REQUEST
FOR
PROPOSAL

505-17-CC0005

General Architectural/Engineering Consultant Services
Term Contract in Support of Rail and Transit Projects

There will be an optional pre-proposal conference for this solicitation at the Main Street Center Building, 600 E. Main Street, 12th Floor, North Conference Room, Richmond, Virginia on Monday, March 27, 2017 at 10:30 a.m.

Vendor Registration: In order to receive an award, the firm must be a registered vendor with eVA before the RFP submission due date and time. See Attachment A - eVA Vendor Registration Requirements.
REQUEST FOR PROPOSALS

Issue Date: March 16, 2017

Title: General Architectural/Engineering Consultant Services Term Contract in Support of Rail and Transit Projects

Commodity Code: 918-15 Architectural Consulting; 918-42 Engineering Consulting

Issuing Agency and Address: Commonwealth of Virginia
Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, Virginia 23219
ATTN: Melissa Myers

Location of Work: Virginia Statewide

Period of Contract: The contract period shall be for a one-year term or until the $2,000,000 maximum per term limit of Project Orders issued is met. The contract may be renewable for two additional terms, at the Agency’s option.

All inquiries for information should be directed in writing to Melissa Myers, Procurement Officer at melissa.myers@drpt.virginia.gov. All questions must be received by March 31, 2017.

Sealed proposals for furnishing the services described herein will be received until 3:00 p.m. Eastern time on April 13, 2017. All proposals must be mailed or hand delivered to the above address by the deadline stated.

In compliance with this Request For Proposal (RFP), which includes the attached Table of Contents and all provisions and appendices attached and referenced therein, and subject to all the terms and conditions set forth herein, the undersigned offers and agrees to furnish the services described in the RFP cited above and submit this signed proposal which includes this completed and signed page, the completed and signed Forms AE-1, AE-2, AE-3, AE-4, AE-5 and AE-6 and other data as required by the RFP. It is understood that this proposal and the scope of services may be modified, by mutual agreement in subsequent negotiations.

Name and Address of Offeror:

_________________________________________    Date

_________________________________________    Signature (in Ink)

_________________________________________    Printed or Typed Name of Above

FEI/FIN Number

E-mail

Phone
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I. APPLICABILITY OF THE A/E MANUAL

The rights and duties of the Owner and Architect/Engineers (A/E) applicable to State projects are set forth in the Terms and Conditions of the A/E Contract (CO-3a) and the A/E Manual as defined in the current edition of the Construction and Professional Services Manual (CPSM), as amended. The Terms and Conditions are available at http://www.dgs.virginia.gov/LinkClick.aspx?fileticket=swKJBa3MNko%3d&tabid=823&portalid=0&mid=1673.

Offeror’s attention is directed to Chapter 2, Definitions of the CPSM, for definitions of terms used in this RFP. The terms "Agency" and "Owner" are used interchangeably in the material referenced in this RFP and mean the Department of Rail and Public Transportation, the public body issuing this solicitation for services and with whom the successful A/E Offeror will enter into an agreement. For purposes of clarity and uniformity in this RFP, only the term "Agency" will be used.

In addition to state and other federal funding sources, services awarded from this RFP may be funded with American Recovery and Reinvestment Act of 2009 (ARRA). In such cases, supplemental General Condition, Section 52, found at: http://www.dgs.virginia.gov/LinkClick.aspx?fileticket=1vje1coUKXA%3d&tabid=826&mid=1673 must be followed.

II. PURPOSE

The Agency provides State funds to grantees who develop and implement various types and sizes of rail and transit construction projects throughout the Commonwealth. The Agency often needs professional architectural and/or engineering assistance such as investigations, studies, reports, review of design and engineering documents and related services for these projects. The purpose and intent of this RFP is to solicit proposals for a Term Contract for such professional architectural and/or professional engineering services to be provided on an "as needed" basis pursuant to Project Orders issued during the contract term. The A/E(s) awarded a contract will agree to be available to provide these services in a timely manner, thereby reducing the Agency's cost and time for advertising and developing numerous RFPs, and increasing the Agency's efficiency in obtaining professional services.

It is the intent of the Agency to issue awards to multiple A/E firms. The initial contract period shall be for one year or until the maximum limit of $2,000,000 per term is met. The contract shall be renewable for two additional terms, at the Agency's option. The additional terms shall each be for one year periods or until the maximum limit is met. See Section X Contract Term for more information.

III. AGENCY’S RIGHT TO ISSUE RFPS AND PROJECT ORDERS:
The Agency reserves the right, at its sole discretion, to issue RFPs for similar work, for other disciplines or types of work, and for other projects as the need may occur. An A/E may have only one A/E Term Contract in effect with an agency or its subsidiaries or branches at any time.

The Agency also reserves the right to issue Project Orders to other A/E's under Term Contracts at its sole discretion, based on its evaluation of each A/E's qualifications, expertise, current workload, capabilities, performance record, location or distance to the project, and other factors as may be pertinent to the particular project. The Agency also reserves the right under the provisions of this Contract to issue a Project Order to the A/E to provide services of a similar type or discipline covered by this RFP to a subsidiary, branch or state agency in the same geographic area.

IV. **SCOPE OF SERVICES**

The selected A/E shall furnish all labor and resources, in accordance with the requirements of the A/E Manual, to provide complete services necessary for Project Order(s) issued during the Contract Term. In conducting these services, the A/E shall ensure all applicable Federal, State and local requirements are being met. The types of services that the A/E may be required to perform include, but are not limited to the following:

A. **Design Services:**
   - Rail design review services to include but not limited to conceptual level engineering, alternatives analysis, preliminary engineering, percent submittal and final plans, construction specifications and special provisions on projects involving new track and rehabilitation, signal improvements, speed improvements, tunnel clearances, stations, etc.
   - Transit design review services to include but not limited to program review and concept, schematic design, design development, construction documents on buildings including operation, maintenance, administration, multimodal transfer facilities, etc.
   - Discrete reviews and studies, such as, but not limited to:
     - Develop independent cost estimates for construction projects.
     - Perform risk assessments and provide risk management services.
     - Perform value engineering studies.
     - Perform constructability reviews.
   - Other review services as may be required by DRPT
   - Design services for rail and transit shall comply with all requirements of the CPSM, as applicable.

B. **Construction Administration Services:**
   - Construction administration services as defined in the CPSM, as applicable. Typical administration services include but are not limited to monitoring, observation and site visit reports on tracks, signals, structures, crash walls, civil site, buildings, park-n-ride facilities, etc.
• Provide additional construction administration services as may be defined in the Memorandum of Understanding (MOU).

Any Project Order for a feasibility or other study or review of a schematic or preliminary design issued pursuant to the Term Contract shall not include the right to extend the A/E's scope of services to include full design and construction period services. The A/E shall not, however, be prohibited from participating in competitive negotiation procurement for such services.

V. POLICY ON SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES:

It is the policy of the Commonwealth of Virginia to contribute to the establishment, preservation and strengthening of small businesses and businesses owned by women and minorities and to encourage their participation in state procurement activities. The Commonwealth encourages contractors to provide for the participation of small businesses and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, or other contractual opportunities. Submission of a report of past efforts to utilize the goods and services of such businesses is required with any proposal for A/E services where the total A/E contract amount may exceed $100,000. Since the potential for Project Orders under the contract exceeds $100,000, the Offeror must provide information on its past utilization of Small, Women, and Minority Owned disadvantaged businesses, and must also state any plans to utilize such businesses and the manner in which they may be utilized under this Contract.

A list of Virginia Department of Small Business and Supplier Diversity (DSBSD) certified Small, Women-owned, and Minority-owned Business (“SWAM”) firms are maintained at www.DSBSD.virginia.gov under the SWAM Vendor Directory link.

VI. LICENSE AND REGISTRATION:

All business entities, except for sole proprietorships, are required to register with the State Corporation Commission. 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 proprietorship that does not employ other individuals for which licensing is required must be registered in the Commonwealth of Virginia with the Board for Architects, Professional Engineers, Land Surveyors, and Landscape Architects (“Board”) of the Department of Professional and Occupational Regulation (“DPOR”). Board regulations require that all branch offices of professional corporations and business entities located in Virginia that offer or render any professional services relating to the professions regulated by the Board be registered as separate branch offices with the Board. All offices, including branches, that offer or render any
professional service must have at least one full-time resident professional who is responsible and in charge who is licensed in the profession offered or rendered at that office. All firms that are to provide professional services must meet these criteria prior to submitting a Proposal to DRPT. Individual engineers shall meet the requirements of Chapter 4, Title 54.1 of the Code of Virginia.

Each business entity (prime and sub-consultants) on the proposed team that 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, must provide evidence in the Proposal, including full size copies of appropriate commercial professional registrations and licenses for all main and branch offices proposed for this Project, and for appropriate individual registrations/licenses for those professional occupations per the requirements listed below. The Proposal should convey the requested information for each registrant by the use of a concise table or matrix. Full size copies of the State Corporation Commission and DPOR supporting registration will not count towards the page restriction.

- The State Corporation Commission registration detailing the name, registration number, type of corporation and status of the business entity.
- The DPOR registration information for each office practicing or offering to practice any professional services in Virginia, including the business name, address, registration type, registration number, expiration date.
- The DPOR license information for each of the Key Personnel practicing or offering to practice professional services in Virginia, including the name, address, type, registration number, and expiration date. Provide the office location where each of the Key Personnel is offering to practice professional services.
- The DPOR license information for those services not regulated by the Board, such as real estate appraisal, including the business name, address, registration type, registration number, and expiration date.

Failure to comply with either state or federal law with regard to requirements in Virginia regarding the Offeror’s 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 the Proposal submittal, in the sole and reasonable discretion of the Agency, non-responsive. In that event, the Proposal submittal may be returned without any consideration or evaluation.

VII. PROPOSAL REQUIREMENTS:
A. Proposals shall be signed by an authorized representative of the A/E. By submitting a proposal, the Offeror certifies that all information provided in response to this RFP is true and accurate. Failure to provide information required by this RFP may ultimately result in rejection of the proposal.

B. Proposals should be prepared simply and economically, providing a straightforward, concise description of the A/E’s capabilities for satisfying the requirements of the RFP. Emphasis should be on completeness and clarity of content. Elaborate brochures and other representations beyond those sufficient for presenting a complete and effective proposal are neither required nor desired.

To reduce the effort and expense of responding to RFPs, provide uniformity in the type of information requested, and enhance the review and evaluation process, the standard Forms AE-1 through AE-6 found in Attachment B – A/E Forms and Instructions shall be used by A/Es responding to the RFP.

Do not duplicate information furnished in Attachment B – A/E Forms and Instructions elsewhere in the submittal. Electronic copies of the forms are available on the DRPT website at http://www.dgs.virginia.gov/LinkClick.aspx?fileticket=swKJBa3MNko%3d&tabid=823&portalid=0&mid=1673

The maximum number of single-sided pages that may be included in the proposal is 100 pages. (The maximum number of double-sided pages is 50 pages.) Full size registration documents and resumes are excluded from the page number restriction. All pages are to be 8 1/2" x 11" and printed with single-spaced type no smaller than 12 point.

Commonwealth of Virginia
Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219
Attention: Melissa Myers

C. Proposals shall include the following:
   - The completed and signed RFP cover page
   - License and registration information including:
     - Full size copies of State Corporation Commission (SCC) and Department of Professional and Regulation (DPOR) supporting registration/licensing documentation for each firm (including that of each pertinent branch office)
     - Full size copies of DPOR registration certificate for the Key Personnel
     - Table or matrix containing the requested information
   - Attachment B – A/E Forms and Instructions
   - Attachment C – Small Businesses and Businesses Owned by Women
Minorities Data Form

One manually signed original, three hardcopies, marked as copy, and one flashdrive of the proposal shall be submitted to the Agency. Each copy of the proposal shall be bound in a single volume.

Proprietary information from Offerors will not be disclosed to the public or to the competitors provided such proprietary information is properly identified, as required by § 2.2-4342(F) of the Code of Virginia, as amended, in the proposal.

If a Offeror wishes to submit a version of the proposal that has proprietary information redacted, the redacted version must be submitted in electronic format on a separate compact disc and must redact all proprietary information. Section numbers which are redacted must be identified as follows: Example: Section 3, paragraph B: "Redacted." The Offeror is responsible for ensuring that the redacted version of the proposal is carefully edited, altered, and refined in order to protect and maintain complete confidentiality of protected information.

D. Any information thought to be relevant, but not specifically applicable to the enumerated scope of services, may be provided as an appendix to the proposal. If publications are supplied by the Offeror to respond to a requirement, the response should include reference to the document number and page number. Publications provided without such reference will not be considered relevant to the RFP.

VIII. EVALUATION AND AWARD OF CONTRACTS:

A. Evaluation Criteria: Proposals shall be evaluated by the Agency using the following criteria:

- **A/E’s Team: 30 points** - The expertise, experience, and qualifications of the A/E’s personnel and proposed subconsultants in each discipline that may provide services relevant to the RFP.

- **A/E’s Capability: 30 points** - The A/E’s demonstrated track record in managing projects with delivery on time and on budget, comments provided by references and the following:
  - Expertise and past experience of the A/E in providing services on other Term Contracts or on projects of similar size, scope and features as those required for the scope of services on this RFP.
  - A/E’s recent (past five years) experience/history in designing projects within the established "Design-not-to-exceed" budget.
  - A/E’s experience in providing services in conformance to the State’s Construction and Capital Outlay procedures including Codes, Standards, Accessibility and Building Efficiency, as applicable.
- Financial Responsibility as evidenced by the A/E carrying Professional Liability Insurance.

- **A/E's Availability: 20 points** - Availability includes but is not limited to the following:
  - Geographic location of the A/E's office where work will be performed in relation to the project location(s).
  - Size of the firm relative to the size of the project(s).
  - Willingness to provide services on the small projects associated with Term Contracts for a reasonable fee as determined by the agency.

- **Small Business Utilization: 10 points** - Use of small businesses and businesses owned by women and minorities as consultants, subcontractors, suppliers or support services.

- **Quality of Proposal: 10 points** - Clear and concise organization of the proposal including appearance and quality.

B. **Award of Contract:** The Agency shall engage in individual discussions and interviews with a minimum of three Offerors deemed fully qualified, responsible and suitable on the basis of initial responses, and with professional competence to provide the required services. Repetitive informal interviews are permitted. Offerors shall be encouraged to elaborate on their qualifications, performance data, and staff expertise relevant to the proposed contract. Proprietary information from competing Offerors (including the plan for accomplishing the scope of services) will not be disclosed to the public or to competitors provided such information is duly marked as "Proprietary Information" by the Offeror and the designation is justified as required by § 2.2-4342 of the Code of Virginia, as amended. At the conclusion of the informal interviews, on the basis of evaluation factors published in the RFP and all information developed in the selection process to this point, the Agency shall rank, in the order of preference, the interviewed Offerors whose professional qualifications and proposed services are deemed most meritorious.

Separate negotiations shall then be conducted with the three highest ranked Offerors to establish acceptable MOUs, including marked up hourly rates considered fair and reasonable, and which compare favorably with the typical labor rates for the various A/E skill levels required for the work. Contract awards will be made to the Offerors provided the A/Es accept/agree to the Project Order offered at the time of negotiations. If the Agency and a Offeror cannot come to an agreement, negotiations with the Offeror shall be formally terminated and negotiations conducted with the fourth highest ranked Offeror, and so on, until such a contract can be negotiated at fair and reasonable rates and the Project Order agreed to by the Agency and Offeror. This process will continue until the desired number of A/E contracts is awarded by the Agency for the Term Contract.
IX. FEES:

A. The MOU prepared by the Agency will document the negotiated acceptable labor rates for the various A/E classifications/disciplines/skill levels. These rates will be used by the Agency in arriving at lump sum fees and any hourly rate work that is authorized by the Agency for Project Orders issued under the Term Contract resulting from this solicitation.

B. If a Project Order is to be performed on a lump sum basis, the Agency shall determine a lump sum based on the scope of service required, the estimated man-hours required for each classification/discipline/skill level, and the labor rates agreed upon during the contract negotiations.

C. The aggregate total of fees for all Project Orders issued during the Contract Term shall not exceed $2,000,000.

X. CONTRACT TERM:

Under this Contract, Project Orders may be issued during the one year following the date of execution of this Contract. This one year period shall be referred to as the "Contract Term." If a Project Order is issued during the Contract Term which, in the aggregate total of it, all previously issued Project Orders and any Change Orders to the previous Project Orders, reaches the $2,000,000 limit, then no further Project Orders may be issued during that Contract Term. It is understood that the A/E’s work under the Project Orders issued may not be completed during the Contract Term; however, all terms and conditions of this Contract, including all rights and obligations, shall survive until the work is completed, except the Agency's right to issue, and the A/E’s right to accept, additional Project Orders.

The Agency may, at its sole discretion, renew the Contract for additional one-year Contract Terms provided the option to renew was indicated in the RFP. If the Agency exercises its option to renew, the next Contract Term shall begin one year from the date of the execution of this Contract, the previous renewal period, or the date that the Agency notifies the A/E that the option to renew is being exercised, whichever occurs first. A new aggregate limit of $2,000,000 shall apply to the renewed Contract Term, without regard to the dollar amounts of Project Orders issued during the previous year of the Contract. Any unused amounts from the previous Contract Term are forfeited and shall not carry forward to the renewed Contract Term. The Agency may, at its sole discretion, exercise the one-year renewal a maximum of two times.

XI. PROJECT ORDERS:
The first Project Order will be issued at the same time as the execution of the A/E Term Contract. It will authorize the A/E to perform the work for a lump sum amount or at the marked up hourly rates agreed to and set forth in the MOU attached to the A/E Term Contract. The maximum fee allowed by law for any Project Order is $2,000,000 which includes all fees and reimbursable expenses and contingencies.

It is understood that more than one Project Order may, at the Agency's sole discretion, be offered to the A/E during the Contract Term. Although the potential exists for multiple project orders during the Contract Term with aggregate fees up to $2,000,000, the Agency does not represent or guarantee that the A/E will receive more than one Project Order.

XII. **CONFLICT OF INTEREST:**

Offerors that are awarded a contract under this RFP may not be eligible for certain Project Orders if they are working on a related contract. This determination will be made at the sole discretion of the Agency. All Offerors that are awarded a contract under this RFP must notify the Agency immediately of any conflicts that exist when they are asked to submit a proposal for a task order.

XIII. **TIME SCHEDULE:**

The items that are asterisked below are approximate dates and may be changed.

- **Pre-Proposal:** March 27, 2017 at 10:30 a.m.
- **Questions Due:** March 31, 2017 at 3:30 p.m.
- **Proposals due:** April 12, 2017 at 3 p.m.
- **Interviews with top three Offerors:** Week of May 15, 2017*
- **Negotiations start:** June 1, 2017*
- **Awarded by:** June 26, 2017*

XIV. **eVA VENDOR REGISTRATION:**

The eVA Internet electronic procurement solution, web site portal www.eVA.virginia.gov, streamlines and automates government purchasing activities in the Commonwealth. The eVA 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 by completing the free eVA Vendor Registration. All bidders or offerors must register in eVA and pay the Vendor Transaction Fees specified below; failure to register will result in the bid/proposal being rejected. Vendor transaction fees are determined by the date the original purchase order is issued and the current fees are as follows: a. For orders issued July 1, 2014, and after, the Vendor Transaction Fee is:
(i) DSBSD-certified Small Businesses: 1%, capped at $500 per order.

(ii) Businesses that are not DSBSD-certified Small Businesses: 1%, capped at $1,500 per order. b. Refer to Special Term and Condition “eVA Orders and Contracts” to identify the number of purchase orders that will be issued as a result of this solicitation/contract with the eVA transaction fee specified above assessed for each order. For orders issued prior to July 1, 2014, the vendor transaction fees can be found at www.eVA.virginia.gov.

The specified vendor transaction fee will be invoiced, by the Commonwealth of Virginia Department of General Services, typically within 60 days of the order issue date. Any adjustments (increases/decreases) will be handled through purchase order changes

XV. SPECIAL TERMS AND CONDITIONS:

1. AUDIT: The contractor shall retain all books, records, and other documents relative to this contract for five years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The agency, its authorized agents, and/or state auditors shall have full access to and the right to examine any of the materials during this period.

2. LATE PROPOSALS: To be considered for selection, the proposal must be received in the issuing office by the designated date and hour. The official time used in the receipt of proposal is the time on the automatic time stamp machine in the issuing office. Proposals received in the issuing office after the date and hour designated are automatically disqualified and will not be considered. The Agency is not responsible for delays in the delivery of mail by the U.S. Postal Service, private couriers, or the intradepartmental Agency mail system. It is the sole responsibility of the Offerer to insure that its bid reaches the issuing office by the designated date and hour.

3. CANCELLATION OF CONTRACT: The Agency reserves the right to cancel and terminate any resulting contract, in part or in whole, without penalty, upon 60 days written notice to the contractor. In the event the initial contract period is for more than 12 months, the resulting contract may be terminated by either party, without penalty, after the initial 12 months of the contract period upon 60 days written notice to the other party. Any contract cancellation notice shall not relieve the contractor of the obligation to deliver and/or perform on all outstanding orders issued prior to the effective date of cancellation.

4. SUBCONTRACTS: No portion of the work shall be subcontracted without prior written consent of the purchasing agency. In the event that the contractor desires to subcontract some part of the work specified herein, the contractor shall furnish the purchasing agency the
names, qualifications and experience of their proposed subcontractors. The contractor shall, however, remain fully liable and responsible for the work to be done by its subcontractor(s) and shall assure compliance with all requirements of the contract.

5. **STATE CORPORATION COMMISSION IDENTIFICATION NUMBER:** Pursuant to Va. Code Ann. § 2.2-4311.2(B), a bidder or offeror organized or authorized to transact business in the Commonwealth pursuant to Title 13.1 or Title 50 is required to include in its bid or proposal the identification number issued to it by the State Corporation Commission. Any bidder or offeror that is not required to be authorized to transact business in the Commonwealth as a foreign business entity under Title 13.1 or Title 50, or as otherwise required by law, is required to include in its bid or proposal a statement describing why the bidder or offeror is not required to be so authorized.

*For assistance in complying with the above requirement please read the following:*

The link below takes you to the State Corporation Commission document which provides information for foreign firms pertaining to exclusions to the requirement to register with the State Corporation Commission. Note that a foreign firm is defined as “organized or existing under the laws of a state or jurisdiction other than Virginia.”

http://www.scc.virginia.gov/clk/befaq/forinva.aspx#a1

6. **INTELLECTUAL PROPERTY RIGHTS:** The Virginia DRPT shall have exclusive rights to all data and intellectual property generated in the course of the project Intellectual property, which includes all inventions subject to the U. S. Patent System. This shall be inclusive but not limited to, new processes, materials, compounds and chemicals, and all creations subject to the U. S. Copyright Act of 1976, as amended, including but not limited to printed material, software, drawings, blueprints, and compilations such as electronic databases.) Furthermore, DRPT shall have all rights, title, and interest in or to any invention reduced to practice pursuant to a resulting contract. Proposals should recognize the requirements of public sector agencies and of public policy generally, including the Freedom of Information Act, State statutes and agency rules on release of public records, and data confidentiality.

All copyright material created pursuant to this contract shall be considered work made for hire and shall belong exclusively to DRPT. Neither DRPT nor the contractor intends that any copyright material created pursuant to the contract, together with any other copyright material with which it may be combined or used, be a “joint work” under the copyright laws. In the case that either whole or part of any such copyright material not be deemed work made for hire, or is deemed a joint work, then contractor agrees to assign and does hereby irrevocably assign its copyright interest therein to DRPT. DRPT may reasonably request documents required for the purpose of acknowledging or implementing such assignment.

The contractor warrants that no individual, other than regular employees and subcontractors of the contractor or DRPT regular employees, agents, or assigns while working within the scope of their employment or contracted duty, shall participate in the creation of any intellectual property pursuant to the contract. If this situation should arise, such individual and his or her employer, if any, must agree in writing to assign the intellectual property rights, as described herein, for work performed under this contract to DRPT either directly or through the contractor.
DRPT shall have all rights, title and interest in or to any invention reduced to practice pursuant to this contract. The contractor shall not patent any invention conceived in the course of performing this contract. The contractor hereby agrees that, notwithstanding anything else in this contract, in the event of any breach of this contract by DRPT, the remedies of the contractor shall not include any right to rescind or otherwise revoke or invalidate the provisions of this section. Similarly, no termination of this contract by DRPT shall have the effect of rescinding the provisions of this section.

DRPT is only entitled to the intellectual property rights for deliverables and associated documentation produced by the contractor for which DRPT has fully paid the contractor as the contract is completed or as the contract is terminated for any reason.

Copyright or pre-existing work of the contractor shall remain the property of the contractor. The contractor grants to DRPT a perpetual, royalty-free, irrevocable, worldwide, non-exclusive license to use such pre-existing work in connection with exercising the rights of ownership granted to DRPT pursuant to this section.

Notwithstanding anything herein to the contrary, DRPT acknowledges that as part of the contractor’s provision of services hereunder, the contractor may license third-party software or acquire proprietary works of authorship (collectively referred to as “products”), which have been developed by third parties. DRPT must approve the third-party license agreements and the acquisition of these third-party products prior to their use by the contractor and DRPT agrees that these products will remain the sole property of the third party.

The contractor shall grant DRPT license to use all software developed by the contractor under this contract in other applications within Virginia as DRPT sees fit. Should the contractor desire to re-use software developed under this contract for other projects (both DRPT contracts and others), DRPT must be notified in writing 60 days prior to such use. Furthermore, DRPT shall be justly compensated for the re-use of such software. Compensation shall be negotiated and agreed upon prior to DRPT releasing software rights. Typically, DRPT prefers increased software capabilities and/or functionality instead of monetary compensation.

7. DRPT reserves the right to approve any personnel or subcontractors proposed for the work described in this RFP and/or any subsequent contract resulting from this RFP. DRPT will provide written justification to the contractor when approval is not granted.

8. IDENTIFICATION OF PROPOSAL/PROPOSAL ENVELOPE: If a special envelope is not furnished, or if return in the special envelope is not possible, the signed proposal/proposal should be returned in a separate envelope or package, sealed and identified as follows:
Name of Offeror: ___________________
Due Date: ___________________
Time: 3:00 p.m. ________________

Street or Box Number: ____________________
RFP No.: _______________________

City, State, Zip Code: ____________________
RFP Title: _______________________

Name of Contract/Purchase Officer or Buyer: Melissa Myers

The envelope should be addressed as directed on Page 2 of the solicitation. If a proposal not contained in the special envelope is mailed, the Offeror takes the risk that the envelope, even if marked as described above, may be inadvertently opened and the information compromised which may cause the proposal to be disqualified. Proposals may be hand delivered to the designated location in the office issuing the solicitation. No other correspondence or other proposals should be placed in the envelope.

9. PATENT RIGHTS: If any invention, improvement or discovery of the Consultant or any of its Sub consultants is conceived or first actually reduced to practice in the course of or under this Project which invention, improvement or discovery may be patentable under the Patent Laws of the United States of America or any foreign country, the Consultant shall immediately notify DRPT and provide a detailed report. The rights and responsibilities of the Consultant, his Sub consultants and the Department with respect to such invention will be determined in accordance with applicable Federal laws, regulations, policies, and waivers thereof.

10. KEY PERSONNEL: People identified in terms of this RFP as "key personnel" who will work on the service contract, must continue to work on this contract for its duration so long as they continue to be employed by the Consultant unless removed from work on the Contract with the consent of the purchasing agency.
Attachment A – Project Background

The following is a list of pending and anticipated assignments that may be needed under this contract. This is not intended to be an all-inclusive list.

Rail Facility Projects

1. Newport News Transportation Center – provide construction monitoring and oversight for a proposed transportation center facility to include site work, track work, platforms and servicing facility.
2. DC2RVA SEHSR – engineering services to include review of preliminary engineering plans, cost estimate and schedule for the Southeast High Speed Rail initiative between Washington, D.C. and Richmond, VA.
3. VRE Brooke and Leeland Stations Expansion Study & Design – engineering services to include review of design plans, cost estimate and schedule for two VRE station expansion projects.
4. Commonwealth Railway Marshalling Yard Expansion – engineering services to include review of design plans, cost estimate and schedule for additional on-dock rail capacity at the Virginia International Gateway.
5. CSX Long Bridge NEPA Project Planning – perform reviews of DDOT’s Long Bridge Phase II Study.
6. Norfolk Southern Chesapeake and Western Span Upgrade – engineering services to include review of design plans, cost estimate and schedule for rail improvements between NS and the Shenandoah Valley Railroad.

Transit Facility Projects

2. Route 1 BRT – engineering services to include review of design plans and cost estimate for a proposed Bus Rapid Transit system in Fairfax County.
3. WATA Administration and Operations Facility – engineering services to include review of preliminary engineering plans, cost estimate and schedule for a new Williamsburg Area Transit Authority administration and operations facility.
4. Farmville Administration and Maintenance Facility – engineering services to include review of design plans, cost estimate and schedule for rehabilitation and expansion of an existing bus maintenance facility.
Attachment B - A/E Forms and Instructions

General Instructions

The forms are available on the DRPT website at www.drpt.virginia.gov under the GEC Term Procurement link. Do not attempt to fill in these forms online. Download the forms, save a copy, and then fill in the saved copy.

Read the Specific Instructions below to assist in completing the various AE Data forms.

Click on the sheet tabs below to go to the appropriate form. (If more than one copy of a specific type of form is needed, make a copy of the Excel file.)

Fill in the fields highlighted in yellow. Use the tab key to move easily from field to field. The mouse can be used to select the fields. (On large text fields, the mouse must be used rather than the tab key.)

Some fields contain selection lists. These fields are denoted with an arrow just to the right of the field. To select from the list of choices, click on the arrow, and then select the appropriate choice.

When complete, print the appropriate forms, assemble them in order, and submit them as described in the RFP.

Be factual and concise. Remember that the Selection Committee members will be reviewing numerous responses to an RFP before selecting firms for interviews. Deviation from the prescribed format is not encouraged as it makes it more difficult for the Selection Committee to review submittals. Form AE-6 allows other supplemental data which is not covered on Forms AE-1 through AE-5.

Specific Instructions

Form AE-1 & 1A SYNOPSIS OF RESPONDING FIRM

General:
Insert RFP number to which response is being made.
Insert name of the Offeror.
Insert name of the Project.

1) Show name, physical address, and mailing address of the Offeror.
   Provide telephone number and fax number of the Offeror.
   Provide SSN, if sole proprietor, or FEIN for firm.

2)(a,b) Provide information requested.

3) Provide name and address of the parent company or home office.
   Provide the telephone number and fax number.
4) Show type of ownership of the Offeror and disadvantage status. Provide the Offeror's license number from the Commonwealth of Virginia's Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA). Refer to the Department of Professional and Occupational Regulation for additional information.

5) Show name of principal(s) to contact concerning this RFP response. Show position title and telephone number.

6) Show the name of consultant(s) or other office, and the nature of the consultant or other office's project responsibility/discipline. Answer with a yes or no if proposed consultant has worked with the Offeror.

7) Indicate the number of in-house technical person(s) in various disciplines and skills levels. (Attach Form AE-2 for each consultant or other office.)

8) Show the name of the professional liability insurance carrier and the policy limits of liability with deductible.

9) Describe proposed involvement of disadvantaged businesses.

10) (a) List state agencies for whom the Offeror has worked in last five years.
    (b) Provide names of firm’s personnel who have attended BCOM seminars on the requirements of the Commonwealth of Virginia Construction and Professional Services Manual for Architects and Engineers (A/E Manual)

11) List three to five recently designed projects that have similar scopes or features. Provide AE-5 -Representative Project Data Form for each.

General: Provide the Offeror’s typed name, typed title, signature, and date.

**Form AE-2 SUBCONSULTANT / OTHER OFFICE**

General:
Insert RFP number to which response is being made.
Insert name of the Offeror.
Insert name of Project.

1) Show subconsultant/other office firm name, physical address, and mailing address.
Provide telephone number and fax number of the subconsultant/other office.
Provide SSN or FEIN for the subconsultant/other office.

2)(a,b) Provide information requested.

3) Provide name and address of the parent company or home office of the subconsultant.
Provide the telephone number and fax number.

4) Show type of ownership of firm and disadvantaged status.
Provide subconsultant's APELSCIDLA license number.
5) Show name, title, and phone number of principal(s) who will be in charge of the subconsultant’s work on this Project.

6) Indicate number of in-house technical personnel by discipline and skill level in the subconsultant’s or other office.

7) Describe functions or services to be provided by this subconsultant or other office.

8) N/A

9) Indicate how many projects this subconsultant has provided services to the Offeror.

10) Show the subconsultant's professional liability limits of insurance with deductible.

General: Provide the Offeror's typed name, typed title, signature, and date.

**Form AE-3 PROJECT STAFFING ORGANIZATION**

General:

Insert RFP number to which response is being made.
Insert name of the Offeror.
Insert name of Project.

1) List the project manager and primary responsible charge designer for each discipline or specialty. Complete a separate Form AE-4 for each person listed.

2) Will those listed be available to work on this Project? Does the Offeror have sufficient staff to commit to work on the Project on schedule considering the other work the Offeror and subconsultants may have? Explain.

   How does the Offeror propose to assign responsibilities and coordinate the various disciplines?

3) Explain how the Offeror proposes to assure that the documents clearly and fully describe the work to be done and how the work shown by various disciplines will be coordinated.

General: Provide the Offeror's typed name, typed title, signature, and date.

**Form AE-4 PERSONNEL QUALIFICATIONS**

Use a separate AE-4 for each key person for this Project.

General:

Insert RFP number to which response is being made.
Insert name of the Offeror.
Insert name of Project.

1) Name, title, and usual job assignment of key person for this Project.
2) This person's job assignment for this Project.
3) This person's employer.
4) This person's years of experience total and with current employer.
5) List college/university attended, degree earned, year completed, and curriculum or area of specialization.
6) Provide information on initial professional registration. Provide Virginia six digit registration/license number as it appears on the APELSA certificate.
7) Tell what experience or qualifications this person has which makes her or him especially valuable for this particular Project.

General: Provide Offeror's typed name, typed title, signature, and date.

Form AE-5 REPRESENTATIVE PROJECT DATA
General:
Insert RFP number to which response is being made.
Insert the name of the Offeror.
Insert name of Project.
Using copies of Form AE-5, provide information on no more than five representative projects which best demonstrate the proposed team's experience and qualifications for this type of project. List projects which have features, functions, types of construction, systems, type of use, or type of occupancy similar to those envisioned for this Project.

1) Provide representative project name, type of project, and the project location.
2) Provide information concerning the owner or agency for possible reference check.
3) Provide information concerning the contractor who built the project (if applicable).
4) For each discipline shown, list the names of the firms which were responsible for the design in that discipline. Also list the key personnel, still with the firm, for each discipline. Include the most significant special consultant, if any.
5) List the applicable codes which applied to this project.
6) Briefly describe the project and its features. What is special about this project that would be of interest to the Selection Committee for the proposed Project?
7) N/A
8) Describe any Small Business, Minority Business, and Women Business participation. Include name of firm(s), their project function, and percent of fee.

General: Provide the Offeror's typed name, typed title, signature, and date.
Form AE-6 SUPPLEMENTAL INFORMATION

General:
Insert RFP number to which response is being made.
Insert name of the Offeror.
Insert name of Project.

Provide additional relevant information in brief outline or bullet format.
Questions to consider addressing are as follows.
Why should the Offeror be selected for an interview?
What expertise can the Offeror bring to this Project to ensure its timely and cost effective completion?

Provide the Offeror's typed name, typed title, signature, and date.
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<td>Specifications</td>
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8) LIST PROFESSIONAL LIABILITY INSURANCE CARRIER, LIMITS OF LIABILITY, AND DEDUCTIBLE:

9) DESCRIBE PROPOSED PARTICIPATION OF SBE, MBE, & WBE BUSINESSES: (Function and % of fee involved)

10a) LIST STATE AGENCIES FOR WHICH THE FIRM HAS HAD A PRIME CONTRACT: (within the last five years)

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10b)

11) LIST NOT MORE THAN FIVE PROJECTS DESIGNED WITHIN THE LAST FIVE YEARS WHICH HAVE SIMILAR SCOPES OR FEATURES TO THIS PROJECT. ATTACH A REPRESENTATIVE PROJECT FORM AE-5 FOR EACH.

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Title: ___________________________ Date: ___________________________
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**TOTALS**

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7) FUNCTIONS OR SERVICES TO BE PROVIDED:

8) N/A

9) ON HOW MANY PROJECTS HAS THE CONSULTANT WORKED WITH THE PROPOSER IN THE LAST FIVE YEARS? 

10) LIMITS OF PROFESSIONAL LIABILITY INSURANCE AND DEDUCTIBLE:

The foregoing is a statement of fact.

Typed Name: ________________________________ Signature: ________________________________

Title: ________________________________ Date: ________________________________
1) KEY PERSONNEL DESIGNATED FOR THIS PROJECT: (Include Form AE-4 for Each)

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<tr>
<th>Function</th>
<th>Name</th>
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<th>Firm / Office</th>
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2) DESCRIBE AVAILABILITY OF STAFF AND CONSULTANTS TO WORK ON THIS PROJECT:

3) DESCRIBE PROJECT METHODOLOGY, I.E., HOW WILL THE WORK FUNCTIONS, RESPONSIBILITIES AND COORDINATION BE PERFORMED?

4) DESCRIBE THE METHOD OF QUALITY ASSURANCE YOU WILL USE FOR THE DOCUMENTS FOR THIS PROJECT.

The foregoing is a statement of fact.

Typed Name: __________________               Signature: __________________

Title: __________________               Date: __________________
1) NAME: 
TITLE: 
TYPICAL DUTY OR ASSIGNMENT: 

2) ASSIGNMENT FOR THIS PROJECT: 

% OF TYPICAL 40 HOUR WORK WEEK THIS PERSON WOULD SPEND ON THIS PROJECT: PERCENT

3) EMPLOYEE OF: 

4) YEARS OF EXPERIENCE: YEARS TOTAL EXPERIENCE YEARS WITH THIS FIRM

5) EDUCATION: COLLEGE / DEGREE(S) / YEAR / SPECIALIZATION: 

6) ACTIVE REGISTRATION: Year first registered / State / Discipline or Type

COMMONWEALTH OF VIRGINIA 6-DIGIT REGISTRATION / CERTIFICATE / LICENSE NUMBER:
ARCHITECT # or ENGINEER #

7) EXPERIENCE AND / OR QUALIFICATIONS RELEVANT TO THIS PROJECT:
(List up to six (6) relevant projects and indicate your role and responsibility for each.)

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<th>Project</th>
<th>Role / Responsibility</th>
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<th>Individual</th>
<th>Assignment on Project</th>
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5) NAMES OF APPLICABLE CODES: (Place “X” in all codes that applied to this project)

- [ ] VUSBC
- [ ] BOCA
- [ ] IBC
- [ ] SOUTHERN
- [ ] LIFE SAFETY
- [ ] UFAS
- [ ] ADAAG

6) DESCRIPTION OF RELEVANT PROJECT FEATURES:

8) DESCRIBE ANY SBE, MBE, AND WBE PARTICIPATION ON THE DESIGN PHASE (Firm, Function, and Percentage of fee).

The foregoing is statement of fact.

Typed Name: ___________________________ Signature: ___________________________

Title: ___________________________ Date: ___________________________
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<th>Submittal For (Project Title):</th>
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Attachment C – Small Businesses and Businesses Owned by Women and Minorities Data Form

Form DGS-30-360

Instructions

Form DGS-30-360 is a format for use in reporting participation in State procurement transactions by small businesses and businesses owned by women and minorities.

Note: An electronic version of this form is available for download on DRPT’s website at www.drpt.virginia.gov/ under the GEC Term Procurement link.

"Part I" on page 28: View definitions and other general information before completing the remaining parts of this form.

"Part II" on page 31: Enter data on the firm submitting the proposal.

"Part III" on page 32: Enter data on past utilization of disadvantaged businesses by the Offeror. Submission of Past Utilization Reports for multiple projects is encouraged. Submit separate "Part III" forms for each past project.

"Part IV" on page 33: Enter data on disadvantaged businesses proposed for utilization on this project.

When complete, print out the "Definitions" sheet and "Parts I, II, and III" and submit all sheets as part of the proposal.
FORMAT FOR DATA ON PARTICIPATION IN STATE PROCUREMENT TRANSACTIONS
BY SMALL BUSINESSES AND BUSINESSES OWNED BY WOMEN AND MINORITIES

The Offeror is required to provide responses to the following inquiries concerning its status regarding Small, Woman-owned and Minority-owned Business certification and also the status of the subcontractors, suppliers, consultants and vendors which have been used on past projects and those proposed for use on this project. Complete the information required for each of the three categories of businesses contained in this Form: (1) Participation by Small Businesses; (2) Participation by Businesses Owned by Women; and (3) Participation by Businesses Owned by Minorities. Failure to complete and return this form with the RFP response will require the firm to be considered "Non-responsive".

Certification of SWAM vendors is necessary in order to obtain accurate and easily accessible data on SWAM Procurement and to assure a consistent and appropriate approach to compliance issues. In the past, many SWAM vendors saw no benefit in becoming certified so failed to do so. These new programs will provide important incentives to SWAM vendors to encourage them to become certified.

PART I. DEFINITIONS

Definitions. The definitions set forth below shall be applicable to SWAM vendors doing business with the Commonwealth, although federal definitions shall govern with respect to meeting federally funded highway construction and other applicable federally financed programs goals, and that, to the extent necessary, the Governor proposes legislation to codify these definitions for the purpose of this SWAM procurement program.

Certified Vendors: Beginning October 1, 2004, for the purposes of state procurement rules, no vendor shall be considered a Small Business Enterprise, a Minority Owned Business Enterprise or a Women-Owned Business Enterprise, or be entitled to the benefits of the state SWAM procurement opportunities, unless certified as such by the Commonwealth. All certified SWAM vendors shall be assigned a specific identification number, and through that process, standardized reports will be able to be generated from CARS, eVA and other state reporting systems. No vendor shall be required to certify under this program and no vendor shall be excluded from doing business with the Commonwealth because of their failure to certify as a SWAM vendor; provided, however, a qualified vendor who fails to certify shall be disqualified for participation in the applicable SWAM procurement programs.

Minority-Owned Business Enterprise: A business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more
Minority Individual: "Minority" means a person who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

"Asian Americans" means all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Marinas, the Philippines, U. S. territory of the Pacific, India, Pakistan, Bangladesh and Srilanka and who are regarded as such by the community of which these persons claim to be a part.

"African Americans" means all persons having origins in any of the original peoples of Africa and who are regarded as such by the community of which these persons claim to be a part.

"Hispanic Americans" means all persons having origins in any of the Spanish speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who are regarded as such by the community of which these persons claim to be a part.

"Native Americans" means all persons having origins in any of the original peoples of North America and who are regarded as such by the community of which these persons claim to be a part or who are recognized by a tribal organization.

"Eskimos and Aleuts" means all persons having origins in any of the peoples of Northern Canada, Greenland, Alaska, and Eastern Siberia and who are regarded as such in the community of which these persons claim to be a part.

Small Business Enterprise: "Small business enterprise" shall mean an independently owned and operated business which, together with affiliates, has 250 or fewer employees, or average annual gross receipts of $10 million or less averaged over the previous three years. Nothing in this provision prevents a program, agency, institution or subdivision from complying with the qualification criteria of a specific state program or a federal guideline to be in compliance with a federal grant or program.

Woman-Owned Business Enterprise: A business concern which is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more women, and whose management and daily business operations are controlled by one or more of such individuals.

Disadvantaged Business Enterprise: A small business concern which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more socially and economically disadvantaged individuals and whose management and daily business
operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

**Period:** The specified 12-month period for which the information provided in this list is applicable and valid. The period will be specified as month and year.

**Firm Name, Address and Phone Number:** The name, address and business phone number of the small business, women-owned business or minority-owned business with which the Offeror has contracted or done business over the specified period or plans to involve on this contract, as applicable.

**Contact Person:** The name of the individual in the specified small business, women-owned business or minority-owned business who would have knowledge of the specified contracting and would be able to validate the information provided in this list.

**Type Goods or Services:** The specific goods or services the Offeror has contracted for from the specified small, women-owned or minority-owned business over the specified period of time or plans to use in the performance of this contract, as applicable. **The Offeror will asterisk (*) those goods and services that are in the Offeror's primary business or industry.**

**Percent of Total Contract:** Calculated by dividing the estimated dollars planned for the indicated firm on this contract by the total Offeror estimated price of this contract or by a similar calculation involving work distribution.
PART II
DATA ON FIRM SUBMITTING PROPOSAL

PROPOSER:

Firm Name: ________________________________________________
Contact Person: ____________________________________________
Phone Number: _____________________________________________
DPOR Registration #: _______________________________________

PARTICIPATION STATUS:

Is the Proposer a "Small Business Enterprise" as defined in Part I?  
Is the Proposer a "Woman-Owned Business Enterprise" as defined in Part I?  
Is the Proposer a "Minority-Owned Business Enterprise" as defined in Part I?  

PROPOSAL FOR:

Agency: ___________________________________________________
Project: ___________________________________________________
Sub-Project: _______________________________________________  

REMARKS / COMMENTS:

___________________________________________________________
## OFFEROR:

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<th>Contact Person</th>
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<th>Date Form Completed</th>
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## PROJECT UTILIZATION REPORT FOR PAST PROJECT:

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<th>Agency</th>
<th>Project</th>
<th>Sub-Project</th>
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List small businesses, businesses owned by women, and businesses owned by minorities with which the Offeror has contracted or done business with on the project noted above. Also list the dollar amount spent with each of these businesses. Offerors are encouraged to provide additional information and expand upon the following format.

<table>
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<th>Firm Name</th>
<th>Firm Address</th>
<th>Contact Person/Phone Number</th>
<th>DPOR Registration # (if applicable)</th>
<th>DMBE Certificate #</th>
<th>Services or Materials Provided</th>
<th>Contract Amount</th>
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List Offeror's plans to involve small businesses, businesses owned by women, and businesses owned by minorities in the performance of this contract either as part of a joint venture, as a partnership, as subcontractors, as consultant, or as suppliers. Offerors are encouraged to provide additional information and expand upon the following format.

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<th>DPOR Registration # (if applicable)</th>
<th>DMBE Certificate #</th>
<th>Services or Materials Provided</th>
<th>Estimated Contract Amount</th>
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Virginia State Corporation Commission (SCC) registration information. The bidder:

☐ is a corporation or other business entity with the following SCC identification number:

-OR-

☐ is not a corporation, limited liability company, limited partnership, registered limited liability partnership, or business trust -OR-

☐ is an out-of-state business entity that does not regularly and continuously maintain as part of its ordinary and customary business any employees, agents, offices, facilities, or inventories in Virginia (not counting any employees or agents in Virginia who merely solicit orders that require acceptance outside Virginia before they become contracts, and not counting any incidental presence of the bidder in Virginia that is needed in order to assemble, maintain, and repair goods in accordance with the contracts by which such goods were sold and shipped into Virginia from bidder’s out-of-state location) -OR-

☐ is an out-of-state business entity that is including with this bid an opinion of legal counsel which accurately and completely discloses the undersigned bidder’s current contacts with Virginia and describes why those contacts do not constitute the transaction of business in Virginia within the meaning of § 13.1-757 or other similar provisions in Titles 13.1 or 50 of the Code of Virginia.

**NOTE** >> Check the following box if you have not completed any of the foregoing options but currently have pending before the SCC an application for authority to transact business in the Commonwealth of Virginia and wish to be considered for a waiver to allow you to submit the SCC identification number after the due date for bids (the Commonwealth reserves the right to determine in its sole discretion whether to allow such waiver):

☐