

NOTICE TO PROFESSIONAL CONSULTANTS VOLUSIA TRANSPORTATION PLANNING ORGANIZATION

***** Notice:** All Expanded Letters of Response are required to be submitted via E-Mail. The size limit for Letters of Response has been increased to 1 MB. Please read the Response Procedure carefully!***

The Volusia Transportation Planning Organization (hereafter referred to as the "VTPO") anticipates seeking professional consultant services on the project(s) listed in this advertisement. Consideration will be given to only those firms that are qualified pursuant to law and that have been prequalified by the Florida Department of Transportation (hereafter referred to as the "Department") to perform the indicated Major Type(s) of Work. Consultants prequalified for minor projects (less than \$250,000), or as Specialists will only be considered as primes for projects identified as "minor". **Please note: Due to constrained timetable any firm not prequalified by the Department need not apply.**

CONSULTANT ELIGIBILITY: It is a basic tenet of the VTPO's contracting program that contracts are procured in a fair, open, and competitive manner. The VTPO requires that Consultants representing the VTPO must be free of conflicting professional or personal interests. In order to prevent potential conflicts of interest, the VTPO has established guidelines to be followed by professional services Consultants. Please familiarize yourself with the requirements of Department Procedure no. 375-030-006, also known as: "Restriction on Consultants' Eligibility to Compete for Department Contracts". By submitting an Expanded Letter of Response, the Consultant certifies that they are in compliance with Procedure No. 375-030-006. This procedure is available at the following link:

[Professional Services Publications Menu](#)

In addition to the restrictions identified in Procedure No. 375-030-006, please be advised of the following prohibition: A consultant firm or its affiliate who was the Project Manager of Record is precluded from bidding on the same project as the Designer, or as a member of the designer contractor's team (subcontractor).

Nondiscrimination: The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

FEDERAL REQUIREMENTS – All Expanded Letters of Response must meet the terms of Federal Aid Contracts (see attached) and must include the following forms (which will not be counted as pages of the 8-page constraint):

- Certification for Disclosure of Lobbying Activities on Federal-Aid Projects;
- DBE Participation Statement;
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Federal Aid Contracts; and
- **E-VERIFY:** Federal Law requires, as a condition of this contract:
The Consultant shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;
 1. all persons employed by the Consultant during the term of the contract to perform employment duties within Florida; and
 2. all persons including sub-consultants/sub-contractors assigned by the consultant to perform work pursuant to the contract with the department

SELECTION PROCEDURE: The listed project(s) is covered by the selection process detailed below. After ranking of the consultants, the contract fee will be negotiated in accordance with Section 287.055, Florida Statutes. Any other meetings will be noticed in the special notes section of the project advertisement. All public meetings will be held either at the VTPO Offices or in the Town of Pierson, FL, unless otherwise noted. Changes to meeting dates and times will be updated on the VTPO's website. For more information, contact the VTPO office. In order to ensure a fair, competitive, and open process, once a project is advertised for Expanded Letters of Response or Letters of Qualification, all communications between interested firms and the VTPO must be directed to the VTPO's Project Manager.

RESPONSE PROCEDURE: Qualified consultants are encouraged to submit an Expanded Letter of Response, for the project, to the Volusia Transportation Planning Organization by 12:00 PM Eastern time on the date indicated as the Response Deadline.

Expanded Letters of Response will be submitted as attached files to E-Mail to the indicated response address and will be composed of a single file, not to exceed 1 MB in size, in Adobe PDF format (unzipped), and will not exceed six pages in length unless otherwise specified. Consultants should receive an e-mailed Return Receipt acknowledgement of the e-mailed Expanded Letter of Response within 2 hours of submittal to the indicated response address. If a Return Receipt acknowledgement is not received by the Consultant within 2 hours, or by time and date due, please call the VTPO contact (within normal business hours) to verify the VTPO's receipt of your e-mailed Expanded Letter of Response. Expanded Letters of Response should not contain links to other Web Pages and will, at a minimum, include the following information:

- Cover Page which will include prime consultant's firm's name and mailing address
- Narrative shall not exceed eight (8) pages. The eight page constraint does not include the cover page and required federal and state forms. Narrative shall be single spaced in single spaced in no smaller than 11 point Times New Roman font on 8 ½" X 11" paper
- Project Name/DOT Financial Management Number

- Contact person, phone number and Internet Email Address
- Statement regarding prequalification of consultant or proposed sub-consultants in advertised type of work
- Proposed key personnel and their proposed roles (do not include resumes)
- Indication as to whether the prime firm and/or sub-consultants are disadvantaged business enterprises (DBE)
- A Bid Opportunity List (Form No. 375-040-62) should be included as a separate attached file. This will not be counted as a page for page limitation purposes. This form may be downloaded from our [Forms Menu](#).

In addition, respondents must answer the questions listed below in the body of text (narrative) of the Expanded Letter of Response. Selection Ranking Scores will be the sum total of the following ranking criteria:

1. Experience in performing similar projects/tasks for the Department and/or local governments – please provide at least 4 examples (Ranking Criteria Score of 1-20 points)
2. Depth of Staff (Ranking Criteria Score of 1-10 points)
3. Design Scope of Services (Ranking Criteria Score of 1-20 points)
 - Describe your approach to assisting the Volusia TPO in the development of a consultant design scope of services to manage a sidewalk design project for the Town of Pierson
4. Design Project Management (Ranking Criteria Score of 1-20 points)
 - Describe your approach to assisting the Volusia TPO in the management and oversight of a design consultant to complete an FDOT approved design project for the Town of Pierson
5. LAP Coordination (Ranking Criteria Score of 1-20 points)
 - Describe your experience with the LAP process and your approach to assisting the Volusia TPO in the management and oversight of a LAP design project

STANDARD NOTES: (Applicable to following projects where indicated)

1. Selection will be made directly from Expanded Letters of Response, therefore, Expanded Letters of Response are extended to eight (8) pages for this project.

REQUIRED DEPARTMENT QUALIFICATION FOR WORK TO BE PERFORMED

Major Work :

3.1 - Minor Highway Design

Contract : XXXXX Minor Project

Financial Management Number(s):

430182-1

Project Description:

Management of Design Contract for the design of sidewalk on the north side of Washington Avenue from SR 15(US 17) east to Pine Street, in Pierson, Florida.

Additions to and variations from the above general project description and the scope of work in the contract may be authorized by Supplemental Agreement as deemed necessary or desirable to obtain the best product for the public. These additions and variations could affect the geographical limits of the project and the work groups to be used.

Project Manager: Karl Welzenbach

Special Notes:

Please include the Financial Project ID Number and your firm's name in the subject line of your e-mail response to this ad.

All meetings will be held at the VTPO Office. Any additional and subsequent public meeting notices will be posted on the TPO website.

Advertisement Date : July 15, 2011

Response Deadline : July 29, 2011

Planned Oral Presentations Date (if determined necessary): August 1, 2011 **Time:** 08:30AM

Request Approval by Executive Committee Date: August 1, 2011 **Time:** 3:00 PM

Response Deadline : July 29, 2011 @ 12:00 PM (noon)

Respond To:

kwelzenbach@volusiatpo.org

Phone: (386)226.-0422 ext. 25

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**BID OPPORTUNITY LIST FOR PROFESSIONAL CONSULTANT
SERVICES, AND COMMODITIES & CONTRACTUAL SERVICES**

375-040-62
PROCUREMENT
04/07

Prime Contractor/Prime Consultant: _____

Address/Phone Number: _____

Procurement Number/Advertisement Number: _____

49 CFR Part 26.11 The list is intended to be a listing of all firms that are participating, or attempting to participate, on DOT-assisted contracts. The list must include all firms that bid on prime contracts, or bid or quote subcontracts and supplies materials on DOT-assisted projects, including both DBEs and non-DBEs. For consulting companies this list must include all subconsultants contacting you and expressing an interest in teaming with you on a specific DOT-assisted project. Prime contractors and consultants must provide information for Numbers 1, 2, 3 and 4, and should provide any information they have available on Numbers 5, 6, 7, and 8 for themselves, and their subcontractors and subconsultants.

1. Federal Tax ID Number: _____

2. Firm Name: _____

3. Phone: _____

4. Address: _____

5. Year Firm Established: _____

6. ☐ DBE
☐ Non-DBE

7. ☐ Subcontractor
☐ Subconsultant

8. Annual Gross Receipts
☐ Less than \$1 million
☐ Between \$1 - \$5 million
☐ Between \$5 - \$10 million
☐ Between \$10 - \$15 million
☐ More than \$15 million

1. Federal Tax ID Number: _____

2. Firm Name: _____

3. Phone: _____

4. Address: _____

5. Year Firm Established: _____

6. ☐ DBE
☐ Non-DBE

7. ☐ Subcontractor
☐ Subconsultant

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☐ Between \$1 - \$5 million
☐ Between \$5 - \$10 million
☐ Between \$10 - \$15 million
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☐ Non-DBE

7. ☐ Subcontractor
☐ Subconsultant

8. Annual Gross Receipts
☐ Less than \$1 million
☐ Between \$1 - \$5 million
☐ Between \$5 - \$10 million
☐ Between \$10 - \$15 million
☐ More than \$15 million

AS APPLICABLE, PLEASE SUBMIT THIS FORM WITH YOUR:

**BID SHEET (Invitation to Bid – ITB)
LETTERS OF RESPONSE (LOR)
PRICE PROPOSAL (Request for Proposal – RFP)
REPLY (Invitation to Negotiate – ITN)**

DBE PARTICIPATION STATEMENT

Note: The Consultant is required to complete the following information and submit this form with the technical proposal.

Project Description: _____

Consultant Name: _____

This consultant (is____) (is not____) a Department of Transportation certified Disadvantaged Business Enterprise (DBE).

Expected percentage of contract fees to be subcontracted to DBE(s): _____%

If the intention is to subcontract a portion of the contract fees to DBE(s), the proposed DBE sub-consultants are as follows:

DBE Sub-Consultant	Type of Work/Commodity
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

By: _____

Title: _____

Date: _____

E-VERIFY

Contract No: _____

Financial Project No(s): _____

Project Description: _____

Vendor/Consultant acknowledges and agrees to the following:

Vendor/Consultant shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;

1. all persons employed by the Vendor/Consultant during the term of the Contract to perform employment duties within Florida; and
2. all persons, including subcontractors, assigned by the Vendor/Consultant to perform work pursuant to the contract with the Department.

Company/Firm: _____

Authorized Signature: _____

Title: _____

Date: _____

TERMS FOR FEDERAL AID CONTRACTS (APPENDIX I):
CONTRACT (Purchase Order) # _____

The following terms apply to all contracts in which it is indicated in Section 7.B of the Standard Written Agreement, the Master Agreement Terms and Conditions, the Contractual Services Agreement, or the Purchase Order Terms and Conditions, that the contract involves the expenditure of federal funds:

- A. It is understood and agreed that all rights of the Department relating to inspection, review, approval, patents, copyrights, and audit of the work, tracing, plans, specifications, maps, data, and cost records relating to this Agreement shall also be reserved and held by authorized representatives of the United States of America.
- B. It is understood and agreed that, in order to permit federal participation, no supplemental agreement of any nature may be entered into by the parties hereto with regard to the work to be performed hereunder without the approval of U.S.D.O.T., anything to the contrary in this Agreement notwithstanding.
- C. Compliance with Regulations: The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- D. Nondiscrimination: The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- E. Solicitations for Subcontractors, including Procurements of Materials and Equipment: In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- F. Information and Reports: The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Florida Department of Transportation*, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Florida Department of Transportation*, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* as appropriate, and shall set forth what efforts it has made to obtain the information.
- G. Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation* shall impose such contract sanctions as it or the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* may determine to be appropriate, including, but not limited to:
 - 1. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - 2. cancellation, termination or suspension of the contract, in whole or in part.
- H. Incorporation of Provisions: The Contractor shall include the provisions of paragraphs C. through H. in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the *Florida Department of Transportation*, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a

Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation*, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- I. Interest of Members of Congress: No member of or delegate to the Congress of the United States shall be admitted to any share or part of this contract or to any benefit arising there from.
- J. Interest of Public Officials: No member, officer, or employee of the public body or of a local public body during his tenure or for one year thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof. For purposes of this provision, public body shall include municipalities and other political subdivisions of States; and public corporations, boards, and commissions established under the laws of any State.
- K. Participation by Disadvantaged Business Enterprises: The Consultant shall agree to abide by the following statement from 49 CFR 26.13(b). This statement shall be included in all subsequent agreements between the Consultant and any sub-consultant or contractor.

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

- L. It is mutually understood and agreed that the willful falsification, distortion or misrepresentation with respect to any facts related to the project(s) described in this Agreement is a violation of the Federal Law. Accordingly, United States Code, Title 18, Section 1020, is hereby incorporated by reference and made a part of this Agreement.
- M. It is understood and agreed that if the Consultant at any time learns that the certification it provided the Department in compliance with 49 CFR, Section 26.51, was erroneous when submitted or has become erroneous by reason of changed circumstances, the Consultant shall provide immediate written notice to the Department. It is further agreed that the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction" as set forth in 49 CFR, Section 29.510, shall be included by the Consultant in all lower tier covered transactions and in all aforementioned federal regulation.
- N. The Department hereby certifies that neither the consultant nor the consultant's representative has been required by the Department, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this contract, to
 - 1. employ or retain, or agree to employ or retain, any firm or person, or
 - 2. pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind;

The Department further acknowledges that this agreement will be furnished to a federal agency, in connection with this contract involving participation of Federal-Aid funds, and is subject to applicable State and Federal Laws, both criminal and civil.

- O. The Consultant hereby certifies that it has not:
 - 1. employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above contractor) to solicit or secure this contract;
 - 2. agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out this contract; or
 - 3. paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above contractor) any fee contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract.

The consultant further acknowledges that this agreement will be furnished to the State of Florida Department of Transportation and a federal agency in connection with this contract involving participation of Federal-Aid funds, and is subject to applicable State and Federal Laws, both criminal and civil.

**CERTIFICATION FOR DISCLOSURE OF LOBBYING ACTIVITIES
ON FEDERAL-AID CONTRACTS
(Compliance with 49CFR, Section 20.100 (b))**

The prospective participant certifies, by signing this certification, that to the best of his or her knowledge and belief:

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions. (Standard Form-LLL can be obtained from the Florida Department of Transportation's Professional Services Administrator or Procurement Office.)

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

Name of Consultant: _____

By: _____ Date: _____
Authorized Signature

Title: _____

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION FOR FEDERAL AID CONTRACTS

(Compliance with 49CFR, Section 29.510)

(Appendix B Certification)

It is certified that neither the below identified firm nor its principals are presently suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Name of Consultant:_____

By:_____ Date:_____
Authorized Signature

Title:_____

Instructions for Certification

1. By signing and submitting this certification with the proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted. If at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms 'covered transaction', 'debarred', 'suspended', 'ineligible', 'lower tier covered transaction', 'participant', 'person', 'primary covered transaction', 'principal', 'proposal', and 'voluntarily excluded', as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Appendix B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant are not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the Department may pursue available remedies, including suspension and/or debarment.