ELECTRONIC RESPONSE INSTRUCTIONS

Firms interested in procurement of engineering and related services may submit a response to the Cabinet's announcement. Unless otherwise stated, any Consultant's Response to Announcement must be submitted electronically in PDF format. The page limits and designations for each Section explicitly stated throughout this document shall remain in effect.

ACCOUNT ACCESS:

To be eligible to submit a Response to Announcement, the user from the prime firm must have access the Consultant Portal's Announcement Response widget.

- To establish a business account please visit https://kog.chfs.ky.gov
- To access the system visit https://apps.transportation.ky.gov/professionalservices

ELECTRONIC CERTIFICATIONS:

Prior to uploading the Response to Announcement, each prime firm shall be verify the following, also directly within the Consultant Portal's Announcement Response widget.

- Prequalification Requirements
  - Each team shall satisfy the minimum prequalification requirements for each Response to Announcement. Atleast one member of the consultant's team shall be prequalified in each required area listed within the advertisement.
  - Prequalification areas satisfied by the prime will be listed. A prequalified subconsultant must be included for any areas not held by the prime.
  - Contingent areas not required within the original submittal are not required.
  - Section 2 will still be required and will serve as the formal team assignments. If a subconsultant has been electronically inserted to satisfy prequalifications but that firm is not listed on Section 2, the response may be subject to rejection.
- Project Manager's Boot Camp Xpress (PMBCX) verification
  - If responding to a project-specific advertisement, the prime firm must assign a Project Manager who either has attended or is registered for the Cabinet's Project Manager's Boot Camp Xpress training course. For registration details, please contact Jeff Jasper at the Kentucky Transportation Center at jeff.jasper@uky.edu.
    - The Project Manager must be a user in the Consultant Portal.
    - The Project Manager listed on Section 3 and Section 4 will serve as the consultant's formal Project Manager. If the Project Manager listed in the firm's electronic response has not attended or registered for the Cabinet's PMBCX training course, the response will be subject to rejection.
  - For a statewide service advertisement, there is no PMBCX requirement.
- Four Certifications will be certified upon electronic submittal
  - Certification of authorized submitter that information contained within is correct. Include typed name and title, the clause "I certify that the information included within this document is, to the best of my knowledge, correct as of the date indicated", the signature (one copy must have original signature, and the date)
  - Certification that the firm is currently registered with the Commonwealth of Kentucky in accordance with KRS 322.060 to perform the engineering services (or KRS 324A for appraisal services) needed for this project, and the firm's Kentucky Registration Number. This includes subconsultant firms. Additional pages are allowed to provide subconsultant certification of firm registration and Kentucky Registration Number.

- If Federal Funds are used, in accordance with Federal Acquisition Regulation 52.209-5, the Vendor shall certify with bid response, that to the best of its knowledge and belief, the Vendor and/or its Principals is (are) not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any State or Federal agency.
- In response to a legal opinion concerning the application of Official Order No. 102295, "Conflict of Interest", consultants responding to this advertisement are required to identify any potential conflicts of interest in regards to any financial or other personal interest in a project and/or any financial or other personal interest in any real property that may be acquired for a project. In the case that a potential conflict is identified, the consultant will be asked to recommend a solution in dealing with this conflict.

RESPONSE FORMAT:

The electronic response must follow the following format:

- Each page must be 8-½" x 11" with single-space type no smaller than 10 point font and unless otherwise specified in the announcement bulletin, may contain graphics and photographs where applicable
  - A single 11” x 17” page may be substituted for two 8-½" x 11" pages
- Front and back covers are allowed for graphical content as well as a transmittal letter; however, information on the covers and transmittal letter is not required reading by Selection Committee members for evaluating the proposal.
- Bookmarks may be used to separate sections; however, other than identification on the tab, the tab page must be blank.
  - No writing, photos, graphs, etc, will be allowed on the tab pages other than section identification.
- This response will be a “stand alone” document. No additional information may be attached, linked via webpage, or referenced by other means.
- Subconsultant work should be shown within the same context of the prime consultant project team. No additional pages are permitted for subconsultant work unless specifically allowed for in the project advertisement.
- Firms must submit a current Campaign Finance Law Compliance Form for the prime submitting firm only, unless an annual form is already on file with the Cabinet
- DBE certifications should also be included with the proposal and will not count as additional pages towards any Section

SECTION 1: BASIC PROJECT INFORMATION

Unless otherwise stated in the advertisement, each response must include the following for each prime firm only:

- Firm Name, Address, and Telephone Number
- Firm’s Contact Name and email address of individual responsible for this response to announcement
- Six-Year Plan Item Number and County (from advertisement bulletin) or service type if a Statewide advertisement
- Procurement Bulletin Number, Advertisement Date, and Response Due Date
- Location of office(s) where work for this project would be performed

SECTION 2 (A-B): PREQUALIFICATION SERVICES & STAFF SUMMARY

To be eligible for selection, either the prime or a subconsultant must be prequalified in each service area listed within the Prequalification Requirements section of the advertisement. Prequalification eligibility of each submittal will be verified upon teaming arrangements.

- List of services (from the KYTC Prequalification categories) firm and any subconsultant(s) will be performing for this project, and the status of prequalification (Prequalified, Submitted and Pending, or Prequalification Not Required)
- For services to be performed by the prime consultant, list the name(s) of the employee(s) intended to perform the work. For subconsultant services, only the firm name is required, although the employee(s) may also be listed. Additional resumes may be allowed for additional personnel if indicated in the bulletin.
- List of services not applicable for prequalification categories but which may be performed, and the name of the prime employee(s) or subconsultant firm name who intend to perform the work. This would apply to contingent services noted in *italicized font* of the Prequalification Requirements section.

<u>SECTION 3:</u> PROJECT TEAM ORGANIZATIONAL CHART

Include an organizational chart illustrating the project manager and appropriate project team members for this project. One paragraph of verbiage may also be included to further define the roles and interaction of the project team members. This should include relationships, lines of responsibility, and denote subconsultant involvement. If specifically noted within the advertisement, a single 8-½" x 11" page may be expanded to two 8-½" x 11" pages or a single 11” x 17” page.

<u>SECTION 4 (A-E):</u> PROJECT TEAM MEMBERS RELATIVE EXPERIENCE (RESUMES)

Include the resumes of the project manager and other key project team members, including subconsultants, from Section 2. Only include resumes for team members with significant contributions to the project. Resumes may include but are not limited to education and experience, applicable technical training, personal photograph, responsibility for similar projects, familiarity with geographic area and resources, and special or unique experience. Unless otherwise listed within the advertisement, a total of five (5) pages (A-E) are permitted for these resumes.

<u>SECTION 5 (A-B):</u> AVAILABLE TEAM WORKLOAD CAPACITY

Demonstrate the availability of key personnel and the status of the current workload associated with active KYTC contracts. This section will include two portions in either graphical or narrative form to portray available capacity.

<u>Section 5A:</u> The first (Section 5A) should include information on key project team members identified from Section 4 including key subconsultant team members. Charts and other illustrative tools may be used as necessary to demonstrate current commitments and availability of key team members to be assigned to the project, for the next 12 months.

<u>Section 5B:</u> The second section (Section 5B) will focus of the status of active KYTC Contracts. This section will include at a minimum the following information for all active KYTC projects, including work being completed as a subconsultant. Additional pages may be used to show all active contracts, if necessary

- Project Description
- Total Negotiated Fee
- Negotiated Fee for the Firm
- Negotiated Fee passed thru to Subconsultants
- Percent Complete as Reported on the Latest Invoice
- Balance Remaining in the Contract for the Firm

- Cumulative Total Balance Remaining in all Contracts for the Firm

A firm may provide a narrative to explain how the project information relates to capacity.

- Include contracts that have been selected but have not received Notice to Proceed.
- Do not include contracts that have a remaining balance of $5,000 or less.
- Projects that are not active should be listed but may be specifically noted
- A firm may include supplemental information regarding type of work (i.e. design vs right of way, etc.)
- Statewide contracts may discern the amounts authorized via Letter Agreement rather than the Master Agreement upset limit, if applicable
- Section 5B is required for the prime firm only, but information for subconsultant team members may be included at the responding firm's discretion.

Information provided may be verified by the Division of Professional Services by review of contract documents and/or invoices. It is intended that by providing this information as a part of the proposal the response document is a representation of workload and capacity for additional work. However, a selection committee member can question a firm's representation of their capacity and may request verification from the Division of Professional Services if the member is aware of workload that was not disclosed within the Consultant's proposal. If information is found to be inaccurate, the response may be returned to the firm without opportunity for selection.

<u>SECTION 6 (A-E):</u> PROJECT TEAM RELATIVE EXPERIENCE (SIMILAR PROJECTS)
Describe five or more of the prime firm or subconsultant's most recent, similar type projects, and indicate the role of personnel identified on Section 2. Include the following similarities for each project: Agency for which work was performed, location, dates, project manager, evaluation score or comments, and project description (length, project type, approximate fee, etc.) Descriptions may also include familiarity with geographic area and resources, special or unique experience, and special or unique experience and equipment, and any evaluations or awards pertaining to the project. Unless otherwise listed within the advertisement, a total of five (5) pages (A-E) are permitted for these similar projects.

<u>SECTION 7 (A-C):</u> PROJECT APPROACH
Provide a narrative that describes what your project team sees as the major challenges for this project and propose solutions when appropriate. Describe how your firm or project team is the most qualified to perform the services required for this project for the Kentucky Transportation Cabinet. At a minimum include discussion of your project team's intended approach to the problem, ability to meet the project schedule within available funding with current workload, project staffing, familiarity of project, and knowledge of Cabinet procedures. This narrative should also include the qualification, expertise and role of significant subconsultants and involvement of any special requirements (i.e. DBE firms). Unless otherwise listed within the advertisement, a total of three (3) pages (A-C) are permitted for the project approach with an additional page for DBE Participation Plan, if specifically noted in the advertisement.

INAPPROPRIATE CONTACTS
After advertisement, prime consultant and subconsultant firms and their agents are prohibited from discussing the procurement bulletin projects with any selection committee members. If inappropriate contact with a selection committee member is made by a prime consultant, a subconsultant, or an agent, the prime consultant's response for the project

may be returned and not considered by the selection committee for the project on which the contact was made. Depending on severity of the occurrence, inappropriate contact by a consultant or subconsultant can result in a loss of prequalifications for a period of time. The loss of prequalifications would prohibit the firm from submitting on future projects and may cause forfeiture of work on existing contracts.

RESPONSE FORMAT AND DUE DATE

Pursuant to KRS 45A, the Cabinet intends to contract for engineering and/or related services. Prequalified consultant engineering firms desiring to provide these services should submit an electronic *Response to Advertisement for Engineering and Related Services* in PDF format for each project in which the firm is interested. Responses should be submitted directly to the Consultant Portal, unless otherwise specified. The response must be received no later than the response deadline identified with the project. Responses should follow the format as specified within this document.

CONFLICT OF INTEREST

In response to a legal opinion concerning the application of *Official Order No. 102295, Conflict of Interest*, consultants responding to this advertisement are required to identify any potential conflicts of interest in regards to any financial or other personal interest in a project and/or any financial or other personal interest in any real property that may be acquired for a project. In the case that a potential conflict is identified, the consultant will be asked to recommend a solution in dealing with this conflict. The selection committee or the Director of the Division of Professional Services will determine whether to reject a Response to Advertisement based upon this conflict.

PREQUALIFICATION REQUIREMENTS

To respond to a project, the project team must be prequalified in the specified areas by the response due date of the advertisement. If there are questions concerning prequalification, contact Mrs. Clairessa (Ressie) Hamilton at (502) 564-4555. Responses that do not meet all areas of prequalification will be ineligible.

PROJECT INQUIRES

Up to four (4) working days prior to the submission deadline, a consultant may submit specific questions about the project in this Procurement Bulletin via e-mail to Eric Pelfrey, P.E., Director, Division of Professional Services, Transportation Office Building, 200 Mero Street, Frankfort, Kentucky 40622 Telephone: (502) 564-4555.

CHANGES AND UPDATES

Please check the Division's website under the Questions and Corrections link for updates before submitting a response. Updates and formal responses to inquiries will be posted up to four (4) working days before the responses are due.

DBE PARTICIPATION

The Transportation Cabinet hereby notifies all respondents that it will affirmatively ensure in any executed contract that certified Disadvantaged Business Enterprises will be afforded full opportunity to submit responses and participate as a subconsultant. The DBE respondents and subconsultants will not be discriminated against on the grounds of race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability. If included within an advertisement, the consultant team shall include a DBE Participation Plan with their Response to Announcement to help the Department meet the 11.95% DBE goal established by FHWA. The DBE plan needs to demonstrate how DBE companies will be mentored or used to assist in the area(s) pertaining to the contract. An additional page may be allowed in the Project Approach (Section 7) to demonstrate this plan. Additional points will be considered in the Evaluation Factors for the DBE Participation Plan.

CERTIFICATION REGARDING RESPONSIBILITY MATTERS
If Federal Funds are used, in accordance with Federal Acquisition Regulation 52.209-5, the Vendor shall certify with bid response, that to the best of its knowledge and belief, the Vendor and/or its Principals is (are) not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any State or Federal agency. "Principals", for the purposes of this certification, means officers, directors, owners, partners, and persons having primary management or supervisory responsibilities within a business entity (*e.g.,* general manager, plant manager, head of subsidiary, division, or business segment, and similar positions)

REQUIREMENTS WITHIN THE ANNUAL PREQUALIFICATION PROCESS:

REQUIRED AFFIDAVIT FOR BIDDERS OR OFFERORS
Click here for the current Campaign Finance Law Compliance Form

A. In accordance with KRS 45A.110 and KRS 45A.115, neither the bidder or offeror as defined in KRS 45A.070(6), nor the entity which he/she represents, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky, and the award of a contract to the bidder or offeror or the entity which he/she represents will not violate any provisions of the campaign finance laws of the Commonwealth.

B. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and all subcontractors therein, are aware of the requirements and penalties outlined in KRS 45A.485; is properly authorized under the laws of the Commonwealth of Kentucky to conduct business in this state; is duly registered with the Kentucky Secretary of State to the extent required by Kentucky law; and will remain in good standing to do business in the Commonwealth of Kentucky for the duration of any contract awarded.

C. The bidder or offeror swears and affirms under penalty of perjury that, to the extent required by Kentucky law, the entity bidding, and its affiliates, are duly registered with the Kentucky Department of Revenue to collect and remit the sales and use tax imposed by KRS Chapter 139, and will remain registered for the duration of any contract awarded.

D. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding is not delinquent on any state taxes or fees owed to the Commonwealth of Kentucky and will remain in good standing for the duration of any contract awarded.

E. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding, is not currently engaged in, and will not for the duration of the contract engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which Kentucky can enjoy open trade, as defined in Executive Order No. 2018-905.

F. The bidder or offeror swears and affirms that the entity bidding, and all subcontractors therein, have not violated any of the prohibitions set forth in KRS 11A.236 during the previous ten (10) years, and further pledge to abide by the restrictions set forth in such statute for the duration of the contract awarded.

EQUAL EMPLOYMENT OPPORTUNITY

The selected consultant's obligation to comply with the Kentucky EEO Act (Act), KRS 45.560 – 45.640 on state funded contracts that exceed $500,000:

- The selected consultant must submit the following documents in accordance with the requirements of the Request for Proposal—EEO-1: Employer Information Report, Affidavit of Intent to Comply, Employee Data Sheet and Subcontractor Report or a copy of the Kentucky EEO Approval Letter issued by the Finance and Administration Cabinet, Office of EEO and Contract Compliance.

- Failure to comply with the Act may result in non-award, withdrawal of award, cessation of contract payments, etc.

- The selected consultant may obtain copies of the required EEO documents from the Finance and Administration Cabinet's Office of Equal Employment Opportunity Contract Compliance website at the following address: https://finance.ky.gov/offices/Pages/equalOpportunity.aspx

- The selected consultant must advise each subconsultant with a subcontract of more than $500,000 of the subconsultant's obligation to comply with the KY EEO Act. Further, the selected consultant is responsible for compiling EEO documentation from their subconsultants and submitting the documentation to the Finance and Administration Cabinet, Office of EEO and Contract Compliance.

- Failure to complete, sign and submit all required documents will delay the award/ contract modification process as incomplete submissions will not be processed.

- Pursuant to KRS 45.610(2), the Finance and Administration Cabinet, Office of EEO and Contract Compliance reserves the right to request additional information and/or documentation and to conduct on-site monitoring reviews of project sites and/ or business facilities at any point for the duration of any contract which exceeds $500,000 to ascertain compliance with the Act and such rules, regulations and orders issued pursuant thereto.

- All questions regarding EEO forms or contract compliance issues must be directed to the Finance and Administration Cabinet, Office of EEO and Contract Compliance via e-mail: Finance.ContractCompliance@ky.gov or via telephone: (502) 564-2874.

KYTC will notify the Finance and Administration Cabinet, Office of EEO and Contract Compliance about any change order that increases the value of a contract above $500,000. At a minimum, this notice should include the contract number, contract amount and contact information for the selected consultant. The Office of EEO and Contract Compliance will contact the selected consultant for required information.

The Finance and Administration Cabinet will maintain a list of approved vendors. This Web-based list will be available to State agencies and the general public. The Finance and Administration Cabinet will not accept compliance certifications from the federal government or other states. Only forms developed by the Finance and Administration Cabinet, Office of EEO and Contract Compliance will be accepted and processed. The Finance and Administration Cabinet will not pre-approve vendors. Unsolicited submittals will not be processed nor will unsolicited submittals be returned to the vendor. The Finance and Administration Cabinet, Office of General Counsel will contact KYTC General Counsel about any selected consultant that fails to comply with the Act. Finance and KYTC will determine the appropriate course of action for noncompliant selected consultants.

REGISTRATION WITH THE SECRETARY OF STATE BY A FOREIGN ENTITY

Pursuant to KRS 45A.480(1)(b), an agency, department, office, or political subdivision of the Commonwealth of Kentucky shall not award a state contract to a person that is a foreign entity required by KRS 14A.9-010 to obtain a certificate of authority to transact business in the Commonwealth ("certificate") from the Secretary of State under KRS 14A.9-030 unless the person produces the certificate within fourteen (14) days of the bid or proposal opening. Therefore, foreign entities should submit a copy of their certificate with their solicitation response. If the foreign entity is not required to obtain a certificate as provided in KRS 14A.9-010, the foreign entity should identify the applicable exception in its solicitation response. Foreign entity is defined within KRS 14A.1-070.

For all foreign entities required to obtain a certificate of authority to transact business in the Commonwealth, if a copy of the certificate is not received by the contracting agency within the time frame identified above, the foreign entity's solicitation response shall be deemed non-responsive or the awarded contract shall be cancelled.

Businesses can visit https://www.sos.ky.gov/Pages/default.aspx to register with the Secretary of State.