State of Rhode Island

Department of Administration
Division of Purchases
One Capitol Hill
Providence, RI 02908

REQUEST FOR PROPOSAL (RFP) – BID# 7548850

DISADVANTAGED BUSINESS ENTERPRISE (DBE) SUPPORTIVE SERVICES

SUBMISSION DEADLINE: Friday, July 18, 2014 at 11:30 AM (ET)

PRE-BID CONFERENCE: ☒ **NO**
☐ **YES** _____

Mandatory: ☐ **NO**
☐ **YES:** Any vendor who intends to submit a bid proposal in response to this solicitation must have its designated representative attend the mandatory pre-bid conference. The representative must register at the pre-bid conference and disclose the identity of the vendor whom he/she represents. Because attendance at the pre-bid conference is mandatory, a vendor's failure to attend and register at the pre-bid conference shall result in disqualification of the vendor's bid proposal as non-responsive to the solicitation.

Lisa Hill

Buyer Name: **LISA HILL**
Title: **CHIEF BUYER**

QUESTIONS Prospective bidders are hereby notified that all questions pertaining to this contract must be submitted to the Department of Transportation in writing through its website at http://www.dot.ri.gov/contracting/bids by accessing the questions & answers menu located within the 'contracting', then 'bidding opportunities' link. Response to the submitted questions will also be posted under this link as an addendum as appropriate. Phone calls will not be accepted.

SURETY REQUIRED: **NO**

BOND REQUIRED: **NO**

DISK BASED BID: ☒ **NO**
☐ **YES:** See attached Disk Based Bidding Information

NOTE TO VENDORS:
Vendors must register on-line at the Rhode Island Division of Purchases website at www.purchasing.ri.gov. Offers received without the completed four-page Rhode Island Vendor Information Program (RIVIP) Generated Bidder Certification Cover Form attached may result in disqualification.

THIS IS NOT A BIDDER CERTIFICATION FORM

REQUEST FOR PROPOSAL

Rhode Island Department of Transportation
Office of Business and Community Resources

RFP 7548850
DISADVANTAGED BUSINESS ENTERPRISE SUPPORTIVE SERVICES: TO PROVIDE BUSINESS DEVELOPMENT AND TECHNICAL ASSISTANCE FOR DBE PARTICIPATION ON RIDOT PROJECTS
DBE GOAL: 15%

INTRODUCTION: The Rhode Island Department of Administration / Division of Purchases, on behalf of the Rhode Island Department of Transportation / Office of Business and Community Resources (RIDOT/OBCR), is seeking to establish a performance-based contract with a qualified business development provider (PROVIDER) to assist RIDOT in increasing participation and stabilizing the performance of Disadvantaged Business Enterprises (DBEs). These underutilized firms shall include emerging, marginalized and start- up businesses that are currently performing or have the potential of performing RIDOT transportation related work. The desired outcome is to level the playing field and allow DBE firms to acquire opportunities that will lead to a more equitable distribution of award opportunities. The selected PROVIDER - under the supervision of the RIDOT/OBCR- will be required to develop, establish, maintain and monitor an electronic **Business Development Assessment Program (BDAP)** to initially determine and document a DBE Firm's strengths and weaknesses and to monitor their progress by also providing individualized training and technical assistance relevant to – at a minimum - the required specified tasks defined herein in the project SCOPE OF WORK.

CONTRACT TERM / CONDITIONS: The RIDOT/OBCR anticipates the award of ONE (1) contract that will have a maximum contract completion date of **ONE (1) YEAR** after the date of authorization to commence work. Upon contract completion, RIDOT/OBCR may elect to renew services annually for an additional TWO (2) YEARS contingent upon: **(1)** results and recommendations generated through this contract and, **(2)** the State's satisfaction and acceptance of the selected PROVIDER'S services and deliverables upon completion of each anticipated contract year. Delivery of goods and services as described herein shall be deemed acceptance of these requirements.

Respondents are instructed to submit a **TECHNICAL PROPOSAL** response along with a separate **COST PROPOSAL** both described in detail herein.

All pricing submitted will be considered to be ***firm and fixed*** unless otherwise authorized by RIDOT. It is the intention of the RIDOT/OBCR to award based on fees for services outlined on the required **Cost Proposal** format defined herein. RIDOT will not increase the contract or any purchase order (either dollar amount or time) for items not included in the submitted proposal documents. The RIDOT/OBCR reserves the right to purchase part of the proposal or the entire proposal. ***SEE COST PROPOSAL SECTION INSTRUCTION AND FORMAT.***

This contract has been assigned a 15% Disadvantaged Business Enterprise (DBE) Goal. In order to comply with this requirement, a detailed disclosure of RI certified DBE firm(s) and their task assignment(s) to be performed **SHALL be included in TECHNICAL PROPOSAL SUBMISSION** along with a copy of current state certification letter(s). The COST PROPOSAL shall also define a monetary breakdown of DBE firm(s) performed as well as the proposed total cost of the DBE work assigned which must meet or exceed 15% of the final Total Contract costs. Be advised this requirement will apply for the lifetime of the Contract.

Proposals received shall be in accordance with guidelines as outlined in this request and the State's General Conditions of Purchase which can be accessed online through the *Rhode Island Vendor Information Program, or "RIVIP"* as it is known, @ **http://www.purchasing.ri.gov**

NOTE: This is a Request for Proposals (RFP), not an Invitation for Bid: responses will be evaluated on the basis of the relative merits of the proposal, in addition to price. There will be no public opening and reading of responses received by the Office of Purchases pursuant to this request other than to name those Respondents who have submitted proposals.

TECHNICAL proposal and COST proposal shall be TWO (2) separate documents. All Respondents are advised to review all sections of this Request carefully and to follow instructions carefully as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.

GENERAL INSTRUCTIONS AND NOTIFICATIONS TO RESPONDENTS

- All Respondents **MUST** register online at the Rhode Island Vendor Information Program (RIVIP) Internet website @ ***http://www.purchasing.ri.gov***

- A fully-completed signed ***RIVIP Bidder Certification Cover Sheet*** – *All FOUR pages* **MUST** accompany **EACH** response submitted. Failure to make a complete submission inclusive of this four--page document may result in disqualification.

- Should there be a need for assistance in registering and/or downloading any document, call (401) 574-8100 and request the RIVIP HELP DESK technical assistance. Office Hours: 8:30 AM – 4:00 PM.

- The State does not require E-VERIFY compliance in any of its purchasing and/or hiring of services; however, Respondents are hereby advised that in line with the Federal Acquisition Regulations any federal contract based on the services requested may require that the State obtain evidence of E-VERIFY compliance from the successful Respondent.

- The Rhode Island Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d - 2000d-4 and 49 C.F.R. Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, age, or disability in consideration for an award.

- All costs associated with developing and submitting a proposal in response to this RFP, and to provide oral or written clarification of its content shall be borne by the VENDOR. The State assumes no responsibility for these costs.

- It is intended that an award pursuant to this RFP will be made to a prime VENDOR, who will assume responsibility for all aspects of the work. Joint venture(s) will not be considered, but sub-contract(s) are permitted provided the sub-contractor(s) proposed are clearly identified with the type of work to be performed in response to this RFP.

- All pricing submitted will be considered to be *firm* and *fixed* unless otherwise indicated herein.

- Submissions in response to this solicitation are considered to be irrevocable for a period of not less than one hundred twenty (120) days following the established due date and may not be withdrawn without the express written permission of the State Purchasing Agent.

- Responses misdirected to other State locations or which otherwise are not received by the State Division of Purchases by the established due date for any cause will be determined to be late and will not be considered. The office clock, for the purpose of registering the arrival of a document, is in the reception

area of the Department of Administration (DOA), Division of Purchases, One Capitol Hill, Providence, Rhode Island.

- Respondents must possess a working familiarity with general guidelines outlined for standard specifications for road and bridge construction.

- Respondents are advised that all materials submitted to the State for consideration will be considered to be public records as defined in RI Gen Laws 38-2, without exception, and will be released for inspection immediately upon request once an award is made.

- In accordance with RI Gen. Laws 7-1.1-1401, no **foreign corporation** (a corporation established other than in Rhode Island) has the right to transact business in this State until it has procured a Certificate of Authority to do so from the Office of the Secretary of State (401) 222-2357. **IF APPLICABLE, A COPY OF RESPONDENT'S CERTIFICATE OF AUTHORITY MUST BE INCLUDED AS PART OF THE SUBMITTED TECHNICAL PROPOSAL LOCATED BEHIND THE FRONT PAGE OF EACH COPY OF THE PROPOSAL.**

  Any Respondent who does **NOT** have a current Certificate of Authority for the firm **MUST** acknowledge non-compliance with this requirement and confirm *in writing* that, if selected for the project, will expedite acquisition of the Certificate of Authority **prior to award**. This letter of acknowledgement **MUST BE INCLUDED BEHIND THE FRONT PAGE OF EACH COPY OF THE PROPOSAL.**

- **This project has been assigned a 15% Disadvantaged Business Enterprise (DBE) Goal**. In order to comply with this requirement, a detailed disclosure of RI certified DBE firm(s) and their task assignment(s) to be performed SHALL be included in the TECHNICAL PROPOSAL SUBMISSION along with a copy of current state certification letter(s). The total cost of the DBE work assigned shall meet or exceed 15% of the Total Contract costs. Be advised that this requirement will apply to for the lifetime of the contract. A list of current Rhode Island State certified DBE firms may be obtained through the State MBE Office @ **www.mbe.ri.gov**. Any questions should be directed to:

  Office of Business and Community Resources
  Room 109, Two Capitol Hill
  Providence, RI 02903
  (401) 222-3260

ADDITIONAL REQUIRED FORMS

Besides the ***RIVIP Bidder Certification Cover* Sheet** -as required at the State level and obtained through the RIVIP website, RIDOT also requires that the following **FIVE (5) FORMS** be completed and included in your submission package in line with federal regulations and departmental policy. These FORMS will be reviewed for completeness and at the point of award will be made part of contract document.

- **DEBARMENT FORM:** Must be completed and signed by an authorized agent of your Agency.

- **LOBBYING FORM:** Enter known project information on PAGE 1 (DESCRIPTION etc.); Agency must complete FORM and submit signed by an authorized agent of your Agency.

- **CONFLICTS DISCLOSURE STATEMENT:** In line with directions stated, completed FORM(s) must be signed and submitted accordingly.

- **W-9 FORM:** Must be completed and signed by authorized agent of your Firm. ***Form may be downloaded*** **@ www.purchasing.ri.gov.**

- **CERTIFICATION FOR TITLE VI ASSURANCE:** Shall be fully-completed and submitted accordingly.

All FORMS (except W-9) are attached to solicitation and shall be completed and copies submitted along with each TECHNICAL PROPOSAL submission. ("ORIGINAL" & COPIES). Please note, for W-9 form only, one (1) unbound "Original" copy is required at time of submission. Copies of W-9 need not be included in individual proposal submissions.

INSTRUCTIONS FOR RFP SUBMISSION CONTENT AND FORMAT

Upon review of the Scope of Work (SOW), TECHNICAL submissions must include, at a minimum, the following information for RIDOT review and subsequent final selection recommendation:

- **Letter of Transmittal**: A Letter of Transmittal shall accompany each response signed by an owner, officer, or other authorized agent of the firm.

- **RIVIP Bidder Certification Form:** ALL FOUR (4) Pages shall accompany each response submitted. Failure to make a complete submission of this document will result in disqualification. ***(SEE GENERAL NOTIFICATIONS).***

- **Proposal Format**: **TECHNICAL PROPOSAL ("Original" plus SIX (6) COPIES)** and a *separately sealed* **COST PROPOSAL (3 COPIES)** are to be submitted *simultaneously*. ***Technical Proposal*** shall be bound or contained in a single volume. All documentation submitted with the proposal shall be contained in that single volume. Technical Proposal shall be prepared on **8 1/2" x 11"** letter sized white paper sequentially numbered and limited in length to a total of **25 PAGES** – exclusive of exhibits, which shall be tabbed and included in the bound submission. Font size shall be a minimum of **12 POINTS** for all submittals. ALL documentation in excess of 25 PAGE MAXIMUM will be removed and discarded. Technical Proposal shall contain a Table of Contents that cross-references each requirement with specific pages in the technical submission.

  RIDOT recommends that the Technical Proposal submission be submitted not only in hard copy form but also on CD-ROM. Clearly labeled CD ROM should be attached to the inside cover of each TECHNICAL Proposal submission. RIDOT recommends that the electronic version of said Proposals be submitted in Adobe PDF format.

- **RIDOT Scope of Work and Addenda**: Respondents shall include as part of Technical Proposal submission a copy of RIDOT'S original Scope of Work and any supplemental Addenda, as applicable.

All information requested below must be organized in the exact order in which the following RFP requirements are presented with page numbers in consecutive order. TECHNICAL PROPOSAL submission should contain a Table of Contents that cross-references each RFP requirement with specific page cited.

The TECHNICAL PROPOSAL submission shall NOT contain any references to PROJECT COST. Inclusion of cost information within the Technical Proposal submission may result in disqualification.

BACKGROUND AND PREVIOUS EXPERIENCE:

- ***Company Introduction:*** Respondents are to include a complete description of their organizational structure and other relevant information documenting the firm's professional practice and areas of specialization.

- ***Prior Experience:*** Respondents are to include a comprehensive listing of similar projects and/or clients served similar in concept to the project being proposed.

- ***Client References***: Names, addresses, and telephone numbers of at least **THREE (3)** previous clients who are familiar with the services provided by your firm shall be included. By so listing, specific permission is granted to RIDOT to contact said individuals to verify the satisfactory performances of the services provided Respondent acknowledges that RIDOT is granted specific permission to discuss past performance of Respondent and any of its proposed team members on any projects.

ORGANIZATION AND STAFFING:

- ***Staff Qualifications*:** Respondents are to include an overview of experienced personnel including resumes; staff assignments and concentration of effort for each staff member identified are to be addressed. Respondents must demonstrate adequately trained staff necessary to complete each of the specified project tasks in a timely manner relative to construction and professional services bidding processes. Respondents shall include any applicable certification(s) and/or professional registration(s) which are pertinent to this project initiative.

- ***Sub-Respondent(s)*:** As applicable, disclosure of any sub-respondent firm(s)' organizational structure and business background as well as the type of work they will perform **must** be documented in response to this Request. Full disclosure of the proposed team to be assigned this project is required in the **Technical Proposal**. Please include Cover Letter from SUB to PRIME prefacing each sub-consultant proposal provided.

- ***Organizational Chart*** of the proposed project team must be included. The Respondent shall describe how the proposed organizational structure addresses the full scope of this project. Project Management and assigned services shall be documented on chart provided. Additionally, please include name of Project Manager assigned each organization, if applicable, cited on chart.

- ***15% DBE Goal Fulfillment***: This contract has been assigned a 15% Disadvantaged Business Enterprise (DBE) Goal. In order to comply with this requirement, a detailed disclosure of RI certified DBE firm(s) and proposed task assignment(s) to be performed MUST be included in TECHNICAL PROPOSAL SUBMISSION along with a copy of current state certification letter(s).

PROJECT WORK PLAN/ SCHEDULE:

- ***Project Approach:*** Respondents shall provide a detailed technical synopsis of their proposed services based on the SOW requested including any technical issues that will or may be confronted at each stage of the project. Proposed approach will be assessed for its feasibility, responsiveness to the SOW, effectiveness and thoroughness.

- ***Work Plan:*** Proposal must describe in detail the methodology proposed to accomplish the required work. This should include: task identification, activity milestones, and description of delivered work products.

- ***Project Schedule:*** Respondent shall provide a project schedule for delivery of anticipated tasks and proposed deliverables.

- ***Supplemental Information*:** Respondents are encouraged to submit any other information deemed useful to provide RIDOT with sufficient relevant information to evaluate the firm's qualifications and technical approach to the project.

COST PROPOSAL: (THREE (3) "HARD" COPIES ONLY)

- Respondent is to submit, separate from Technical Proposal, **THREE (3) COPIES** of a completed *signed and sealed* **COST PROPOSAL** using the required format attached.

- **COST PROPOSAL** shall reflect a lump sum fixed fee price and shall be inclusive of all services/deliverables as defined in the project SCOPE OF WORK. Pricing for subconsultant services and reimbursable expenses shall also be defined along with supporting documentation for said services and fees proposed.

- **COST PROPOSAL** prices submitted will be considered ***firm and fixed***. RIDOT will not increase the contract or any purchase order (either dollar amount or time) for items not included in the submitted proposal documents. The RIDOT reserves the right to purchase part of the proposal or the entire proposal.

- **COST PROPOSAL** shall include a **payment schedule** applicable to the Respondent's offer.

- Describe, in detailed narrative, all aspects of your pricing policy.

Failure to fully disclose formatted total contract cost and pricing policy as cited could result in disqualification.

ON-LINE QUESTIONS:

Any pertinent questions subsequent to this solicitation may be posted at RIDOT'S *"Bidding Opportunities"* web page accessible at: **http://www.dot.ri.gov/contracting/bids** and follow the link to **"?"** to submit questions for this solicitation. Responses to questions submitted for the subject project will also be posted under the same questions menu. A determination will be made by RIDOT, in coordination with the Division of Purchases, whether an addendum will be required. The Q & A Forum will disable 7 FULL CALENDAR DAYS prior to the due date for this project. Therefore, questions will not be accepted **after NOON on JULY 10, 2014.**

SUBMISSION REQUIREMENTS AND DUE DATE

TECHNICAL PROPOSAL ("Original" plus SIX (6) HARD COPIES) and a *separately sealed* **COST PROPOSAL (THREE (3) HARD COPIES)** are to be submitted simultaneously. RIDOT requests that the Technical Proposal submission be submitted not only in hard copy form but also on **CD-ROM**. Clearly labeled CD ROM should be attached to the **inside cover of each Technical Proposal submission**. RIDOT recommends that the electronic version of said Proposals be submitted in **Adobe PDF format.**

Requested documentation is to be either mailed or hand-delivered in a sealed envelope marked *"RFP 7548850 - Disadvantaged Business Enterprise Supportive Services: To Provide Business Development and Technical Assistance for DBE Participation on RIDOT Projects"* by **JULY 18, 2014 no later than 11:30 A.M.** to:

BY COURIER OR MAIL:
RI Department of Administration
Division of Purchases (2nd fl)
One Capitol Hill
Providence, RI 02908-5855

NOTE: ***Proposals received after the above-referenced due date and time will not be considered.*** **SEE GENERAL INSTRUCTIONS AND NOTIFICATIONS.**

EVALUATION AND SELECTION

A Technical Evaluation Committee (TEC) will be convened comprised of RIDOT technical personnel responsible for the project under consideration. While cost is one basic determinant for award, it is neither the sole consideration nor necessarily the principle consideration. Additional technical criteria will also be considered specific to the PROVIDER'S understanding of the RIDOT requirements as specified in this RFP as well as the qualifications, experience, and organization of the firm and its personnel. The TEC'S composite scores for all steps of the evaluation process will comprise the official record for the proposal evaluation process; individual evaluation records will not be available for public inspection at any point during or after the evaluation process.

SELECTION CRITERIA:

1.	**FIRM'S CAPABILITY, CAPACITY, AND STAFF QUALIFICATIONS**	**0-30 POINTS**	**Technical Criteria**
2.	**QUALITY OF THE PROJECT APPROACH/ Inclusive Of Proposed Deliverables And Activity Milestones**	**0-30 POINTS**	
3.	**PROJECT SCHEDULE**	**0-10 POINTS**	
4.	**COST PROPOSAL (Evaluated separately)**	**0-30 POINTS**	
	MAXIMUM SCORE	**100 POINTS**	

Technical and **Cost Proposals** will be evaluated separately. **COST Proposals** will remain sealed at RIDOA/Purchases until such time as technical scoring has been completed.

Technical Proposals receiving scores of less than 60 POINTS out of the 70 eligible POINTS will NOT be scored for cost and will be disqualified.

The Review Committee will then evaluate the qualifying **Cost Proposals** and the results will be integrated with the Technical review. This will result in a final ranking and recommended selection.

The findings will then be reviewed and accepted by RIDOT'S Advisory Consultant Selection Panel. With the support of the DOT Director, the final selection recommendation will be submitted to the State Purchasing Agent for final approval and contract execution.

Notwithstanding the above, the State reserves the right to accept or reject any or all options, bids, proposals, to award on the basis of cost alone, and to act in its best interest.

At any point during the review process, any proposal found to be substantially non-responsive will be dropped from further consideration.

Evaluation will also consider commitment to Affirmative Action and DBE Participation. The State may, at its sole option, elect to require presentation(s) by Respondents clearly in consideration for award. Other submissions, certifications, or affirmations may be required, as appropriate.

The State reserves the right to solicit separately for selected initiatives within this Scope of Work.

The State reserves the right to make an award or multiple awards or to reject any or all proposals based on what it considers to be in its best interest.

SCOPE OF WORK

For

Disadvantaged Business Enterprise Supportive Services:
Business Development and Technical Assistance for
DBE Participation on RIDOT Projects

BACKGROUND AND PURPOSE

The Rhode Island Department of Transportation/ Office of Business and Community Resources (RIDOT/OBCR) is seeking to acquire the services of a qualified and experienced business development provider (PROVIDER) to assist RIDOT in increasing participation and stabilizing the performance of Disadvantaged Business Enterprises (DBEs). These firms are emerging, marginalized and start- up businesses that are currently performing or have the potential of performing RIDOT transportation related work. The desired outcome is to level the playing field and allow DBE firms to acquire opportunities that will lead to a more equitable distribution of award opportunities. The selected PROVIDER - under the supervision of the RIDOT/OBCR - will be required to develop, establish, maintain and monitor an electronic **Business Development Assessment Program (BDAP)** to initially determine and document a DBE Firm's strengths and weaknesses and to monitor their progress by providing individualized training and technical assistance to include – at a minimum – construction management, financial packaging, bidding and estimating, marketing and certification assistance as well demonstrating specialized experience and qualifications pertinent to any engineering or professional fields required. The BDAP goal will be to promote effective business development and access to adequate capital as methods to meaningfully increase DBE performance and participation.

TASKS AND SERVICES TO BE PROVIDED – AT A MINIMUM – SHALL INCLUDE THE FOLLOWING:

TASK 1 - BUSINESS DEVELOPMENT ASSESSMENT PROGRAM (BDAP)

The PROVIDER will conduct an initial interview to identify the DBE's strengths, weaknesses, areas of desired growth and any major challenges that need to be addressed. Based on the information gathered, the PROVIDER shall use a customized web-based tool to develop the BDAP action plan, which identifies specific tasks and goals. The PROVIDER will track a DBE's progress though the creation of a web-based tool, which shall be updated at least once annually. This shall include metrics to determine how well the DBE is meeting its goals and as well as identify areas where further support is needed. The BDAP shall also give DBEs the opportunity to share the barriers they face and as this action plan progresses, provide feedback on how the Disadvantaged Business Enterprise/ Supportive Services Program (DBE//SS) can be improved. DBEs are also encouraged to establish their own core workforce as well as participate in the RIDOT On- the- Job Training (OJT) Program.

TASK 2 – FINANCIAL ASSISTANCE

The selected PROVIDER shall be responsible to provide financial training or assistance relative to each of the following economic areas:

- **Loan Packaging**: The selected PROVIDER will assist DBE firms in the area of capital resources by providing contacts, and through assisting in the development and presentation of loan packages, from which are anticipated loan approvals from commercial banks, SBA-guaranteed, or RIDOT loan program.

- **Bond Packaging**: The selected PROVIDER will assist in the preparation of bond packages, obtaining bonds or increases in bonding limits.

- **Computerized Accounting/ Finances**: The selected PROVIDER will assist firms in establishing accounting programs that will offer a more comprehensive view of their financial status and overall operations.

- **Job Cost Accounting System:** The selected PROVIDER will assist firms with establishing job cost integrated systems, cost estimations, calculating profit margins and managing cash flow.

TASK 3 – COMPETITIVE BIDDING ASSISTANCE

The RIDOT utilizes electronic bidding procedures in securing competitive bids for all **construction** projects; **engineering and professional services** are qualification based and require the submission of a well-written Request for Proposal (RFP) for RIDOT review and evaluation. The selected PROVIDER shall be responsible to provide training and assistance relative to each of the following electronic bidding, estimating, proposal submission and negotiating skills:

- **Electronic Bidding Assistance-** Our assessment revealed that several DBE firms are not prepared to participate in the on-line bidding process due to a lack of computer technology capabilities. Classes will be offered to assist with increasing their capabilities and other tutorials of the on-line bidding process.

- **Technical Skills Assistance -** Based on a previous assessment of DBE firms, the findings identified several key factors that were impeding the growth and participation of our firms in the transportation industry. In an effort to strengthen and enhance the firms' ability to bid and estimate projects, specialized

technical skills assistance should be provided. This would include intensive one-on-one assistance in plan reading, quantity take-offs, unit prices, overhead costs, bidding and estimating skills.

Organizational and writing skills shall be provided to DBE firms interested in submitting RFP submissions as either a Prime or as a Sub-consultant on a project team.

- **DBE Firm Bidding as Prime:** The selected PROVIDER will assist DBE Contractors and Consultants to improve their estimating, bidding and negotiating skills to develop their capacity to bid as prime contractors or consultants on RIDOT projects.

TASK 4 – MARKETING AND NETWORKING SKILLS

- **Marketing**: The selected PROVIDER will assist DBE Firms in marketing their firms to the construction and professional services industries through developing individual marketing plans and tool kits based on each DBE firm's area of expertise and assist each firm in setting reasonable goals for growth.

- **Upcoming Projects/Lettings**: The selected PROVIDER will develop and implement a plan to increase the DBEs' knowledge of upcoming RIDOT construction/engineering projects prior to the solicitation of bids. DBE will be provided notification of Pre-Bid Meetings and Pre-Proposal Conferences for the respective construction and engineering projects so they may attend and network with the industry in attendance.

- **Project Oversight and Construction Management**: The selected PROVIDER will provide support on ***active*** DBE work- to be identified by the DBE Administrator- through review of cost effectiveness of operations and recommend efficient procedures for maximizing production while ensuring specification quality. Assistance could range from routine questions to field or office visits.

TASK 5 – DBE RECRUITMENT

- **Identify Deficient Areas of Specialization-** Actively recruit and assist potential DBE firms for program participation. The firms to be recruited shall be primarily involved in areas identified by the respective construction and engineering industries as a deficient field of specialty in the transportation industry.

- **Recruiting and Certification Assistance**: The selected PROVIDER will recruit and solicit DBE certification applicants and will provide information and assistance in becoming certified as a RI DBE and in applying for any required RI business or professional licenses.

- **Seminars/ Workshops**: The selected PROVIDER will be required to provide the location, materials and conduct DBE seminars/ workshops on specified topics. The DBE Administrator may specify additional topics and/or may specify alternate locations if deemed necessary. All instructional materials developed for these seminars/ workshops will become property of RIDOT.

  The seminars/ workshops shall consist of the following topics (at a minimum):

  - ***Scheduling and Project Management***
  - ***Bidding and Estimating (as a Prime and Sub)***
  - ***RFP Review and Response***
  - ***Contract Negotiation***
  - ***Marketing***

- ***Plan Reading***
- ***Procurement Process***
- ***Business Plans***
- ***Bonding, Insurance and Finance***
- ***Cost Management and Project Cash Flow Analysis***
- ***Accounting and Cash Flow Management***
- ***Emerging Technology***
- ***Software Packages and Tools***
- ***Networking***

Additional topics may be introduced with prior approval of the DBE Administrator. These seminars/ workshops will be open to the public, and should be used as a recruiting tool. The selected PROVIDER will select the dates, times, places and speakers for these seminars and will advertise and aggressively solicit participants.

Reporting Requirements

The selected PROVIDER will provide a **Monthly Activity Report** attached to each monthly INVOICE detailing evaluation and data monitoring results to date. Additionally, **Quarterly Reports** must be submitted to the RIDOT/OBCR. These quarterly reports will be a composite of all monthly reports submitted listing the activities the PROVIDER performed in the previous quarter. This report will be submitted within 20 DAYS after the quarter's completion. The final Quarterly Report will be an **Annual Report**, and will be submitted within 30 DAYS of the completion of the contract period. In turn, RIDOT will forward the final report to the Federal Highway Administration (FHWA) for final review. All required reporting documentation shall be submitted in "hard copy" and submitted electronically to the RIDOT/OBCR Administrator.

***Performance Metrics to be Reported*:**

The **Monthly Activity Report** shall include (as a minimum):
- Number of DBEs recruited
- Number of seminars/ workshops held
- Number of DBES bidding
- Number of DBEs receiving contracts
- New loans
- Paid-Off loans
- Number of business plans set up
- Number of marketing tool kits distributed and
- any other measurable improvements

DBE Monitoring and Evaluation Tools:

To track DBE performance and supportive services program effectiveness, the selected PROVIDER will gather and analyze DBE/SS related feedback and data throughout the year using:

- Annual DBE Needs Assessments Surveys

- DBE Service Outcome Interviews

• Workshop Evaluations

• DBE Supportive Services Assistance Request Reports

• RIDOT construction projects bid by and awarded as contracts/subcontracts to DBEs

• DBE contract commitment information taken from various databases

• On-Site Visits, DBE Focus Groups and other communication with DBEs

These instruments will help identify, develop and target the types of services, benefits and support the selected PROVIDER offers to DBEs. Data gathered will be used in the quarterly and annual reporting from which effectiveness and results can be assessed.

PROVIDER Performance Requirements and Annual Evaluation:

RIDOT/ OBCR staff will be monitoring the PROVIDER'S performance on a regular basis. This includes daily contact when necessary. It also includes telephone and /or email follow-up with DBE participants to assess their progress and solicit their comments monthly.

Additionally, the selected PROVIDER will be required to perform an **ANNUAL EVALUATION**, to be completed by DBE clients, of the DBE supportive services provided. TWO (2) COPIES of each evaluation completed are to be submitted to the RIDOT/OBCR for review and submission to the FHWA.

Specific Metrics/Deliverables:

1. The PROVIDER will be required to make contact with and assess at least **10 DBEs** for participation into the program with the goal of recruiting **5 new DBEs** into the DBE supportive services program annually.

2. Within 30 days of each assessment, the PROVIDER will present the DBE Administrator with a customized development action plan for concurrence. The resulting development plan will provide a basis for measuring the DBEs' performance.

THE SELECTED PROVIDER SHALL NOT PERFORM any of the following functions or activities:

- Make representations to any person or entity, other than RIDOT, as to the risk of doing business with any DBE.
- Discuss any DBE firm's financial situation with any Contractor/Consultant or third party unless a signed waiver has been received releasing RIDOT and the Consultant from any and all liability.
- Provide direct management or technical assistance to any DBE firm in the day-to-day operational or financial management of the business, which amounts to more than advice and counsel.

-END OF SCOPE-

COST PROPOSAL FORM

DATE: _____

PROJECT: **RFP XXXXXXX – Disadvantaged Business Enterprise Supportive Services Program: To Provide Business Development and Technical Assistance for DBE Participation on RIDOT Projects**

SUBMITTED BY: **Firm Name and Address:**

_____

_____

_____

1. LUMP SUM FIXED FEE Proposal Base Price The cost submitted here-in includes **all work** described in this Request for Proposal (RFP).	$ ___,___.__
2. Sub-Contracted Fees: **(Supporting Documentation Required)**	$ ___,___.__
3. Reimbursable Fees:	$ ___,___.__
4. Total Lump Sum Fee (1+2+3) Includes base price, sub-contracted fees and reimbursables	$ ___,___.__
5. TOTAL DBE PARTICIPATION: **(Supporting Documentation Required)**	$ ___,___.__
PRICE Proposal Authorized Agent _____ **PRINT NAME / TITLE**	_____ **Authorized Agent SIGNATURE** **DATE**

THE PERSON WHO HAS AFFIXED HIS OR HER SIGNATURE TO THIS BID FORM IS ACTIVELY AND LEGALLY AUTHORIZED TO BIND THE FIRM CONTRACTUALLY.

THIS COST PROPOSAL FORM MUST BE SUBMITTED

CONSULTANTS

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS FOR PRIME CONSULTANTS AND LOWER TIER PARTICIPANTS (SUBCONSULTANTS ETC.)

Appendix B - - certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

INSTRUCTIONS FOR CERTIFICATION:

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, ineligibility And Voluntary Exclusion - - Lower Tier Covered Participants

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS

In accordance with the code of Federal Regulations, Part 49 CFR Section 29.510, the prospective primary participant _____ (name of Authorized Agent), _____ (Title), being duly sworn (or under penalty of perjury under the laws of the United States), certifies to the best of his/her knowledge and belief, that its principals:

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;

b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a pubic (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification;

d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall list exceptions below.

Exceptions will not necessarily result in denial of award, but, will be considered in determining contractor responsibility. For any exception noted, indicate below to whom it applies, the initiating agency, and the dates of the action. Providing false information may result in criminal prosecution or administrative sanctions. If an exception is noted the contractor must contact the Department to discuss the exception prior to award of the contract.

_____

_____

_____

_____ _____

Signature of Authorized Agent Date

Certification for Federal-Aid Construction/Consultant Contracts

IN ACCORDANCE WITH PUBLIC LAW 101-1210 SECTION 319 (DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES) THE PROSPECTIVE PARTICIPANT CERTIFIES, BY SIGNING AND SUBMITTING THIS BID OR PROPOSAL, TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF, THAT:

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

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

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

(R.I.D.O.T. APPENDIX C)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to Title 31, U.S.C. Section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity,not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any o her aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (03-48-00-46), Washington, D.C. 20503.

Approved by
03-48-0046

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352 - 0348-0046
(see reverse for public burden disclosure)

1. Type of Federal Action: ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: ☐ a. bid/offer/application b. initial award c. post-award	3. Report Type: ☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Report Entity: ☑ Prime ☐ Subawardee Tier ___, if known: Congressional District, if known:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: $	
10. a. Name and Address of Lobbying Entity: (if individual, last name, first name, mi):	10. b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, mi):	
11. Amount of Payment (check all that apply) $_____ ☐ actual ☐ planned	13. Type of Payment (check all that apply): ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify:	
12. Form of Payment (check all that apply): ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____		

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contracted, for Payment indicated in Item 11 (Attach Continuation Sheet(s) SF-LLL-A, if necessary):

15. Continuation Sheet(s) SF-LLL-A attached: ☐ yes ☑ no

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. this disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No: _____ Date: _____
For Federal use Only:	Authorized for Local Reproduction Standard Form – LLL-A

Approved by
03-48-0046

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form - LLL-A

CONFLICTS DISCLOSURE POLICY

To ensure that the Rhode Island Department of Transportation (RIDOT) maintains the continued confidence and trust of the people of Rhode Island in carrying out its mission, prospective vendors must disclose any family (or other personal) relationships, associations or connections that the vendor, its affiliates, or employees, may currently have with any RIDOT employee. A Conflicts Disclosure Statement shall be submitted to RIDOT from the following:

- Owners;
- Directors;
- Principals;
- Officers, board members, or individuals with corporate authority;
- If the vendor is a partnership, the applicant's partners;
- If the vendor is a limited liability company, its members and managers;
- Employees with decision-making authority, including executive directors, managers or individuals in a similar position with corporate authority; and
- Shareholders with a controlling interest.

RIDOT 12/27/07

CONFLICTS DISCLOSURE STATEMENT

RE: _____

_____

I, _____ **hereby certify as follows:**

I am employed as a _____ **of** _____
[TITLE] **[COMPANY]**
and to the best of my knowledge:

PLEASE CHECK THE APPROPRIATE BOX:

☐ **I have no family or personal relations currently employed either on a full-time or part-time basis at the Rhode Island Department of Transportation.**

☐ **I do have family or personal relations currently employed at the Rhode Island Department of Transportation. Please list their name(s), title(s), and RIDOT Division(s) (if known):**

NAME	TITLE	RIDOT DIVISION

If necessary, please add any additional names as attachments hereto.

FOR ILLUSTRATIVE PURPOSES, FAMILY RELATIONS SHALL INCLUDE, WHETHER BY BLOOD, ADOPTION OR MARRIAGE, ANY OF THE FOLLOWING RELATIONSHIPS:

Father, Mother, Son, Daughter, Brother, Sister, Grandfather, Grandmother, Grandson, Granddaughter, Father-In-Law, Mother-In-Law, Brother-In-Law, Sister-In-Law, Son-In-Law, Daughter-In-Law, Stepfather, Stepmother, Stepson, Stepdaughter, Stepbrother, Stepsister, Half-Brother Or Half-Sister, Niece, Nephew, And Cousin

- *If you are unsure whether a relationship, association, or connection you have may need to be disclosed, please consult with RIDOT's Legal Office at (401) 222-6510.*

_____

SIGNATURE **DATE**

By signing this form you: (1) certify that the information contained in this form is complete and accurate to the best of your knowledge; and (2) acknowledge your continuing obligation to complete and submit a new Disclosure form when there is any change in your family or personal relations during the course of this Contract.

This document is used for internal RIDOT purposes only in order to address and avoid any potential conflicts at the inception of the contract process and to avoid any impropriety or the appearance of impropriety during the contract process. Any disclosures made hereto will not prejudice prospective vendors from selection.

Dated: 6/27/2011

CERTIFICATION FOR TITLE VI ASSURANCE

I, _____, _____ a duly authorized representative of
(Name) *(Title)*

_____ do hereby certify that the organization affirmatively agrees to the provisions
(Company)

set forth below:

1. The Certificate.

For all contracts subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. part 2000d – 2000d4 (the Act) and 49 C.F.R. Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (the Regulations), prospective bidders shall be required to complete a Certification affirming compliance with the Act and the Regulations.

2. Certification.

By submission of a Proposal, each bidder and each person signing a Proposal subject to the Act and the Regulations certifies that the bidder shall affirmatively agree as follows:

(a) Compliance with Regulations:

The bidder shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department, 49 C.F.R. Part 21, as they may be amended from time to time.

(b) Nondiscrimination:

The bidder shall not discriminate on the grounds of race, color, sex, national origin, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The bidder shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the Contract covers a program set forth in Appendix B of the Regulations.

(c) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:

In all solicitations either by competitive bidding or negotiation made by the bidder for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the bidder of its obligations relative to nondiscrimination on the grounds of race, color, sex, national origin, age, or disability.

(d) Information and Reports:

The bidder shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the bidder is in the exclusive possession of another who fails or refuses to furnish this information, the bidder shall so certify to the Department, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

(e) Sanctions for Noncompliance:

In the event of the bidder's noncompliance with the nondiscrimination provisions, the Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

(1) withholding of payments under the Contract until the bidder complies, and/or

(2) cancellation, termination or suspension of the Contract, in whole or in part.

(f) Incorporation of Provisions:

The bidder shall include the provisions of paragraphs (a) through (f) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The bidder shall take such action with respect to any subcontract or procurement as the Department or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the bidder becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, the bidder may request the Department to enter into such litigation to protect the interests of the Department and, in addition, the bidder may request the United States to enter into such litigation to protect the interests of the United States.