

PUBLIC NOTICE

MARYLAND DEPARTMENT OF TRANSPORTATION

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NOTICE

TO

ARCHITECTS & ENGINEERS

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TRANSPORTATION PROFESSIONAL SERVICES SELECTION BOARD

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REQUEST FOR PROFESSIONAL SERVICES

The Secretary of the Maryland Department of Transportation has certified to the Transportation Professional Services Selection Board the need to utilize the services of architects and/or engineers for the following Project:

MDTA 2016-02 “Comprehensive Construction Management and Inspection (CMI) Services”

Firms interested in being considered for work on any Project must submit an Expression of Interest for the Project as set forth herein. The Expression of Interest shall be in an envelope marked with the specified contract number for the Project. The letter portion of the Expression of Interest shall indicate the firm's desire to perform services and indicate the specific tasks or areas of expertise, which will be subcontracted, and to whom. Interested firms must submit the material required herein or the interested firm will not be considered for the Project.

Of all the firms expressing interest in a Project, those adjudged most qualified shall be requested to submit Technical Proposals. Additional information will be supplied to the selected firms so that they can prepare such proposals for the Project. The firm(s) that submits the highest rated Technical Proposal will be requested to submit Price Proposals. When Price Proposals are prepared, cost limitations such as, but not limited to, a payroll burden and overhead limitation of 130%, shall apply. If negotiations with the firm are timely and successful, a contract may be awarded to that firm. If an interested firm is requested to submit proposals, their proposals should substantially reflect the same composition and area of involvement as their Expression of Interest.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Expressions of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same project advertisement. Also a firm that responds to a project advertisement as a prime or a prime joint venture constituent may not be included as a designated subcontractor to another firm that responds as a prime to the project advertisement. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

Questions concerning submissions and procedures may be addressed to the Maryland Transportation Authority, via email to [mdtprocurement@mdta.state.md.us](mailto:mdtprocurement@mdta.state.md.us) with a cc response to [Benjamin Mondell](mailto:Benjamin Mondell) at [bmondell2@mdta.state.md.us](mailto:bmondell2@mdta.state.md.us). and submitted no later than 4:00 P.M. on May 17, 2016.

Expressions of Interest are due no later than 12:00 P.M., on June 1, 2016. Facsimile/e-mail copies are not acceptable. No response received after 12:00 P.M. on June 1, 2016, will be accepted, no matter how transmitted.

**Consultants shall have the ability to provide background investigation results for Consultant personnel assigned to work on Maryland Transportation Authority projects.**

Minority business enterprises are encouraged to respond to this solicitation notice.

RESPOND TO:

David Pinckney, Acting Director

OFFICE OF PROCUREMENT AND CONTRACT MANAGEMENT

Fourth Floor, C-405

707 North Calvert Street

Baltimore, Maryland 21202

**I. Maryland Transportation Authority**

**A. Contract Number: MDTA 2016 - 02**

**1. Project Description:**

The Consulting Engineer shall provide comprehensive construction management and inspection (CMI) services for the Maryland Transportation Authority (MDTA) Division of Construction. Project Services are to be provided for a five (5) year period and will consist of individual project assignments. It is anticipated that project assignments will be funded with 100% Transportation Authority funds. It is envisioned the MDTA will enter into multiple contracts for these services. After review of the Technical Proposals, it is anticipated the MDTA will enter into negotiations with each of the top nine (9) to twelve (12) ranked firms for contracts valued between \$9 to \$15 million each, for a total of \$115 million.

**2. Consultant Services Required:**

The Consultants shall provide professional CMI services for construction projects on an on-call and on-site basis, as directed by the MDTA. Services shall include, but not be limited to constructability reviews, conduct pre-construction conferences, monitor and document contractor performance, conduct detailed inspections of all construction work including erosion and sediment control contract compliance, environmental project/program monitoring as required, review of contractor safety program and inspection, maintenance of traffic, schedule and conduct progress meetings, conduct detailed materials inspections and testing (this may include providing the full service laboratory to conduct said testing), contract utility coordination and locating of existing facility utilities as needed, monitor project critical path method (CPM) and cash flow schedules,

review and process progress and final payments utilizing Maryland Construction Management System (MCMS) or other construction management software approved by the MDTA, provide construction phase review services such as reviewing shop drawings and responding to Request for Information (RFI's), provide on-site program management and contract management support as needed, and assist the MDTA compliance program officers with monitoring and enforcement of the Minority Business Enterprise (MBE) goals.

The Consultant shall have the ability and manpower to respond to and act immediately on project assignments without sacrifice and disruption to other MDTA project assignments being completed by the Consultant. All work shall be done in accordance with Maryland State Highway Administration Standards and Specifications and guidelines prepared by the "American Association of State Highway Transportation Officials" (AASHTO).

**3. Specific Type Firm solicited:**

The Consultant shall be proficient in the services listed above and shall bring experienced and expert staff to the project. The Consultant shall be completely familiar with the Maryland Transportation Authority / Maryland State Highway Administration process and procedures as outlined in State Highway Administration's "Specifications for Consulting Engineers' Services" dated April, 1986. Communications between the Consultant, Joint Venture Constituents (where applicable) and the Authority and/or the Authority's project representative will be critical. The Consultant selected must have the capability to transfer and receive compatible electronic data. The Consultant should have been responsible

for the construction management and inspection of a full range of highway related projects, with at least one (1) Interstate Highway or Freeway type highway project within the last six (6) years.

**4. Required Information**

The Consultant shall submit one (1) original and five (5) copies of an Expression of Interest, which shall include the following:

- (a) One (1) Letter of Interest - Limited to two (2) pages which must contain the information that the Consultant has the financial capacity to provide the services and has measures of protection for the State against errors and omissions and the e-mail address of the Primary Liaison.
- (b) One (1) US Government Form SF 255 with a project organization chart and additional support staff chart.
- (c) One (1) US Government Form SF 254 for each firm, including each subcontractor proposed.
- (d) One (1) additional and unbound copy of the Letter of Interest.
- (e) One (1) additional and unbound SF 254 Form, for those firms, including subcontractors, who are not currently on file with the Office of Consultant Services.
- (f) A copy of the firm's current certificate(s) of insurance.
- (g) The Consultant shall comply with the "Requirements" and "Special Requirements" set forth hereinafter when completing the aforesaid documentation.
- (h) As per the State Finance & Procurement Article, a firm engaging in investment activities with companies appearing on the Investment Activities in

Iran list is ineligible for bid/proposal/award. The Investment Activities in Iran list is located at [www.bpw.state.md.us](http://www.bpw.state.md.us) of the Maryland Board of Public Works (BPW) web site. As per the BPW Advisory No. 2013-1; Date Issued: January 1, 2013, an officer of the firm shall provide a signed original certification as per language listed on BPW Advisory page.

**NOTE:** All information must be presented in an easily readable format. **Font size shall be no smaller than 11 point. All materials shall be spiral bound or submitted in individual binders (comb binding is not permitted).** US Government forms are to be completed with standard size typing and are not to be photo reduced. Computer generated forms are acceptable; however, the format and spacing is to be identical to that of the Standard Forms 254 and 255. Each section shall be divided with tabs.

#### **5. Requirements - Documentation**

In completing the SF 255 Form, Item #4, Personnel by Discipline, the Consultant shall document personnel by discipline presently employed at the work location proposed. If more than one (1) location is being proposed by the Consultant, the Consultant must clearly document all locations proposed and show the total number of personnel by discipline for all locations proposed. Subcontractor Personnel are not to be included. An explanation of work distribution shall be indicated under Item #5 on the Form SF 255 for those Firms/Joint Ventures proposing to split significant portions of the project between Firms or Offices. The information required for Item #7, Key Staff, is to be limited to ten (10) individuals who are proposed **for performing significant productive time** on the

Project and shall not exceed one (1) page in length per individual. **Information presented must convey each individual's specific role, responsibility, and involvement in any listed experience.** Vague and general descriptions should not be used. Exact timeframes should be noted for each referenced project or experience. The Consultant must document in writing in Item #7 that the Key Staff individuals meet the following requirements:

- Two (2) of the Key Staff individuals shall be Professional Engineers registered in the State of Maryland, with demonstrated expertise in the management of comprehensive interstate / interchange construction projects. These individuals must demonstrate experience with managing multiple task order based contracts. These individuals must be employees of the Prime Consultant firm or Prime joint venture constituents.
- Two (2) of the remaining Key Staff individuals shall be Area Engineers, with demonstrated expertise in the management of major interstate / interchange construction projects. These individuals must be employees of the Prime Consultant firm or Prime joint venture constituents.
- One (1) of the remaining Key Staff individuals shall be a construction scheduler, who possesses extensive experience in construction methods and analyzing of ICPM and CPM scheduling. Experience with Primavera software is required. This individual must be an employee of the Prime Consultant firm or Prime joint venture constituents.
- One (1) of the remaining Key Staff individuals shall possess extensive experience in construction claims analysis, with demonstrated expertise in providing expert testimony in defense of contractor claims. This individual

must be an employee of the Prime Consultant firm or Prime joint venture constituents.

- One (1) of the remaining Key Staff individuals shall be a document control manager, with demonstrated expertise in construction record keeping. Experience with the Maryland Construction Management System (MCMS) software is desirable. This individual may be an employee of the Prime Consultant firm or a sub-consultant firm.
- One (1) of the Key Staff individuals shall be a quality control / geotechnical laboratory and field manager, with demonstrated expertise in the sampling and testing of a full range of construction materials including concrete, asphalt and soils etc. This individual may be an employee of the Prime Consultant firm or a sub-consultant firm.
- One (1) of the remaining Key Staff individuals shall be an environmental compliance manager, with demonstrated expertise in the inspection and monitoring of erosion and sediment control devices. This individual may be an employee of the Prime Consultant firm or a sub-consultant firm.
- The remaining Key Staff individual shall be a traffic manager, with demonstrated expertise in traffic engineering including multi-phase maintenance of traffic schemes. This individual may be an employee of the Prime Consultant firm or a sub-consultant firm.

A one (1) page listing of primary support staff available for this project, and a one (1) page team organizational chart shall also be provided. Where Maryland Registrations are required, the License Registration Certificate Number for the individual must be provided on Item #7 resumes. **Additionally, the individual**

**Key Staff resumes shall include the number of years of experience at the proposed assignment level.** Failure of the Consultant to properly document Key Staff requirements in writing could result in the firm being precluded from further consideration for the Contract.

The information required for Item #8, Similar Projects, shall be six (6) similar projects and shall not exceed three (3) pages in total length. Two (2) projects shall be set forth on each page. There shall be no constraints to the format of the page, but all of the required contents must be included. Both the Key Staff individual experience and the Similar Projects set forth shall be recent experience performed within the past six (6) years. The Consultant must show at least one (1) Interstate / Freeway type highway construction management and inspection project by the Prime Consultant or Joint Venture Constituent with construction currently underway or completed within the last six (6) years.

Item # 9 of the SF 255 shall be a complete listing of all work by the Prime Consultant or Prime Joint Venture constituents performed for the Maryland Department of Transportation.

**Item #10 of the SF 255 shall not be used. Any information presented in Item #10 will not be evaluated or considered.**

**6. Special Requirement - MBE Provisions:**

The Maryland Department of Transportation (MDOT) hereby notifies all Proposers that in regard to any contract entered into pursuant to this advertisement, Minority Business Enterprises (MBEs) will be afforded full opportunity to submit Expressions of Interest in response to this notice and will

not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

It is the goal of MDOT that certified businesses participate in all contracts. Each contract will contain a goal for MBE participation, on a contract-by contract basis.

Firms interested in submitting an Expression of Interest must comply with the

"SPECIAL PROVISIONS, AFFIRMATIVE ACTION REQUIREMENTS,

UTILIZATION OF DISADVANTAGED BUSINESSES, THE SURFACE

TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF

1987, AND ISTEA OF 1991, ATTACHMENT 6", as modified June 8, 2000,

which is obtainable from the Office of Consultant Services at the address or phone number noted herein.

To comply with the aforesaid SPECIAL PROVISIONS, firms who submit

Expressions of Interest must clearly set forth the MBE subcontractor(s) proposed for goal attainment indicating:

1. The proposed work,
2. Percentage of total work, and
3. MDOT certification number,
4. Applicable NAICS Codes

for each MBE. **Said information shall be shown in Item #6 of the Federal**

**Government SF 255 form.** If the proposed MBE firm is not certified by MDOT,

the Consultant shall indicate the certification status of the Proposed MBE firm in

lieu of the certification number. Consultants shall also set forth in the letter

portion of the Expression of Interest their "Consultant Liaison Officer for

Minority Affairs". The Consultant's failure to submit all of the required MBE

information, in the specified areas, will result in the Consultant being disqualified from further consideration for the Reduced Candidate List on this Project, unless it is in the best interest of the State to seek clarification or additional information from the Consultant.

#### MINORITY BUSINESS ENTERPRISE GOAL

FOR THE PURPOSE OF THIS CONTRACT, A MBE PARTICIPATION GOAL OF TWENTY-FIVE PERCENT (25%) HAS BEEN ESTABLISHED FOR MBE's. WITHIN THE OVERALL GOAL, MBE PARTICIPATION SUBGOALS OF SIX PERCENT (6%) FOR AFRICAN AMERICAN-OWNED FIRMS, TWO PERCENT (2%) FOR HISPANIC AMERICAN-OWNED FIRMS, NINE PERCENT (9%) FOR WOMEN-OWNED FIRMS HAVE BEEN ESTABLISHED FOR THIS CONTRACT.

**All MBE Proposers must meet the established MBE goal by certified MBE subcontractor(s).**

**NOTE: New Guidelines Regarding MBE Prime Self-Performance.** Please note that when a certified MBE firm participates as a prime contractor on a contract, a procurement agency may count the distinct, clearly defined portion of the work of the contract that the certified MBE firm performs with its own forces toward fulfilling up to fifty-percent (50%) of the MBE participation goal (overall) and up to one hundred percent (100%) of not more than one of the MBE participation subgoals, if any, established for the contract. For example, for a construction contract that has a 27% MBE overall participation goal and subgoals of 7% for African American firms and 4% for Asian American firms, subject to Section 4 above and this Section 5, a certified African American MBE prime can self-perform (a) up to 13.5 % of the overall goal and (b) up to 7% of the African American subgoal. The remainder of the overall goal and subgoals would have to be met with other certified MBE firms or a waiver request.

#### **Liquidated Damages.**

The Contract that will result from the solicitation will require the Contractor to make good faith efforts to comply with the Minority Business Enterprise

(“MBE”) Program and Contract provisions. The MDTA and the Contractor acknowledge and agree that the State will incur damages, including but not limited to loss of goodwill, detrimental impact on economic development, and diversion of internal staff resources, if the Contractor does not make good faith efforts to comply with the requirements of the MBE Program and MBE contract provisions. The parties further acknowledge and agree that the damages the State might reasonably be anticipated to accrue as a result of such lack of compliance are difficult to ascertain with precision and that liquidated damages present a fair, reasonable, and appropriate estimation of damages.

Therefore, upon a determination by the MDTA that the Contractor failed to make good faith efforts to comply with one or more of the specified MBE Program requirements or Contract provisions and without the MDTA being required to present any evidence of the amount or character of actual damages sustained, the Contractor agrees to pay liquidated damages to the MDTA at the rates set forth below. Such liquidated damages are intended to represent estimated actual damages and are not intended as a penalty. The Contractor expressly agrees that the MDTA may withhold payment on any invoices as a set-off against liquidated damages owed. The Contractor further agrees that for each specified violation, the agreed upon liquidated damages are reasonably proximate to the loss the State is anticipated to incur as a result of such violation.

- A. Failure to submit each monthly payment report in full compliance with COMAR 21.11.03.13B (3): \$23.00 per day until the monthly report is submitted as required.
- B. Failure to include in its agreements with MBE subcontractors a provision requiring submission of payment reports in full

compliance with COMAR 21.11.03.13B (4): \$82.00 per MBE subcontractor.

- C. Failure to comply with COMAR 21.11.03.12 in terminating, canceling, or changing the scope of work/value of a contract with an MBE subcontractor and/or amendment of the MBE participation schedule: the difference between the dollar value of the MBE participation commitment on the MBE participation schedule for that specific MBE firm and the dollar value of the work performed by that MBE firm for the contract.
- D. Failure to meet the Contractor's total MBE participation goal and subgoal commitments: the difference between the dollar value of the total MBE participation commitment on the MBE participation schedule and the MBE participation actually achieved.

Notwithstanding the use of liquidated damages, the MDTA reserves the right to terminate the contract and exercise all other rights and remedies provided in the contract or by law.

Veteran-Owned Small Business (VSBE) Provisions:

The Maryland Department of Transportation (MDOT) hereby notifies all proposers that in regard to any contract entered into pursuant to this advertisement, VSBEs will be afforded full opportunity to submit expressions of interest.

It is the goal of MDOT that certified businesses participate in all contracts.

Each contract may contain a goal for VSBE participation, on a contract-by-contract basis. Consultants interested in submitting an Expression of

Interest must comply with Code of Maryland Regulations (COMAR)

21.11.13. To comply with the aforesaid SPECIAL PROVISIONS,

Consultants who submit Expressions of Interest must clearly set forth the

VSBE subcontractor(s) proposed for goal attainment indicating:

- 1) The name of the firm,

- 2) Percentage of total work, and
- 3) DUNS number

for each VSBE. Said information shall be shown in Item #6 of the Federal Government SF 255 form. Consultants shall also set forth in the letter portion of the Expression of Interest their "Consultant Liaison Officer for Veteran-Owned Small Business Enterprises". The Consultant's failure to submit all of the required VSBE information, in the specified areas, may result in the Consultant being disqualified from further consideration for the Reduced Candidate List on this Project, unless it is in the best interest of the State to seek clarification or additional information from the Consultant.

**VETERAN-OWNED SMALL BUSINESS ENTERPRISE GOAL (VSBE)**

7. FOR THE PURPOSE OF THIS CONTRACT, A GOAL OF ONE PERCENT (1%) HAS BEEN ESTABLISHED FOR VSBEs.
8. **Project Representative:** E-mail: bmondell2@mdta.state.md.us
9. **Additional Information:** The Authority reserves the right to develop multiple Reduced Candidate Lists from those firms responding to this advertisement or to make multiple selections from one (1) Reduced Candidate List.
10. **Electronic Transfer:** By submitting a response to this solicitation, the Consultant agrees to accept payments by electronic funds transfer unless the MDTA Division of Finance grants an exemption. The selected Consultant shall submit the Vendor EFT Registration Request Form. Any request for exemption must be submitted to

the MDTA Division of Finance for approval at the address specified on the EFT Registration Request Form and must include the business identification information as stated on the form and include the reasons for the exemption.

**11. Rating Criteria:** The major factors/criteria for the establishment of a Reduced Candidate List for this Project, in descending order of importance, will be:

- a) Key Staff / Support Staff, including organization chart
- b) Similar Project Experience
- c) Past Performance on similar MDTA / MDOT Projects
- d) Capacity to accomplish proposed work in required time.
- e) Compatibility of size of firm with size of proposed project
- f) Firm's location.
- g) Financial Responsibility (Pass/Fail)
- h) Consultant has measures of protection for the State against errors and omissions (Pass/Fail)

**12.** Ratings developed in the short list process for criteria a.) Key Staff individuals will be retained and used in the final selection process. Later substitutions of Key Staff members must be approved by the Authority, and will be re-evaluated using the same criteria used at the Expression of Interest phase. This may result in a revised score. All scores will remain confidential for short-listed firms until after final selection.

**13. Respond by:** June 1, 2016 prior to 12:00 PM. Respond to:

OFFICE OF CONSULTANT SERVICES DIVISION

David Pinckney, Acting Director

Fourth Floor, C-405

707 North Calvert Street  
Baltimore, Maryland 21202