



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

Solicitation For Professional Consultant Services

Date: February 22, 2024

Project: HQ Program Specific Disputes & Claims 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 **two (2)** Consultants for this project to provide **HQ Program Specific Disputes & Claims Engineering Services**.

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

Contact Information

RFP/Selection Process: Darrell Wells, (303) 757-9215, darrell.wells@state.co.us

Scope of Work: Colleen King, (720) 497-6971, colleen.king@state.co.us

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

DBE/ESB Program: Jun Arcilla, (303) 512-4141, jun.arcilla@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 March 7, 2024. 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

PUBLIC NOTICE PHASE	
First Advertisement	2/22/2024
Second Advertisement	2/29/2024
Questions Due	2/29/2024
Question Responses Published (N/A, if Applicable)	3/4/2024
Submit Proposal	3/7/2024 (12PM MT)
SELECTION PHASE	
Panel Meeting*	3/15/2024
Chief Engineer Selection/Approval	3/18/2024
Notification	3/22/2024
CONTRACTING PHASE	
Fee Negotiation	3/28/2024
Submit Contract Compliance Package	4/5/2024
Audit Completed	4/10/2024
FINAL CONTRACT PHASE	
Contract Approval/Execution	4/30/2024

* 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 prequalification letter from CDOT must be submitted as part of the RFP as noted in **Section 6 Proposal Instructions** or the proposal will be rejected as non-responsive. The recommended disciplines based on the scope of work: Dispute and Claims, CPM Scheduling Expert, Transportation Design and Construction.

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.

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:

- a) Open Roads Design (ORD)/INROADS Drainage & Utilities module
- b) MicroStation SS4 and ORD for project drafting
- c) GIS file development software (e.g. shapefiles)
- d) Adobe Acrobat DC (PDF files)
- d) Microsoft Office Suite, including Word, Excel, and Project
- e) Scheduling Software such as Primavera and Microsoft Project

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 (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.



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

U. Fonts and Page Requirements: All text should be between 10-12 point font. Fonts for graphics can be 8-10 point font. There are no restrictions on font type but Times New Roman is preferred. For page requirements (2) 8 ½ x 11 pages can be substituted for (1) 11 x 17 page.

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. Failure to meet all below items will result in a proposal being rejected as non-responsive. 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:

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

1. Proposal Scoring Guidelines
2. Draft Scope of Work
3. Proposal for each Consultant

B. Proposal Scoring Activity

Prior to the selection panel meeting the following occurs:

1. Every panel member scores every Proposal independently. (90 Points)
2. 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

3. The Civil Rights & Business Resource Center (CRBRC) scores the Small Business Participation section 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.

C. Selection or Short-list Panel Meeting (90 Points)

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:

1. Project Team - 30 Points
2. Firm Capability - 40 Points
3. Approach - 20 Points
4. Small Business Participation - 10 Points

D. 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 Program 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.

E. Selection Panel Meeting

An interview will be optional for this solicitation. The selection panel will reach a consensus ranking of the submitted firm(s) and decide at the conclusion of the selection meeting whether or not the presentation and interview option will be exercised. If the panel opts for an interview the short list of firms (minimum of the top 3 qualified consultants) will move to the presentation and interview phase of the solicitation.

F. Presentation and Interview Selection Panel Meeting

Short-listed firms will have approximately two weeks to prepare their presentation for their interview with the selection panel.

The purpose 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. Additional details related to the interview will be emailed to the shortlisted teams in advance of the interview.

In selections including an Interview Phase, the interview scores count for 20 Points of the overall score and will added to the overall total.

1. Project Team - 30 Points
2. Firm Capability - 40 Points
3. Approach - 20 Points
4. Small Business Participation - 10 Points
5. Interview - 20 Points

G. 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.

H. 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.

I. 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 (maybe in person or remote). Comments and scores of the selection panel will be provided in advance of the meeting.

6. Proposal Instructions:

A. SECTIONS



1. Cover or Introductory Letter (1-page limit - 8 1/2 x 11 paper)
2. Project Team Section (2-page limit, 8 1/2 x 11 paper)
3. Firm Capability Section (2-page limit, 8 1/2 x 11 paper)
4. Approach Section (1-page limit - 8 1/2 x 11 paper)
5. Prequalification Letter (1-page limit - 8 1/2 x 11 paper)
6. 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.

B. Cover Or Introductory Letter

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

Darrell Wells, 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.

C. Project Team

1. The following outline is to aid in preparing your Proposal. The responses to the elements of this outline should demonstrate the knowledge and expertise the team brings to the project.



a) Project Team

(1) Identify your:

- a. Project Principal and/or Manager
- b. Other Key Staff
- c. Sub-consultants, Vendors/Suppliers

(2) Present a brief discussion regarding how the team's qualifications and experience relate to the Scope of Work. Please be specific in identifying projects each team member has been a part of and specifically what their role was on that project involved in the Dispute or Claim process.

(3) Include the following:

- a. Principal's level of involvement in the project(s)
- b. Qualifications and relevant individual experience of prime and sub-consultants
- c. Unique knowledge of team members related to the Scope of Work
- d. Identifying any projects that the key staff members will be involved with concurrently and role for each project
- e. Length of time with the firm for each key team member
- f. Experience on similar projects as a team

(4) Consider including the following:

- a. Information on the sub-consultant's role
- b. Discuss the sub-consultants integration into the team
- c. Match of personnel to the existing and future workload
- e. Succession planning

D. 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 were are not listed in the project team section.
- c) Indicate the Consultant's availability to do the project concurrent with existing and projected workloads.

D. Approach

- 1. Address the team's approach to the type(s) of services as described in the attached Scope of Work.



E. Prequalification Letter

1. Submit CDOT's prequalification letter that contains the expiration date of prequalification as part of the RFP submittal.

F. 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 not 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 Advisory Contract Goal for this project is: 0%.
7. Other Professional Services forms for contract can be found at: <http://codot.gov/business/civilrights/compliance/prof-services>
8. Contact Jun Arcilla at 303-512-4141 or jun.arcilla@state.co.us with questions regarding the small business section or B2GNow software system.

7. Disadvantaged Business Enterprise (DBE) & Emerging Small Business (ESB) Requirements

- A. 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:
 1. For Project Specific and Program Specific contracts:
<https://www.codot.gov/business/civilrights/compliance/prof-services/ps-pgs>
 2. For Non -Project Specific contracts:
<https://www.codot.gov/business/civilrights/compliance/prof-services/nps>
- B. 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.