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eVA Vendor Registration: The bidder or offeror shall be a registered vendor in eVA. See the attached **eVA Vendor Registration Requirements**.

NOTE: Electronic copies of A/E Data Forms AE-1 through AE-6 (DGS-30-004) and the eVA Vendor Registration Form (DGS-30-384) are available for download at the following website:

<http://forms.dgs.virginia.gov/>

I. APPLICABILITY OF THE A/E MANUAL:

The rights and duties of the Owner and Architect/Engineers 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**, as amended.

Proposer's attention is directed to Chapter 2, Definitions, 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 public body issuing this solicitation for services and with whom the successful A/E Proposer will enter into an agreement. For purposes of clarity and uniformity in this RFP, only the term "Agency" will be used herein.

II. PURPOSE:

The Agency often needs professional engineering assistance for discrete, small projects such as investigations, studies, reports, design of small projects, and related services. The aim of this RFP is to contract with a maximum of four (4) A/E firms who 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 RFP's, and generally to increase the Agency's efficiency in obtaining professional services.

The purpose and intent of this RFP is to solicit proposals for a Term Contract for such professional engineering services to be provided on an "as needed" basis pursuant to Project Orders issued during the contract term. The contract shall be renewable for a one year term, at the Agency's option, for up to a maximum of four (4) one year term renewals.

Work will be for the Division of Mined Land Reclamation's Abandoned Mine Land Program but may also include the Bond Forfeiture Program and possibly similar services for the Division of Mineral Mining's Orphan Land Program. Work will be located primarily in far southwestern Virginia. Examples of mining problems requiring reclamation designs include but are not limited to: landslides, mine openings, mine subsidence, highwalls, acid mine drainage, burning mine refuse piles, erosion/sedimentation, hazardous equipment/facilities, etc.

III. AGENCY'S RIGHT TO ISSUE RFP'S AND PROJECT ORDERS:

The Owner reserves the right, at its sole discretion, to issue RFP's 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 Owner 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 Owner 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 expertise, 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. The following generally summarizes the types of scopes of services that the A/E may be required to perform, depending on the individual Project Orders:

- A. Provide evaluations, analysis, recommendations, cost and time estimates, reports, feasibility studies, preparation of schematic or preliminary designs, field inspections and investigations, and code compliance for civil engineering projects.
- B. Develop a preliminary design prior to submission of draft designs. Respond to all review agency comments and resolve outstanding design issues prior to submission of construction documents.
- C. Provide complete contract documents for small project designs in accord with the procedures of the A/E Manual for projects assigned by the Project Order.
- D. Provide services to investigate problems and prepare recommendations for corrective action.
- E. Prepare an A/E cost estimate for proposed projects.
- F. Prepare feasibility studies for proposed projects.
- G. Other types of professional services of a nature consistent with the intent of the RFP.

Any project order for a feasibility study, programming, or bridging documents 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 and shall not be considered as preparation of an RFP for services. The A/E completing such project order shall not be prohibited from participating in competitive negotiation procurement for such future services.

V. PARTICIPATION OF SMALL BUSINESSES AND MICRO BUSINESSES:

Under Executive Order 20 (2014), Cabinet Secretaries and all executive branch agencies are directed to continue and advance the following on a race and gender neutral basis: exceed a target goal of 42% on discretionary spending with small businesses certified by DSBSD (the Virginia Department of Small Business and Supplier Diversity).

Owner's Small Business Participation Goal: 65%

VI. PROPOSAL REQUIREMENTS:

1. Proposals shall be signed by an authorized representative of the A/E. By submitting a proposal, the proposer certifies that all information provided in response to this RFP is true and accurate. Failure to provide information required by this RFP will ultimately result in rejection of the proposal.
2. 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.

3. The Respondent's proposal shall include: the completed and signed RFP cover page 1; the completed and signed Forms AE-1, AE-1A, AE-2, AE-3, AE-4, AE-5 and AE-6. One (1) manually signed original and 2 copies of the proposal shall be submitted to the Agency. Each copy of the proposal shall be bound in a single volume where practical.
4. All documentation submitted with the proposal shall be included in that single bound volume. Elaborate brochures and other representations beyond those sufficient for presenting a complete and effective proposal are neither required nor desired.
5. Any information thought to be relevant, but not specifically applicable to the enumerated scope of Work, may be provided as an appendix to the proposal. If publications are supplied by the proposer 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.
6. To reduce the effort and expense of responding to RFP's, provide uniformity in the type information requested, and enhance the review and evaluation process, the standard Forms AE-1 through AE-6 shall be completed and included with the A/E's proposal.
7. Descriptions of these forms and instructions for completing the forms are included in the A/E Manual. The AE-1, AE-1A, AE-2, AE-3, AE-4, AE-5, AE-6 data forms are available for download from the DGS Forms Center website (<http://forms.dgs.virginia.gov>).

VII. EVALUATION AND AWARD OF CONTRACTS:

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

| | |
|--|----|
| Expertise, experience, and qualifications of the A/E's personnel in each discipline that may provide services relevant to the RFP. | 20 |
| Geographic location of the A/E's office where work will be performed in relation to the project location(s). | 25 |
| A/E's plan to respond to requests for services and ability to complete any Project Orders in a timely manner. A/E's willingness to provide services on the small projects associated with Term Contracts for a reasonable fee as determined by the agency. | 15 |
| 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. | 10 |
| Use of small businesses as consultants, subcontractors, suppliers or support services. | 25 |
| Financial Responsibility as evidenced by the A/E carrying Professional Liability Insurance. | 5 |

- B. **AWARD OF CONTRACT:** The Agency shall engage in individual discussions and interviews with two or more 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. Proposers shall be encouraged to elaborate on their qualifications, performance data, and staff expertise relevant to the proposed contract. Proprietary information from competing proposers (including any data on estimated manhours or rates and the plan for accomplishing the scope of work) will not be disclosed to the public or to competitors provided such information is duly marked as "Proprietary Information" by the Proposer and the designation is justified as required by §2.2-4342, Code of Virginia, as revised. At the conclusion of the informal interviews, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the Agency shall rank, in the order of preference, the interviewed proposers whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted with the Proposer ranked first to establish an acceptable MOU, 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. A contract award will be made to that Proposer. The Agency may then issue the first Project Order provided the A/E accepts / agrees to the Project Order offered. If other interviewed proposers were also determined to be qualified, negotiations may be conducted in order to establish acceptable MOUs with them as well in advance of awarding the other Term Contracts.

A/E Term Contracts are not exclusive. An Agency may issue separate RFPs for similar work and other projects as the need may occur. An Agency may issue Term Contracts to not more than four of the fully qualified and best suited firms interviewed from a particular A/E Term Contract RFP advertisement and selection process. When multiple awards are made, the Agency shall have established procedures for distributing the Project Orders among the Term Contractors during the contract term.

VIII. FEES:

- A. The Memorandum of Understanding 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. Any individual Project Order fee shall not exceed \$200,000 and the aggregate total of fees for all Project Orders issued during the Contract Term shall not exceed \$1,000,000.

IX. 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 \$1,000,000 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 Owner's right to issue, and the A/E's right to accept, additional Project Orders.

The Owner may, at its sole discretion, renew the Contract for one additional one year Contract Term provided the option to renew was indicated in the RFP. If the Owner exercises its option to renew, the second Contract Term shall begin one year from the date of the execution of this Contract or the date that the Owner notifies the A/E that the option to renew is being exercised, which ever occurs first. A new aggregate limit of \$1,000,000 shall apply to the second Contract Term, without regard to the dollar amounts of Project Orders issued during the first year of the Contract. Any unused amounts from the first Contract Term are forfeited and shall not carry forward to the second Contract Term. The Owner/Agency may, at its sole discretion, exercise the one year renewal a maximum of 4 times.

X. PROJECT ORDERS:

The first Project Order may be issued at any time during the term 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 \$200,000 which includes all fees and reimbursable expenses and contingencies.

It is understood that more than one Project Orders may, at the Owner'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 \$1,000,000, the Agency does not represent or guarantee that the A/E will receive any Project Orders.

XI. ATTACHMENTS

Attachment A: eVA Vendor Registration Requirements ([DGS-30-385](#))

Attachment B: Architectural/Engineering Firm Data, Forms AE-1 through AE-6 ([DGS-30-004](#))

Attachment C: Small Businesses and Businesses Owned by Women and Minorities Participation Data ([DGS-30-360](#))

Attachment D: AML Contractor Information Form (Below)

ATTACHMENT D

**OMB #1029-0119
Expiration Date: 1/31/19**

AML CONTRACTOR INFORMATION FORM

You must complete this form for your AML contracting officer to request an eligibility evaluation from the Office of Surface Mining to determine if you are eligible to receive an AML contract. This requirement applies to contractors and their sub-contractors and is found under OSMRE's regulations at 30 CFR 874.16. When possible, please type your information onto this form to reduce errors on our end. NOTE: Signature and date this form is signed must be recent (within the last month) to be considered for a current bid

Part A: General Information

Business Name: _____ Tax Payer ID No.: _ _____
Address: _____
City: _____ State: _____ Zip Code: _____ Phone: _____
Fax No.: _____ E-mail address: _____

Part B: Obtain OFT from the AVS

In order to certify and complete Section C of this form, you must obtain a recent Organization Family Tree (OFT) report from the AVS. The OFT report shows relationships between the parent and subsidiary entities. There are two (2) ways to obtain the OFT report. (1) Call the AVS Office at 800-643-9748. (2) Go to <https://avss.osmre.gov/entity/entitysearch.aspx> Click [Login as Guest]. Type your business' name in the search box and hit enter or [Search]. If more than one entity record appears, select your company and then click in the [Relationships] tab to display your entity OFT information. Print the entity OFT from AVS.

Part C: Certifying and updating information in the Applicant/Violator System (AVS). Select only one of the following options, follow the instructions for that option, and sign below.

I, _____, have the express authority to certify that:
(print name)

1. Our business is in the AVS and is accurate, complete, and up-to-date. If you select this option, you **must** attach an Entity OFT from AVS to this form. Sign and date below and do not complete Part D.
2. Our business is in the AVS and needs to be updated. If you select this option, you **must** attach an Entity OFT from AVS to this form. Use Part D to provide the missing or corrected information. Sign and date below and complete Part D.
3. Our business is not in the AVS and needs to be added. If you select this option, you must provide all information required in Part D. Sign and date below and complete Part. D.

Date Signature Title

Part D.

Contractor's BusinessName: _____

If the current Entity OFT information for your business is incomplete or incorrect in AVS, or if there is no information in AVS for your business, you must provide all of the following information as it applies to your business. Please make as many copies of this page as you require.

- Every officer (President, Vice President, Secretary, Treasurer, etc.);
- All Directors;
- All persons performing a function similar to a Director;
- Every person or business that owns 10% or more of the voting stock in your business;
- Every partner, if your business is a partnership;
- Every member and manager, if your business is a limited liability company; and
- Any other person(s) who has the ability to determine the manner in which the AML reclamation project is being conducted.

| | | | |
|-------------|-------|----------------|-------|
| Name | _____ | Position/Title | _____ |
| Address | _____ | Telephone # | _____ |
| | _____ | % of Ownership | _____ |
| Begin Date: | _____ | Ending Date: | _____ |

| | | | |
|-------------|-------|----------------|-------|
| Name | _____ | Position/Title | _____ |
| Address | _____ | Telephone # | _____ |
| | _____ | % of Ownership | _____ |
| Begin Date: | _____ | Ending Date: | _____ |

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| Address | _____ | Telephone # | _____ |
| | _____ | % of Ownership | _____ |
| Begin Date: | _____ | Ending Date: | _____ |

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|-------------|-------|----------------|-------|
| Name | _____ | Position/Title | _____ |
| Address | _____ | Telephone # | _____ |
| | _____ | % of Ownership | _____ |
| Begin Date: | _____ | Ending Date: | _____ |

PAPERWORK REDUCTION STATEMENT

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501) requires us to inform you that: Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. This information is necessary for all successful bidders prior to the distribution of AML funds, and is required to obtain a benefit.

Public reporting burden for this form is estimated to range from 15 minutes to 1 hour, with an average of 22 minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Office of Surface Mining Reclamation and Enforcement, Room 202 SIB, Constitution Ave., NW, Washington, D.C. 20240.