REQUEST FOR PROPOSAL

REGIONAL TRANSPORTATION AND MOBILITY PLANNING DIVISION (TMPD) SERVICES

RFP No. TMPD-20170606
GENERAL

The Virginia Department of Transportation is seeking expressions of interest from innovative and dynamic consulting planning and engineering firms who wish to be considered to provide professional engineering services for transportation planning staff on a “limited services” basis. It is anticipated that three contracts (Region 1, 2, 3) may be awarded under the “Multiple Award” procurement process, one contract for each of three regions. The proposed two-year limited services term contract with two (2) optional one-year renewable terms will have maximum values of $5,000,000.00 per term. For purposes of this contract, the Construction Regions consist of the following Districts: Region 1 includes Northern Virginia, Fredericksburg and Culpeper; Region 2, Richmond, Lynchburg and Hampton Roads; and Region 3, Bristol, Salem, and Staunton.

The Department anticipates, but does not guarantee awarding multiple contracts to more than one, but not to exceed 3 qualified prime consultant firms as a result of this Request for Proposal. The contracts will be negotiated and awarded in accordance with the procedure set forth in the current Manual for the Procurement & Management of Professional Services at the time of advertisement.

The Department reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified firm or to modify or cancel in part or in its entirety the Request for Proposal if it is in the best interest of the Department to do so. This Request does not commit the Department to provide any payment for costs associated with the preparation of proposals submitted in response to this Request for Proposal.

The Department reserves the right to alter the project delivery method at any time during the contract period. The Department will notify the consultant of such decision, revise the scope of services and respective man-hours. The change will be implemented utilizing an additional task order or supplemental agreement based on the contract type.

In response to this Request for Proposals, firms submitting an Expression of Interest as a Prime Consultant shall not serve as a subconsultant on any other team that includes any of the same team member’s firms in which they are the Prime.

PROCUREMENT SCHEDULE

- **Expression of Interest Due Date and Time** – June 28, 2017 at 2:00 PM
- **Short List Posted on the VDOT Website** – NLT July 24, 2017
- **Interviews/Technical Presentations** – August 31, 2017
- **Final Consultant Selection** – NLT September 15, 2017
- **Selected Consultant Pre-Award Documents Due** – NLT September 25, 2017
- **Completed Negotiations Agreement Due** – NLT November 1, 2017
- **Consultant Contract Signed** – NLT November 17, 2017

CONFLICT OF INTEREST:

The change in a project delivery method for this contract may result in a potential conflict of interests for the consultant and any of its team members. As such, the scope of services and their role may be revised and redefined to meet the project need as identified by the Department. The consultant and its
team members may not be allowed to participate in ANY subsequent contracts (design and/or construction) related to this project. The Conflict of Interest determination will be made in accordance with the Department’s policy. The policy is available at:


Any employee of the selected team who will be co-located at a VDOT owned or shared facility must sign the Confidentiality Agreement for Embedded Consultant Employee at the time the assignment begins (Attached for reference).

SCOPE

The scope of work shall consist of providing the services below.

The Transportation and Mobility Planning Division, hereafter referred to as Division, directs study efforts that link planning and programming. The Division implements federal requirements utilizing State Planning and Research Funds (SPR) to support performance based planning. The Division is responsible for promoting and advancing statewide long-range, short-range and multimodal planning, improving the coordination between land use and transportation planning, and working with localities and other planning agencies to ensure multimodal solutions are identified and implemented in support of VTrans.

The Division will use this contract to provide consultant services to regional planning bodies, localities, VDOT District planners and others to practice common sense engineering to develop multimodal transportation solutions that are implementable. These planning deliverables will provide valuable information for inclusion in statewide multimodal transportation plan, and will better connect and integrate local, regional, and statewide planning.

Services will focus on concepts such as:

- Promote operational improvements first and then consider demand management,
- Promote common sense transportation engineering solutions maximizing return on investment and reducing traffic congestion/safety conflicts,
- Improve coordination between transportation and land use by guiding infrastructure and land development decisions,
- Promote balanced economic development to reduce infrastructure costs,
- Implement intergovernmental cooperation, participation and collaboration that includes businesses, developers, citizens, stakeholders, state, regional and local agencies.
- Consider public-private partnerships and promote coalitions, and
- Support multimodal planning in a performance based approach inclusive of freight, bicycle, pedestrian, TDM and all other users.

Studies and recommendations will be developed for consideration in the Six-Year Improvement Program; and shall include stakeholder involvement; use of visualization techniques for performance, alternatives analysis and recommendations; and provide innovative state of the practice solutions.

This contract will be conducted in accordance with the Department’s policies and procedures and FHWA guidelines.
The following includes general descriptions of services that could be required by the Division. It is not intended to be all-inclusive. Required services could be in all areas of multimodal transportation planning, including providing training, conducting studies, and developing plans. These activities may require the preparation of materials for printing, web and/or presentation, as needed, and may also require the presentation of the materials to internal and external groups. Coordination of work may be with state agency staff, providing services to Metropolitan Planning Organization staff, Planning District Commission staff, other modal agencies, local governments, or citizen/stakeholder groups.

The scope of work may consist of, but is not limited to, the following:

**Smart Scale Analysis and Support** – assist in analyzing congestion, safety and accessibility performance measures related to submitted project applications. May include staff augmentation by providing imbedded staff support.

**Corridor Studies** – analysis of routes or proposed roadway links which may include forecasting of traffic, assessment of intersection and roadway geometrics, capacity and safety analysis, and recommended improvements that include a range of recommendations with both short-range and long-range solutions utilizing state of the practice solutions. Aerial photography may be needed as well as GIS and CADD capacities.

**Preliminary Project Development** - specialized studies to develop and refine detailed transportation improvement plans to include preliminary project scoping, conceptual designs (up to 30%), assessing project risks and right-of-way and utility impacts, development of detailed planning level costs estimates, environmental impact assessments, and project schedule development to support the project scoping and pre-scoping activities.

**Simulation/Modeling** – studies include the use of computers and appropriate software to provide computer simulation of corridors or road networks as needed utilizing CORSIM, VISSIM, SYNCHRO, SIDRA, TP+, CUBE Voyager, TransCAD and the Highway Capacity Manual and other available tools. Training may also be included with these projects.

**Multimodal Transportation Planning** – develop or assist with development of short and long-range multimodal transportation plans. Study findings, alternatives and recommendations will be presented using advanced visualization techniques. Work could also include development of freight plans, park-n-ride policies/procedures, development of bicycle and pedestrian plans, GIS documentation of bike lane networks and travel demand management policies/procedures.

**Big Data / Transportation Data Analytics** - ability to consume and evaluate large transportation related datasets such as HERE, INRIX, Transearch, Streetlight and AirSage to analyze transportation patterns using tools such as Oracle database or PL/SQL queries.

**Traffic Counts** – perform data collection as needed within short time frames including ADT’s, 12-hour counts, intersection turning movement counts, occupancy rates, speed/delay runs, pedestrian and bike counts, parking turnover, etc.

**Arterial Management Plans** – work could include the evaluation of existing capacity...
and safety issues with emphasis on reducing conflict points and increasing capacity at intersections. Focus on more efficient and effective designs including alternative intersections that address project scope and purpose. Work could include access management, simulation, design modifications, report writing as well as presentation of material to appropriate stakeholders.

**Writing / Visualization of Data** – Effectively communicating study material and concise project deliverables for decision makers. This could include dynamic deliverable such as web sites and maps, high resolution graphics and other innovative media.

**Statewide Planning Efforts** – specialized studies and analysis in support of the statewide Multimodal Long-Range Transportation Plan (VTrans). Examples could include provide assistance with analyzing public input, developing and evaluating trend analysis and forecast data, assessing transportation-related policy and regulatory issues. Assistance may also be requested to provide meeting support and assistance in developing reports, graphics, facilitation and other presentation material.

**Rural Transportation Plans** – assist in update of data collection, analysis, recommendations of plans. Work could include writing of reports, producing maps and tables in hard copy and electronic format, facilitation and making presentations.

**Research, Outreach, Marketing and Editing** – provide assistance as needed for survey development and analysis, edit and produce written reports in hard and electronic format, develop marketing materials and make presentations on transportation related topics.

**Training** – provide face to face or electronic training and facilitation in specific transportation planning areas as requested.

Consulting firm(s) should have extensive experience in the following areas:

- Multimodal planning solutions development (highway, rail, transit, air, ports, freight, bicycle and pedestrian)
- Planning for operational, safety and ITS improvements such as advanced corridor and active traffic management
- Planning for a mixed fleet that includes autonomous vehicles / connected vehicles
- Arterial management plan development
- Travel Demand Model application
- Project development and design
- Performance based planning
- Plan implementation
- Performance measures / big data analytics
- Site planning and land development
- Data collection and analysis techniques
- Public outreach including cost effective strategies
- GIS/mapping
- Web development – including the relational database design and development
- Scenario planning
- Report writing /editing / use of innovative visualization techniques
- Research
- Facilitation and presentation
- Marketing
This work is to be accomplished utilizing computerized design and drafting systems compatible with the Department’s automated design and drafting systems. The Department’s roadway design system is GEOPAK Civil Design Software and the drafting system is MicroStation. This project will be developed utilizing the Department’s policies and procedures and FHWA’s guidelines. This Request for Proposal does not commit the Department to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services.

All procurement related questions or information should be directed to Tracy M. Wood at 804-786-9691 or email Tracy.Wood@VDOT.Virginia.gov.

EXPRESSIONS OF INTEREST; VOLUMES I AND II

The Expression of Interest must be submitted to two separate volumes. Each volume will be submitted by the required due date and time as outlined in this RFP under the Administrative heading, Section 7. Only one cover letter is required to submit both volumes. Each volume must contain the following information as shown in the table below.

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<td>Full size copies of Title VI Certification letter by VDOT (Item No. 19)</td>
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EXPRESSION OF INTEREST (EOI)

1. The Expression of Interest shall be organized in the following order:
   - Transmittal letter - one (1) page or less (Vol. I)
   - Table of Contents (Vol. I and II)
   - Understanding of Scope of Work - two (2) pages or less (Vol. I)
   - Present Workload with Department form (Vol. I and Vol. II)
   - **Standard Form (SF) 330 Part I** – one combined for the project team (Vol. I)
   - **Standard Form (SF) 330 Part II** – one for each firm (Vol. I)
• A table or matrix containing the requested information in item 17 (Vol. II)
• Full size copies of Commonwealth of Virginia SCC and DPOR supporting registration/licensing documentation for each firm (including that of each pertinent branch office) (Vol. II)
• Full size copies of Commonwealth of Virginia DPOR registration certificate for the Key Personnel (Vol. II)
• Firm Data Sheet (Vol. II)
• Certification Regarding Debarment form (Vol. II)
• DBE Commitment and Confirmation Letter (if applicable) (Vol. II)

(All items shall be on 8 1/2” X 11” and printed on one side with single-spaced type no smaller than 10 point where applicable.)

2. Furnish current SF 330 Part II for each firm involved, and one (1) combined SF 330 Part I for the project team. Please follow the instructions included on the form, unless indicated otherwise within this RFP. (Vol. I)

3. As referenced in SF 330 Part I, Section D (Organizational Chart of Proposed Team), a one page organizational chart showing all firms involved and key personnel assignments and responsibilities is required to be included. (Vol. I, included in SF330)

4. Indicate KEY PERSONNEL ONLY resumes in SF 330 Part I, Section E (Resumes of Key Personnel Proposed for This Contract). Key personnel are defined as those to whom the contract will be assigned and who will be performing the actual management of the work and be responsible for inspection, administrative and design services. Each resume shall be limited to one page per person with a font no less than 10 point. (Vol. I, included in SF330)

Furthermore, all individuals identified as Key Personnel in the EOI shall remain on the Consultant’s Team for the duration of the procurement process and, if the consultant is awarded a contract, the duration of the contract. If extraordinary circumstances require a proposed change, it must be submitted in writing to the Department’s Project Manager for approval, who, at his/her sole discretion, will determine whether to authorize a change. Unauthorized changes to the Consultant’s Team at any time during the procurement process may result in elimination of the Consultant’s Team from further consideration.

5. In SF 330 Part I, Section F (Example Projects Which Best Illustrate Proposed Team’s Qualifications for This Contract), limit example projects to no more than ten (10). Each project example shall not exceed one (1) page. (Vol. I, included in SF330)

6. In SF 330 Part I, Section G (Key Personnel Participation in Example Projects), limit example projects to no more than ten (10). The example projects listed in Section G (#29) should match the example project list provided in Section F. (Vol. I, included in SF330)

7. In SF 330 Part I, Section H (Additional Information), the consultant should detail the plan to assure the Department that the staff submitted for evaluation will be available for the services requested by the RFP. Section H of SF 330 Part I is limited to a maximum of ten (10) pages with a font no less than 10 point. This section should describe the organization of the proposed project staff indicating the role of each by individual. If subconsultants are proposed, the role of each subconsultant should be discussed. It should also include statements that are responsive to the attached Consultant Short List Score Sheet that will be used to evaluate your submission. This is the ONLY section of the submission which may include pictures or graphics (included in the ten
8. It is the policy of the Virginia Department of Transportation that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of federally funded consultant contracts. A list of Virginia Department of Small Business and Supplier Diversity (DSBSD) certified DBE firms is maintained on their web site (http://www.sbsd.virginia.gov/) under the DBE Vendor Directory of Virginia Unified Certification Program. Consultants are encouraged to take all necessary and reasonable steps to ensure that DBE firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider DBE firms as potential subconsultants. The consultant is encouraged to contact DBE firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a DBE firm whereby the DBE firm promises not to provide services to other consultants is prohibited. The Department believes that these services support 10% DBE participation.

In accordance with the Governor’s Executive Order No. 20, the Virginia Department of Transportation also requires a utilization of Small, Women and Minority (SWaM) Businesses to participate in the performance of state funded consultant contracts. A list of Virginia Department of Small Business and Supplier Diversity (DSBSD) certified SWaM firms is maintained on the DSBSD web site (http://www.sbsd.virginia.gov/) under the SWaM Vendor Directory link. Consultants are encouraged to take all necessary and reasonable steps to ensure that SWaM firms have the maximum opportunity to compete for and perform services on the contract, including participation in any subsequent supplemental contracts. If the consultant intends to subcontract a portion of the services on the project, the consultant is encouraged to seek out and consider SWaM firms as potential subconsultants. The consultant is encouraged to contact SWaM firms to solicit their interest, capability and qualifications. Any agreement between a consultant and a SWaM firm whereby the SWaM firm promises not to provide services to other consultants is prohibited.

If portions of the services are to be subcontracted to a DBE or SWaM, the following needs to be submitted with your EOI and both must reference the project number(s) for the services:

- Written documentation of the prime’s commitment to the DBE or SWaM firm to subcontract a portion of the services, a description of the services to be performed and the percent of participation.

- Written confirmation from the DBE or SWaM firm that it is participating, including a description of the services to be performed and the percent of participation.

49 CFR Part 26 requires VDOT to collect certain data about firms attempting to participate in VDOT contracts. This data must be provided on the enclosed Firm Data Sheet.

VDOT is also required to capture DBE and SWaM payment information on all professional services contracts. The successful prime consultant will be required to complete C-63 form for both state and federally funded projects on quarterly basis.

Any DBE or SWaM firm must become certified (with the Virginia Department of Small Business and Supplier Diversity) prior to your response being submitted. If DBE or SWaM firm
is the prime consultant, the firm will receive full credit for planned involvement of their own forces, as well as the work that they commit to be performed by DBE or SWaM subconsultants. DBE or SWaM prime consultants are encouraged to make the same outreach efforts as other consultants. DBE or SWaM credit will be awarded only for work actually being performed by them. When a DBE or SWaM prime consultant subcontracts work to another firm, the work counts toward DBE or SWaM goals only if the other firm is itself a DBE or SWaM. A DBE or SWaM prime consultant must perform or exercise responsibility for at least 30% of the total cost of its contract with its own force.

DBE or SWaM certification entitles consultants to participate in VDOT’s DBE and SWaM programs. However, this certification does not guarantee that the firm will obtain VDOT work nor does it attest to the firm’s abilities to perform any particular work.

Business Opportunity and Workforce Development (BOWD) Center - The BOWD Center is a VDOT developmental supportive services program and partnering initiative funded by FHWA for selected DBE firms of various skill and competence levels interested in entering, enhancing or expanding highway contracting opportunities with prime consultants. The partnering initiative between prime consultants and BOWD DBE firms provides the opportunity for the further development of DBE firms through performance on contracts and guidance from prime consultants. The intent of this partnering initiative is to increase capacity by perfecting existing skills and knowledge, expanding into new work areas, and prime consultant joint venturing with DBE firms.

The prime consultants are encouraged to achieve all or a percentage of the required DBE participation/goals determined for this project by the utilization of BOWD approved firms. To assist consultants in taking advantage of this opportunity for utilization of approved BOWD firms, please contact the BOWD Center for additional information, details, resources and support. The BOWD Center can be contacted at (804) 662-9555 or via email to BOWDCenter@vdot.virginia.gov. (Vol. II)

9. If any firms involved with this submission currently have work with the Department, indicate the projects, the division managing the projects, the amount of outstanding fee remaining, and the estimated date of completion. For limited services term contracts, include only the amount of all tasks orders executed or under negotiation. Also, include your estimated fees for pending supplemental agreements and any projects for which the firms have been selected, but have not executed an agreement. Work of affiliated and/or subsidiary companies is to be included. The outstanding workload of any Virginia Department of Small Business and Supplier Diversity certified DBE or SWaM prime or subconsultant may be reduced up to $4 million and the remainder (>0) shall be added to the team’s total workload. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM may be reduced up to $4 million for the next three years. All new work obtained after graduating from the program will be counted. Work being performed under the Public Private Transportation Act (PPTA) shall not be included. Work being performed as a prime, joint venture, or subconsultant on a VDOT Design-Build project shall be included. The outstanding fee remaining is the maximum total compensation payable less the amount previously paid to date. Only Category A & B work will be counted in the scoring criteria. This information shall be submitted using the attached Present Workload with Department form. Please carefully read the instructions on the Present Workload with Department form. (Vol.I and Vol. II)

10. Give names and detailed addresses of all affiliated and/or subsidiary companies. Indicate which companies are subsidiaries. If a situation arises in responding to this questionnaire where you
are unsure whether another firm is or is not an affiliate, doubt should be resolved in favor of affiliation and the firm should be listed accordingly. (Vol.II)

Affiliate - Any business entity which is closely associated to another business entity so that one entity controls or has the power to control the other entity either directly or indirectly; or, when a third party has the power to control or controls both; or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in joint ventures, etc. as to cause a public perception that the two firms are one entity. Firms which are owned by a holding company or a third party, but otherwise meet the above conditions and do not have interlocking directorships or joint officers serving are not considered affiliates.

A firm (prime) shall not submit more than one Expression of Interest (EOI) in response to this Request for Proposals (RFP). If more than one EOI is submitted by an individual, partnership, Corporation, or any party of a Joint Venture, then all EOIs submitted by that individual, partnership, Corporation, or any party of a Joint Venture shall be disqualified. If more than one EOIs are submitted by an affiliate, or subsidiary company of an individual, partnership, Corporation, or any party of a Joint Venture, then all EOIs submitted by that individual, partnership, Corporation, or Joint Venture shall be disqualified.

11. In 1 page or less, provide information that will indicate your firm’s ability to respond quickly to task assignments, be able to handle multiple tasks concurrently, and be able to complete task on accelerated schedules. The schedule will be identified when the task is assigned. (Vol.I)

12. In 2 page(s) or less, please emphasize your qualifications in the following areas: (Vol.I)
   - Corridor Analysis
   - Traffic safety studies (RSA)
   - Conceptual Design
   - Planning level cost estimation
   - GIS tools
   - Traffic micro simulation tools
   - Traffic forecasting tools
   - Database management
   - Experience in web design

13. A project approach discussion is required for this project and shall be limited to a maximum of 2 page(s). (Vol. I)

14. In addition to the page restrictions listed above, a maximum of 5 additional pages may be included in the Expression of Interest. (Vol. I)

15. Please indicate, by executing and returning the attached Certification Regarding Debarment forms, if your firm, subconsultant, subcontractor, or any person associated therewith in the capacity of owner, partner, director, officer or any position involving the administration of Federal or State funds:
   - Is currently under suspension, debarment, voluntary exclusion or determination of ineligibility by any federal agency.
   - Has been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years.
• Does have a proposed debarment pending; or has been indicted, convicted, or had a civil judgment rendered against it or them by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

Any of the above conditions will not necessarily result in denial of award, but it will be considered in determining offeror responsibility. For any condition noted, indicate to whom it applies, initiating agency, and dates of action. Providing false information may result in Federal criminal prosecution or administrative sanctions. (Vol. II)

16. If the prime consultant or subconsultant does not have the in-house capability to provide non-professional services, each with an estimated cost of $5,000 or greater, such as diving services, soil drilling, sampling services or laboratory testing, these services must be subcontracted in accordance with State procurement procedures once a contract is executed, with no DBE or SWaM credit in the selection of the most qualified firm or team. Clearly indicate these services in the EOI. (Vol. I)

17. Each business entity (prime and subconsultants) on the proposed team who is practicing or offering to practice professional services in Virginia, including, but not limited to, those practicing or offering to practice engineering, surveying, hydrologic and hydraulic analysis, geotechnical analysis and landscape architecture, should provide evidence including full size copies of appropriate commercial professional registrations and licenses for all main and branch offices proposed for this Project, as well as providing full size copies of appropriate individual registrations/licenses for those professional occupations per the requirements listed below. The EOI should convey the requested information for each regulant by the use of a concise table or matrix. (All full size copies of the Commonwealth of Virginia State Corporation Commission (SCC) and Department of Professional and Occupational Regulation (DPOR) supporting registration documentations should be included in the EOI and will not be counted towards page restriction):

1. The Commonwealth of Virginia SCC registration detailing the name, registration number, type of corporation and status of the business entity.

2. For this Project/Contract, the Commonwealth of Virginia DPOR registration information for each office practicing or offering to practice any professional services in Virginia: Provide the business name, address, registration type, registration number, expiration date.

3. For this Project/Contract, the Commonwealth of Virginia DPOR license information for each of your Key Personnel practicing or offering to practice professional services in Virginia: Provide the name, the address, type, the registration number, and the expiration date. Provide the office location where each of the Key Personnel is offering to practice professional services.

4. For this Project/Contract, the Commonwealth of Virginia DPOR license information for those services not regulated by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (e.g. real estate appraisal): the business name, the address, the registration type, the registration number, and the expiration date.

Failure to comply with the law with regard to those requirements in Virginia (whether federal or state) at the time of the EOI submittal regarding your organizational structure, any required
registration with governmental agencies and/or entities, and any required governmental licensure, whether business, individual, or professional in nature may render your EOI submittal(s), in the sole and reasonable discretion of the Department, non-responsive and in that event your EOI submittal(s) may be returned without any consideration or evaluation. (Vol. II)

18. The prime and all subconsultants are required to include in their Expression of Interest the FAR Approval letter from VDOT for the current year. This requirement is not factored into consideration for responsiveness. If no audited home office overhead rate is available, a provisional overhead rate (overhead plus payroll burden) of 110% will be used. If no audited field office overhead rate is available, an overhead rate (overhead plus payroll burden) of 75% will be used. (Vol. II)

19. The prime and all subconsultants are required include in their Expression of Interest their Title VI Certification letter from VDOT for the current year. This requirement is not factored into consideration for responsiveness. If any members of the team do not have a VDOT Title VI Certification Letter at the time of the EOI submittal, they will be required to submit the VDOT Title VI Certification Letter by the pre-award documentation due date or VDOT may begin negotiating with the next ranked firm upon receiving approval from the Civil Rights Division. (Vol. II)

ADMINISTRATIVE

1. Prior to the time of submittal of the EOI, all business entities, except for sole proprietorships, are required to register with the Virginia State Corporation Commission. Information about entity formation can be found at https://www.scc.virginia.gov/default.aspx. Foreign Professional corporations and Foreign Professional Limited Liability Companies (i.e., organized or existing under the laws of a state or jurisdiction other than Virginia) must possess a Commonwealth of Virginia Certificate of Authority from the State Corporation Commission to render professional services. Any business entity other than a professional corporation, professional limited liability company or sole proprietorships that do not employ other individuals for which licensing is required must be registered in the Commonwealth of Virginia with the Department of Professional & Occupational Regulation http://www.dpor.virginia.gov/, Virginia Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects (Board). Board regulations require that all branch offices of professional corporations and business entities located in Virginia, which offer or render any professional services relating to the professions regulated by the Board shall be registered as separate branch office with the Board. All offices, including branches, which offer or render any professional service, must have at least one full-time resident professional in responsible charge who is licensed in the profession offered or rendered at that office. All firms involved that are to provide professional services must meet these criteria prior to submitting an Expression of Interest to the Department. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the Code of Virginia.

2. The Department will not consider for award any cost proposals submitted by any consultants and will not consent to subcontracting any portions of the contract to any subconsultants in violation of the provisions of the Federal Immigration Reform and Control Act of 1986, which prohibits employment of illegal aliens.

3. Based upon the procurement and contract schedule, the approved escalation rate for this contract is 1.0%; 0.5% for year 1 and 1.0% for all subsequent years.
The method of payment will be actual costs for each project assignment based on fixed billable rates. For purpose of determining the fixed billable rates, an overhead rate shall be established in compliance with cost principles contained in the Federal Acquisition Regulations (FAR) of Part 31 of Title 48 of the Code of Federal Regulations. The overhead rate shall be established by an audit by a cognizant government agency or independent CPA firm.

4. All firms submitting Expressions of Interest (prime consultants, joint ventures and subconsultants) must have internal control systems in place that meet Federal requirements for accounting. These systems must comply with requirements of 48CFR31, “Federal Acquisition Regulations, Contract Cost Principles and Procedures,” and 23CFR172, “Administration of Negotiated Contracts.” All architectural or engineering firms selected for a project (prime consultants, joint ventures and subconsultants) must submit their FAR audit data along with a Contractor Cost Certification for indirect cost rates required by FHWA order 4470.1A dated October 27, 2010 to the Department within 10 work days of being notified of their selection, whereby an official of an architectural or engineering firm shall certify that the indirect cost rate submitted does not include any costs which are expressly unallowable and that the indirect cost rate was established only with allowable costs in accordance with the applicable cost principles contained in the Federal Acquisition Regulations (FAR) of 48CFR31. A sample Contractor Cost Certification is available for architectural or engineering firm’s use on VDOT website at http://www.virginiadot.org/business/gpmmps.asp. Should any firm on the consultant team fail to submit the required audit data and certification within the 10 work days, negotiations may be terminated by the Department and the next most qualified team invited to submit a proposal.

5. Records Exclusion from Public Disclosure: Pursuant to the provisions of §2.2-3705.6 (22) of the Code of Virginia, trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Inspector General of the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Inspector General’s Office in accordance with law may, subject to a determination by the Inspector General as described herein, be withheld from public disclosure under the Virginia Freedom of Information Act (FOIA). To enable the Inspector General to identify data or records that may be subject to this exclusion from disclosure under FOIA the private or nongovernmental entity shall, in accord with procedures adopted by the Inspector General, make a written request to the Inspector General of the Virginia Department of Transportation:
- invoking such exclusion upon submission of the data or other materials for which protection is sought;
- identifying with specificity the data or other materials for which protection is sought; and stating the reasons why protection is necessary.

The Inspector General of the Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it. Notwithstanding the foregoing, Contractor’s failure to comply with the requirements stated herein and procedures established by the Inspector General for seeking an exclusion pursuant to §2.2-3705.6 (22) of the Code of Virginia shall result in a denial of the exclusion. Requests for exclusion that are submitted after data or other materials for which protection is sought have been submitted will be denied.
If litigation directly or indirectly results from or arises out of a granted exemption, the contractor will be responsible for all litigation costs incurred by contractor and/or VDOT associated with such litigation. In no event shall the Virginia Department of Transportation or its officers, employees or agents be liable to the contractor as a result of any disclosure of records or data collected by the Department, its officers, employees or agents, pursuant to an audit, special investigation, or any study requested by the Inspector General’s Office, whether or not the Inspector General has determined that the requested exclusion from disclosure under FOIA is necessary to protect the trade secrets or financial records of the private entity, and in no event shall the Virginia Department of Transportation, or its officers, employees, or agents be liable to the contractor for any damages or other claims arising directly or indirectly from a determination that the exclusion from public disclosure will not be granted.

6. **Electronic EOI submittals are encouraged for this EOI.** Submittals shall be prepared simply and economically, providing a straightforward, concise description of the firm’s capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Elaborate brochures and other representations beyond that sufficient to present a complete and effective proposal are neither required nor desired. Please do not duplicate information furnished in the SF 330 Part I and Part II elsewhere in the submittal. **All information must be submitted either electronically through VDOT’s Falcon system or by mail (one hard copy) and received no later than 2:00 PM (local time prevailing) on 6/28/2017.** Responses received after this time will not be considered. Please note that electronic submittals are time stamped at the moment that a file completes uploading. The uploading process is sensitive to connection speed and file size – a 25 MB file may take 15 minutes to load. Please plan accordingly, so that the time stamp occurs prior to 2:00 pm, 6/28/2017. An offeror choosing to submit the EOI through hard copy delivery must include one CD-ROM containing the entire submittal in a single cohesive PDF file. All text in the PDF file shall be searchable using Adobe Acrobat software except within illustrations and scanned registration documents.

A. Requests for new logins and passwords to the Falcon system must be submitted to CADD Support at least 5 business days prior to the due date.

B. When submitting the Expression of Interest electronically, upload a test file at least 2 business days prior to the due date to insure that your computer software is compatible and working correctly. Contact the CADD Support Helpdesk to confirm the upload was successful. The test file will be deleted at that time. We recommend using Internet Explorer version 10 or 11. The Falcon system does not work with Firefox, Chrome, or Safari web browsers.

C. The file name field is limited to a maximum of 80 characters. File names can contain special characters such as an ampersand (&) or apostrophe (’).

   File names should follow the format: Vol I_RFPNo_Firm Name.pdf
   For Example: VOL I_TMPD-20170606_Jones Construction.pdf
   VOL II_TMPD-20170606_Jones Construction.pdf

D. **Do not wait until the last minute to upload the EOI.** The time required for the upload to complete has several variables, including the load on the system with multiple concurrent uploads. If steps A and B are completed at least 5 business days and step C is completed at least 2 days prior to the due date, it will help to eliminate any last minute issues.
All hard-copy deliveries shall be made to the following VDOT address:

Commonwealth of Virginia
Department of Transportation (VDOT)
Central Office Mail Center
Loading Dock Entrance
1401 E. Broad Street
Richmond, Virginia 23219
Attention: Tracy Wood (APD)

All electronic deliveries shall be made to the following VDOT Web address:
http://falcon.virginiadot.org/falconwebv3/.

Any offeror needing access to submit an Expression of Interest to the Professional Services Procurement area on the Falcon Web Site must email the VDOT CADD Support Helpdesk at CADDSupport@VDOT.virginia.gov at least 7 business days prior to the submission date to request a Falcon login and password or to request that an existing Falcon account be given access.

The VDOT CADD Support Helpdesk phone numbers are:
LOCAL: (804) 786-1280
TOLL FREE: (888) 683-0345
HOURS: 7:30AM – 4:30PM Monday – Friday (Closed on State Holidays)

7. The Department assures compliance with Title VI of the Civil Rights Act of 1964, as amended. The consultant and all subconsultants selected for this project will be required to submit a Title VI Evaluation Report (EEO-D2) within 10 work days of notification of selection when requested by the Department.

8. The Offeror shall be in compliance with Commonwealth of Virginia Executive Order 61 Ensuring Equal Opportunity and Access for all Virginians in state contracting and public services. The Offeror shall maintain a non-discrimination policy, which prohibits discrimination by the Offeror on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, age, political affiliation, disability, or veteran status. This policy shall be followed in all employment practices, subcontracting practices, and delivery of goods or services. The Offeror shall also include this requirement in all subcontracts valued over $10,000.

9. Any offeror who desires to protest the award of a contract shall submit such protest in writing to the Department no later than ten days after the announcement of the award. Public announcement of the award shall be posted on the Department’s Business Center Internet site.

10. eVA Business-to-Government Vendor Registration: The eVA Internet electronic procurement solution, web site portal (http://www.eva.state.va.us), streamlines and automates government purchasing activities in the Commonwealth. The portal is the gateway for vendors to conduct business with state agencies and public bodies. All vendors desiring to provide goods and/or services to the Commonwealth shall participate in the eVA Internet e-procurement solution through either eVA Basic Vendor Registration Service or eVA Premium Vendor Registration Service. For more detail information regarding eVA, registrations, fee schedule, and transaction fee, use the website link: http://www.eva.state.va.us. All bidders or offerors must register in eVA; failure to register may result in the bid/proposal/expression of interest being rejected.
11. The required services will involve the handling of Critical Infrastructure Information/Sensitive Security Information (CII/SSI) material. Firm(s) handling CII/SSI material will be required to sign non-disclosure agreements. Individuals with the firm(s) that handle CII/SSI material will be required to sign non-disclosure agreements. Once negotiations have been completed and prior to executing a contract, personnel handling CII/SSI material, visiting Critical Infrastructure (CI) facilities or performing bridge/tunnel inspections may be required to pass a fingerprint-based Criminal History Background Check (CHBC). An individual employee’s failure to successfully pass the fingerprint-based CHBC will not negate the selection and offerors will be allowed to replace those individuals. However, if key personnel fail the fingerprint-based CHBC, the selection may be cancelled and negotiations begun with the next ranked offeror. VDOT reserves the right to conduct fingerprint-based CHBC on all employees of the prime consultant, on any employees of subconsultants or on any proposed replacements during the term of the contract who will be involved in this project. All costs associated with the fingerprint-based CHBC are the responsibility of the prime consultant. A VDOT issued photo-identification badge is required for each employee of the prime consultant or any subconsultant who will need access to VDOT CI facilities or who will be performing bridge/tunnel inspections. Based upon the results of the fingerprint-based CHBC, VDOT reserves the right to deny issuance of a VDOT security clearance or a VDOT issued photo-identification badge.

12. The consultant shall not be responsible for correcting any product(s) (e.g., hardware, software, firmware) which were not provided under the agreement or for correcting any previously owned Department products that are used in combination with the Department’s product(s). However, if this solicitation identifies any product or sources of data to be used in combination with the product(s) delivered under the resulting agreement, the consultant shall be responsible for providing all necessary interface(s) or other appropriate means for assuring that date data output from such other product(s) or source(s) is automatically corrected before being processed by the product(s) or system provided under this agreement.
# PRESENT WORKLOAD WITH DEPARTMENT (Vol. I)

(List Amount of Each With VDOT by Division)

<table>
<thead>
<tr>
<th>PROJECT NUMBER* AND CARDINAL CONTRACT ID NUMBER</th>
<th>CAT.</th>
<th>LEAD DIVISION</th>
<th>DATE OF ORIGINAL AGREEMENT</th>
<th>AMOUNT OF CONTRACT/TASK ORDERS *** ($</th>
<th>LESS DBE/SWAM CREDIT</th>
<th>LESS SUB’S AMOUNT ($)</th>
<th>SUBTOTAL ($)</th>
<th>LESS FIRM’S APPROVED PAYMENT ($</th>
<th>PLUS PENDING SUPPLEMENT or CONTRACT *** ($</th>
<th>TOTAL REMAINING WORKLOAD ($)</th>
<th>SCHEDULED COMPLETION DATE</th>
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<tbody>
<tr>
<td>PRIME CONSULTANT</td>
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* Projects include contracts under negotiation. For limited services term contracts, include the amount of all task orders executed or under negotiation.

Please list only those VDOT projects for the Category applicable to this procurement as specified in the RFP. Please include the Category Letter and all other pertinent information on the form. Only those projects in Category A & B are to be totaled and counted for Present Workload for this procurement.

- **Category A: Term Surveying and Utility Designation/Location Contracts.**
- **Category B: Preliminary Engineering Contracts** - includes transportation planning and environmental studies, utility relocation and design, and roadway and bridge design.
- **Category C: Construction Engineering Contracts** - includes construction inspection, preparation of final estimates.
- **Category D: Operation and maintenance Contracts** - includes operation and maintenance of traffic management systems.
- **Category E: Bridge Safety Inspection Contracts** – includes bridge and traffic structure safety inspection.

**Amount of contract includes contingency and non-salary direct cost and all executed supplemental agreements.

*** Excluding Sub-consultants.

Work being performed under the Public Private Transportation Act (PPTA) shall not be included. Professional services work being performed as a prime, joint venture, or sub-consultant on a VDOT Design-Build project shall be included.

† The outstanding workload in Category A & B of each DBE/SWAM prime and sub-consultant may be reduced up to $4M and the remainder (>50) added to the team’s total workload.

When DBE/SWAM firms graduate from the program, their workload incurred while a DBW/SWAM may be reduced up to $4M for the next three years. Any work obtained after graduating from the program will be counted.
Firm Registration Information (Vol. II)

Offerors shall complete the table and include the required state registration and licensure information. By completing this table, Offerors certify that their team complies with the requirements set forth in the RFP and that all businesses and individuals listed are active and in good standing.

<table>
<thead>
<tr>
<th>Business Name</th>
<th>SCC Information</th>
<th>DPOR Information</th>
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<tr>
<td></td>
<td>SCC Number</td>
<td>SCC Type of Corporation</td>
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<tr>
<td>Business Name</td>
<td>Individual's Name</td>
<td>Office Location Where Professional Services will be Provided (City/State)</td>
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**FIRM DATA SHEET (Vol. II)**

Funding: ___ (S=State  F=Federal)  

Project No.: TMPD-20170606  

Division: Transportation Planning (TMPD) Services 2017  

EOI Due Date: June 28, 2017  

The prime consultant is responsible for submitting the information requested below on all firms on the project team, both prime and all subconsultants. All firms are to be reported on one combined sheet unless the number of firms requires the use of an additional sheet. Failure to submit all of the required data may result in the Expression of Interest not being considered.

<table>
<thead>
<tr>
<th>Firm’s Name, Address and DBE and/or SWAM Certification Number</th>
<th>Firm’s DBE or SWaM Status *</th>
<th>Firm’s Age</th>
<th>Firm’s Annual Gross Receipts</th>
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</table>

* YD = DBE Firm Certified by DMBE  

* NA = Firm Not Claiming DBE or SWaM Status  

* YS = SWaM Firm Certified by DMBE. Indicate whether small, woman-owned, or small business.  

DMBE is the Virginia Department of Small Business and Supplier Diversity
CERTIFICATION REGARDING DEBARMENT
PRIMARY COVERED TRANSACTIONS
(To be completed by a Prime Consultant)
Vol. II

Project: Transportation Mobility Planning Division (TMPD) Services 2017

1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

   a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

   b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; and have not been convicted of any violations of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;

   c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1) b) of this certification; and

   d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Date</th>
<th>Title</th>
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</table>

Name of Firm
CERTIFICATION REGARDING DEBARMENT
LOWER TIER COVERED TRANSACTIONS
(To be completed by a Sub-consultant)
Vol. II

Project: Transportation Mobility Planning Division (TMPD) Services 2017

1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

The undersigned makes the foregoing statements to be filed with the proposal submitted on behalf of the offeror for contracts to be let by the Commonwealth Transportation Board.

Signature       Date       Title

Name of Firm
CONSULTANT SHORT LIST SCORE SHEET – FEDERALLY / STATE FUNDED PROJECT  
(FOR PROFESSIONAL SERVICES)

DIVISION: Transportation Planning  
PROJECT: Transportation & Mobility Planning Division  
DESCRIPTION: TMPD Services Contract  
FIRM: ___________________________________________  
SUBS:  ___________________________________________  
DATE: ________________________

<table>
<thead>
<tr>
<th>NUMERICAL VALUE</th>
<th>AVG. WEIGHT</th>
<th>WEIGHTED EVALUATION</th>
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</thead>
<tbody>
<tr>
<td>1-10</td>
<td>20%</td>
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**FIRM/TEAM’S EXPERIENCE IN SIMILAR TYPE OF SERVICES**  
(Expertise, experience and qualifications of team in providing services as related to the scope of services)  
(1=least, 10=most)

**PERSONNEL’S EXPERIENCE IN SIMILAR TYPE OF SERVICES**  
(Expertise, experience and qualifications of team in providing services as related to the scope of services)  
(1=least, 10=most)

**QUALIFICATIONS OF PROJECT MANAGER**  
(Expertise, experience and qualifications in project management as related to the scope of services)  
(1=least, 10=most)

**ORGANIZATIONAL CAPABILITY**  
(Ability to complete work in a timely manner, size of firm(s) relative to size of project, proposed project staff resources, proposed use of sub-consultants)  
(1=least, 10=most)

**PRESENT WORKLOAD WITH DEPARTMENT**  
(Dollar value of present outstanding fee including estimated pending contracts under negotiation. For limited services term contracts, include the amount of all task orders executed or under negotiation. Work being performed under the Public Private Transportation Act (PPTA) shall not be included. Work being performed as a prime, joint venture or sub-consultant on a Design-Build project shall be included.)†  
(Only Category A & B workload is counted on this selection*)

<table>
<thead>
<tr>
<th>Workload Category</th>
<th>Numerical Value</th>
<th>Weighted Evaluation</th>
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<tbody>
<tr>
<td>Above $4,000,000</td>
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<tr>
<td>3,500,001-4,000,000</td>
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<td>750,001-1,000,000</td>
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<td>250,001-500,000</td>
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<td>0-250,000</td>
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**TOTAL**

* CATEGORIES OF WORKLOAD:

A - TERM SURVEYING AND UTILITY DESIGNATION/LOCATION CONTRACTS  
B - PRELIMINARY ENGINEERING CONTRACTS - includes transportation planning and environmental studies, utility relocation and design, and roadway and bridge design.  
C - CONSTRUCTION ENGINEERING CONTRACTS - includes construction inspection, preparation of final estimates.  
D - OPERATION AND MAINTENANCE CONTRACTS - includes operation and maintenance of traffic management systems.  
E - BRIDGE SAFETY INSPECTION CONTRACTS - includes bridge and traffic structure safety inspection.

† The outstanding workload of any certified DBE or SWaM prime and sub-consultant may be reduced up to $4M and the remainder (>=$0) added to the team’s total workload. When a DBE or SWaM firm graduates from the program, their workload incurred while a DBE or SWaM may be reduced up to $4M for the next three years. Any new work obtained after graduating from the program will be counted.

In determining the final short list, the top ranked firms and their sub-consultants will have their VDOT Consultant Performance Reports reviewed and/or references checked.
CONFIDENTIALITY AGREEMENT FOR EMBEDDED CONSULTANT EMPLOYEE

Professional Services Contract for __________________________________________
Contract ID Number: _____________________

This CONFIDENTIALITY AGREEMENT (this "Agreement") is made and entered into as of [Date], 20__ (the “Effective Date”), by and between the VIRGINIA DEPARTMENT OF TRANSPORTATION, an Agency of the Commonwealth of Virginia (VDOT), whose address is 1401 East Broad Street, Richmond, Virginia 23219 and ___________ ("Recipient") [Company Name], whose office address is ________________________________.

Explanatory Statement

A. In the course of executing duties or tasks assigned under Contract No.______, the Recipient may have access to information VDOT has prepared, or will prepare, or cause to prepare certain studies, assessments, reports or other records, and;

Recipient has been a regular employee of [Company Name] and may support VDOT under the terms and conditions of Contract No. __________ between VDOT and [Company Name] as an Embedded Consultant Employee.

For the purposes of this agreement, Embedded Consultant Employee is defined as any consultant providing services to VDOT while being co-located with VDOT staff regardless of the duration of co-location.

B. The Recipient shall not disclose any Records or Information available to the Recipient while executing its duties as an Embedded Consultant Employee.

C. The purpose of this Agreement is to prevent the Recipient from seeking to obtain Records and to prevent the unauthorized disclosure of such Records by Recipient.

D. In the event of any inadvertent disclosure of any Records, the Recipient shall immediately disengage from reviewing the Records and shall not disclose any of the Records or any information regarding the same to anyone other than VDOT. The purpose of this Agreement is to prevent the unauthorized disclosure of such Records.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. Records.

   (a) The Recipient shall not disclose any Records or Information available to the Recipient while performing its duties as an Embedded Consultant Employee.

   (b) In the event of any inadvertent disclosure of any Records, the Recipient shall not disclose any of the Records or any information regarding the same to anyone other than VDOT. The purpose of this Agreement is to prevent the unauthorized disclosure of such Records.
than VDOT.

(c) The purpose of this Agreement is to prevent the unauthorized disclosure of such Records.

Records may include information disclosed or submitted orally, in writing, or by any other media, by VDOT and/or its consultants. In the event of any uncertainty as to the status of a Record, as confidential or exempt, or any inadvertent disclosure of Records by VDOT, the Recipient shall promptly request appropriate clarification from VDOT, but shall otherwise hold the Record in confidence pursuant to this Agreement unless and until advised otherwise by VDOT.

2. **Recipient's Obligations.**

(a) Recipient agrees that Records are to be considered confidential and proprietary, that VDOT is the custodian of those records and Recipient shall hold the same in confidence, shall not use the Records other than for the purposes of Recipient's services for, or business with, VDOT, and shall disclose it to no one. Recipient will not disclose, publish or otherwise reveal any of the Records to any other party whatsoever, except by court order or with the specific prior written authorization of VDOT.

(b) All Records are and remain the property of VDOT. Records furnished in tangible form inadvertently to Recipient shall be returned promptly to VDOT and shall not be duplicated or divulged (other than to VDOT) by Recipient.

(c) Since the Recipient is an Embedded Consultant Employee from a consultant firm potentially pursuing the projects with VDOT, the Recipient shall not review any such project Record nor indulge in any project related communication for which the Recipient’s firm is pursuing a contract with VDOT.

(d) In the event of any inadvertent disclosure of any Records, the Recipient shall immediately disengage from reviewing the Records and shall not disclose any of the Records or any information regarding the same to anyone other than VDOT.

(e) The Recipient shall provide an executed copy of this Agreement to the VDOT Task Managers upon being assigned a task.

3. **Term of Agreement and Termination Requirements.**

The obligations of Recipient under this Agreement shall begin on the Effective Date of this Agreement, and shall remain in effect until terminated by a written instrument executed by both parties.

4. **Governing Law and Equitable Relief.**

This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Virginia. Any litigation between the parties arising out of or pertaining to this Agreement, or its breach shall be filed, heard, and decided in the Circuit Court of the City of Richmond, Virginia, which shall be the exclusive jurisdiction and venue for any such civil actions brought by either party against the other. Recipient consents to the exclusive
jurisdiction of the Circuit Court of the City of Richmond, and agrees that, in the event of any breach or threatened breach by Recipient, VDOT may obtain, in addition to any other legal remedies which may be available, such equitable relief as may be necessary to protect VDOT against any such breach of confidentiality or threatened breach.

5. **Limitations on Confidentiality.**

   (a) Nothing in this Agreement shall be interpreted as placing any obligation of confidentiality or nonuse by Recipient with respect to any information that:

   1. is or becomes publicly available to Recipient, without breach of this Agreement, or is rightfully received by Recipient without an obligation or breach of confidentiality;

   2. can be demonstrated to have been in the public domain as of the Effective Date of this Agreement, or legitimately comes into the public domain thereafter through no fault of the Recipient;

   3. can be demonstrated to have been known to the Recipient prior to execution of this Agreement, and was not acquired, directly or indirectly, from VDOT or from a third party under a continuing obligation of confidentiality;

   4. is required to be disclosed pursuant to law or court order; provided that Recipient provides prior notice to VDOT and provides sufficient time to VDOT to assert any exclusions or privileges that may be available by law; or

   5. is developed by Recipient without breach of this Agreement.

   (b) The Recipient will forward all written or oral requests for disclosure of Records to VDOT immediately upon receiving said request.

6. **Entire Agreement.**

   This Agreement sets forth the parties’ entire understanding as to its subject matter, and terminates and supersedes all prior understandings or agreements, oral or written, between VDOT and Recipient, relating solely to the subject matter (Records) of this Agreement, but shall neither nullify nor otherwise affect any other existing agreements between VDOT and [Company Name], or future confidentiality, or nondisclosure agreements between the Recipient and either the Commonwealth of Virginia or VDOT.

7. **Amendments.**

   This Agreement may not be changed, modified, or discharged, released, abandoned, or otherwise terminated in whole or in part, except by an instrument in writing signed by authorized representatives of VDOT and Recipient, except as indicated herein (Part 3 above.)

8. **Assignment**
Recipient may not sell, assign, or transfer, either voluntarily or by operation of law this Agreement, or any interest herein, without VDOT’s express prior written consent. This Agreement shall inure to the benefit of and shall be binding upon VDOT and Recipient, and VDOT’s and Recipient’s respective successors and permitted assigns.

9. **Severability.**

If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, to the extent possible will remain in full force and effect as if such invalid or unenforceable term had never been included.

10. **Notices.**

Any notice required by this Agreement, or given in connection with it, shall be in writing and shall be given to VDOT by delivery to the designated VDOT POC named below, and to Recipient by their designated representative named below, by personal delivery or by certified mail, postage prepaid, or recognized overnight delivery services.
IN WITNESS WHEREOF, the parties have executed this Confidentiality Agreement as of the Effective Date stated above.

VIRGINIA DEPARTMENT OF TRANSPORTATION [VDOT Contract Administrator]

By: ______________________
Name: ______________________
Title: ______________________

RECIPIENT

By: ______________________
Name: ______________________
Title: ______________________

CONSULTANT FIRM’S AUTHORIZED REPRESENTATIVE

By: ______________________
Name: ______________________
Title: ______________________

[NOTE: The Recipient shall provide an executed copy of this Agreement to the VDOT Task Managers upon being assigned a task.]