management (Contract Admin)
- 14) ME – Mechanical Engineering
- 15) MT - Materials Testing
- 16) SE – Structural Engineering
- 17) SO – Soils Engineering
- 18) SU – Surveying
- 19) TP – Transportation Engineering
- 20) TR – Traffic Engineering
- 21) VE – Value Engineering

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 Key Events Schedule** 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. Dynamic PDF:
  - 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
2. Title/Section Pages – Cover Title page is allowed. A back page, and section title pages are not allowed. No evaluation points are assigned to these pages and will not count against allowable page limits

G. 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](https://www.colorado.gov/pacific/dora/AES_Laws).

H. Self-Performed Work: The Prime Consultant is required to provide at least 30% of the work themselves.

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 has waived 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 Manager and Contracting Officer; and (3) the payment method is reflected in the Task Order Proposal at the time of execution.

K. Software Requirements: All consultants are required (where applicable) to use the following software packages, which are currently used by CDOT:

- (i) Open Roads Design (ORD)/INROADS Drainage & Utilities module
- (ii) ArcView for Water Quality data
- (iii) LIMS
- (iv) Microsoft Project or Primavera
- (v) ProjectWise (a/k/a ProjectWise Explorer or ProjectWise Cloud)
- (vi) B2GNow System for DBE/ESB tracking and prompt payment

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 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.

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) 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.

P. Consultant Assurance: By submitting a proposal for this contract, the Consultant agrees to the following assurance: The consultant, sub recipient, or subcontractor 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 (15<sup>th</sup>) of each month through the B2GNow software. If no payment has been made, the Consultant shall document this in the prompt payment audit report.

R. 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.

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. Pre-Proposal Meeting: Proposers interested in submitting a Proposal are encouraged to attend the Pre-Proposal Meeting. The Pre-Proposal Meeting will be held virtually, see **Section 2** for date and time information. This meeting will give an overall introduction to the Project, and enable CDOT to answer questions about the Project and process. The CDOT Project Management Team for the Project will be attending. A registration link and instructions will be added to the following website for Proposers prior to April 27, 2023:

<https://www.codot.gov/business/consultants/advertised-projects/2023>

U. 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 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**.

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.

V. Solicitation Cancellation: CDOT reserves the right to cancel the solicitation at any time during the procurement process up to contract execution.



#### **4. MINIMUM PROPOSAL 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 Engineering Contract Services 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**.
- E. A completed *Affidavit of Small Business Participation* form (even if 0% DBE goal) as detailed in **Section 7**.

#### **5. CDOT’S SELECTION PROCESS:**

The Contracting Officer transmits the Proposal package to each panel member through the BidNet 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:

- Every panel member scores every Proposal independently. (90 Points)
- Scoring is based on the following criteria:

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

- The Civil Rights & Business Resource Center (CRBRC) scores the Affidavit of Small Business Participation in the Proposal during the short list phase. (10 Points). This scoring is considered non-qualification based and comprises 10% of the total points in the shortlist phase.



### Proposal Short-list Scoring Criteria (90 Points)

Each Selection Panel member's individual score (based on the above scoring criteria) is entered into BidNet, and the following Proposal section weighting formula is applied:

- ❑ Statement of Interest – 20 Points
  - Project Team (7 Points)
  - Firm Capabilities (7 Points)
  - Past Performance of Similar Projects and Similar Teams - including experience with the NEPA process, and experience in handling communications on large projects (6 points)
  
- ❑ Work Plan – 40 Points
  - Project Goals and Critical Issues (22 Points)
  - Potential Design Innovations (9 Points)
  - Experience with Alternative Project Delivery Methods such as: CM/GC and Design Build (9 Points)

### Small Business Participation (10 Points)

The CRBRC scores the Proposal based on a variety of factors pertaining to small business participation and contract compliance oversight. This is a PS 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.

### Short-Listed Proposers Interview (30 Points)

The Selection Panel reaches a consensus ranking of the Proposers, and, at a minimum, the top three ranked Proposals may be short-listed and, if so, will be eligible to proceed to the interview phase (Short-Listed Proposers).

The selection panel evaluates and scores each shortlisted firm's performance. The interview points are then added to the team's overall total:

- ❑ Proposal – 60 Points
- ❑ Small Business Participation – 10 Points
- ❑ Interview – 30 Points

### 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.

### 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.

### Debriefs

All proposers are entitled to a debrief. The debrief will be a maximum of sixty minutes and the Contracting Officer and a member of the panel will be in attendance (may be in person or remote). Comments and scores of the selection panel will be provided in advance of the meeting.

## **6. PROPOSAL INSTRUCTIONS:**

### **A. PROPOSAL TEXT AND ORIENTATION**

All Proposal text including charts, graphs, and figures shall use a minimum font size of 10. Landscape orientation of 8½" x 11" paper size is permitted where appropriate to improve digital format viewing on computer screens.

### **B. SECTION PAGE LIMITS**

1. Cover or Introductory Letter (1-page limit - 8 1/2 x 11 paper)
2. Statement of Interest Section (See Note 1 below)
3. Work Plan Section (See Note 1 below)
4. Prequalification Letter (1-page limit - 8 1/2 x 11 paper)
5. Small Business Participation Plan Section (3-page limit - 8 1/2 x 11 paper – 1 page narrative for scoring purposes and 2-page affidavit form). The *Affidavit of Small Business Participation* form must be included (even when the DBE goal is 0%). 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.
6. Letters of Commendation Section (No page limit (8½" x 11" paper)

Note 1: The page limit for the combination of the Statement of Interest Section and Work Plan Section shall be a maximum total combined 9-page limit. Up to 4 pages of 11' x 17' paper may be substituted at a 1:1 ratio for 8½" x 11" pages for the 9-page limit and shall be reserved exclusively for charts, graphics, and plan sheets.

### **C. 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) Project number and project location, if applicable.
  - 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 and e-mail address of the individual to contact regarding the 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.

#### **D. STATEMENT OF INTEREST (SOI)**

1. The following outline shall 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
  - a) Project Team
    - (1) Identify your:
      - a. Project Principal
      - b. Project Manager(s)
      - c. Other Key Personnel - Identify other Key Personnel including at a minimum for Communications, Stakeholder Coordination, Roadway Design, Structures, Geotechnical, Environmental, Drainage, Utilities, Transit, Intelligent Transportation Systems (ITS). See Draft Scope of Work for replacement of for Key Personnel requirements.
      - e. Work Leads (Non-Key Personnel) – Identify other technical experts.
      - f. Sub-consultants, Vendors/Suppliers, Vendors/Suppliers, and respective leads beyond the above categories (non-Key Personnel).
      - g. The project requires professional communication services, including a communications manager with at least five years of proven experience in transportation communications with a background in NEPA work and public engagement planning and implementation. The communications team must provide professional graphic design, photography and videography services and create materials in both English and Spanish. The communications team must ensure that all public-facing products including materials that are posted on the web site are ADA compliant according to CDOT's requirements.
    - (2) Describe the staff succession plan and redundancy in key areas that could impact



project delivery.

- (3) Present a brief discussion regarding how the team's qualifications and experience relate to the Draft Scope of Work, including the following:

- a. Project Principal's level of involvement in the Project.
- b. Qualifications and relevant individual experience of prime and subconsultants.
- c. Team member's unique knowledge related to the Project's Draft Scope of Work.
- d. Commitment of time (full-time, part-time, etc.).
- e. Availability of Key Personnel.
- f. Length of time with the firm for each Key Personnel.
- g. Experience on similar projects as a team.
- h. Projects that the Prime and Subconsultants have worked on previously.
- i. Ability of Prime and Sub-consultants (or vendors) to collaborate.
- j. The team's capacity to respond to changes in scope due to new funding opportunities or other changes that may arise during the design process.

b) Firm Capabilities

- (1) Address the firm's size and the disciplines of technical staff.
- (2) Include the firm's relevant experience and accomplishments as a Prime Consultant that are not listed in the project team section.
- (3) Indicate the Team member's availability for the Project concurrent with existing and other projected workloads.
- (4) Consider including the following:
  - a. Identifying Key Personnel commitments to other major CDOT projects and % availability over the duration of the Project.
  - b. Information on any subconsultant's role.
  - c. The subconsultant's function and integration into the team.
  - d. Approach to talent retention as well as fostering equity, diversity and inclusion with the Team.
  - e. How often the Prime, Subconsultants, and Vendors have worked together or detailed plans for successful integration of new partnerships. Consider including a graphic.

c) Past Performance on Similar Projects and Similar Teams

- (1) List current and past projects completed within the past five years with CDOT.
- (2) List similar projects, which are ongoing to complete within the past five years for other large public agencies/entities (please specify).
- (3) Demonstrate firm and team's success in the following activities in the projects listed in 1) and 2) above:
  - a. Integrating and excelling at best practices in project management.
  - b. Clearly identify, track and meet schedule goals.



- c. Deliver effective stakeholder outreach and community relations including regular and effective communication with community members.
- d. Utilize design software to deliver quality design products.
- (4) Include the project name, project manager's name and telephone number for all projects listed above.
- (5) Describe your firm's role for all the projects listed above.

## **E. WORK PLAN**

1. Proposers shall review the attached Draft 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:

a) Project Goals and Critical Issues

- (1) Describe your team's understanding of the Project Goals as identified in the attached Draft Scope of Work.
- (2) Describe your Team's approach to maximizing CDOT's Project Goals.
- (3) Identify other critical issues for project success and describe your team's approach to addressing these issues.
- (4) Proposer's approach to creating an efficient scoping package, containing only essential scope necessary to meet the Project Goals that is also independent and severable from other packages.
- (5) Proposer's plan and approach to ensure, track, and document that all environmental commitments are included within construction package(s).
- (6) Proposer's approach to encouraging and incorporating resiliency through design.

b) Potential Design Innovations

- (1) Provide any practical and implementable innovative ideas that could increase the likelihood for Project success and discuss those ideas as follows:
  - a. Describe the innovation and how it will be implemented.
  - b. Discuss how your innovative ideas help balance the Project Goals.
  - c. Describe the impact of the innovation(s) on time, cost, quality, safety, and environmental performance.

c) Team Approach to Construction Management /General Contractor Delivery Method

- (1) How will the Proposer approach and integrate the CM/GC delivery method into their design?
- (2) Risk assessment will be a continual process throughout the design phase 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 the design process?



## **F. PREQUALIFICATION LETTER**

1. Submit CDOT's prequalification letter that contains the expiration date of prequalification.

## **G. SMALL BUSINESS PARTICIPATION**

1. Include detailed narrative of items for scoring criteria on one page limit. For more information, see **Section 7** below to link to contract requirements.
2. Include two-page *Affidavit of Small Business Participation* form: For more information, see **Section 7** below in the Civil Rights and DBE Contract Requirements. 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 contract can be found at: <http://codot.gov/business/civilrights/compliance/prof-services>
8. Contact Karen Fujii-Martin at 303-512-4016 or [karen.fujii-martin@state.co.us](mailto:karen.fujii-martin@state.co.us) with questions regarding the small business section or B2GNow software system.

## **H. LETTERS OF COMMENDATION**

1. Include any letters of commendation the Proposer has received for the projects listed above.
2. Letters of commendation must be current within the past five years.

## **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.
- 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.