

PROFESSIONAL SERVICES RESPONSE INSTRUCTIONS

Firms interested in procurement of engineering and related services may submit a response to the Cabinet's announcement. The 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
 - Printing should be double-sided. If single-sided printing is used, the backs of pages must be left blank.
 - A single 11" x 17" page may be substituted for two 8-½" x 11" pages
- Binding covers front and back are allowed as well as a transmittal letter; however, information on the outside covers and transmittal letter may not be used for evaluating the proposal.
 - The insides of front and back covers must be left blank. No writing, photos, graphs, etc, will be allowed on the inside of covers.
- Tabs between pages may be used; 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 or made reference to via webpage or 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.
- Proposals must include the current Campaign Finance Law Compliance Form for the prime submitting firm only.

PAGE 1: BASIC PROJECT INFORMATION

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

- 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 other appropriate project identifier 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
- Four Certifications:
 - 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 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.

PAGE 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 advertisement.

- 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, list the firm name. Additional resumes may be allowed for sub-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.

PAGE 3: 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 and lines of responsibility with subconsultants as well. 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.

PAGE 4 (A-E): RELATIVE EXPERIENCE OF PROJECT TEAM MEMBERS (RESUMES)

Include the resumes of the project manager and other key project team members, including subconsultants, from page 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.

PAGE 5 (A-B): 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. The first (Page 5A) should include information on key project team members identified from Page 4 including key subconsultant team members. Use charts and other illustrative tools as necessary to demonstrate current commitments and availability of key team members to be assigned to the project, for at least the next 18 months. The second section (Page 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. Multiple pages may be used if necessary.

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

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

- Include projects that have been negotiated that have not received Notice to Proceed.
- Do not include project that have a balance of \$5,000 or less.
- A firm may include supplemental information regarding type of work (i.e. design vs right of way, etc.)
- Page 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 can "stand alone" as a representation of workload and capacity for additional work. However, a selection committee member can question a firm's representation of their capacity and request additional information or 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 being subject to selection.

PAGE 6 (A-E): RELATIVE EXPERIENCE OF PROJECT TEAM (SIMILAR PROJECTS)

Describe five or more of the firm's or subconsultant's most recent, similar type projects, and indicate the involvement of personnel identified on page 2. Include the following similarities for each project: Agency for which work was performed, location, dates, project manager, evaluation score, 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.

PAGE 7 (A-C): 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). DBE certifications should also be included with the proposal and will not count as

additional pages. 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 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 for the projects listed in this bulletin. Prequalified consultant engineering firms desiring to provide these services should submit six (6) copies of *Responses to Advertisement for Engineering and Related Services* for each project in which the firm is interested. Responses should be delivered to the Division of Professional Services, 3rd Floor, Transportation Office Building, 200 Mero Street by the deadline, 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 may or may not reject a Response to Advertisement based upon this conflict.

PREQUALIFICATION REQUIREMENTS

To respond to a project listed in this bulletin 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. Claressa (Ressie) Hamilton at (502) 564-4555. Responses that do not have all areas of prequalification fulfilled will be returned.

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 in writing, e-mail, or phone 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 this site under the Questions and Corrections link for updates before submitting a response. Updates 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 insure in any executed contract pursuant to this advertisement that certified Disadvantaged Business Enterprises will be afforded full opportunity to submit responses to projects in this bulletin. The DBE respondents will not be discriminated against on the grounds of race, religion, color, national origin, sex, sexual orientation, gender identity, age or disability regarding the award of a contract.

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)

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.

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:

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

EQUAL EMPLOYMENT OPPORTUNITY

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.

- 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.